

GOVERNMENT NOTICE NO. 169 published on 20/6/2003

THE PUBLIC SERVICE SCHEME

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY PROVISIONS

<i>No. of Clause</i>	<i>Subject</i>
1.	Citation
2.	Application
3.	Interpretation

PART II

ADMINISTRATION OF THE SERVICE

4. Powers of the President in relation to Public Service
5. Role of the Minister in the Public Service
6. The Administrative Powers of the Chief Secretary
7. The Disciplinary powers of the Chief Secretary
8. Administrative powers of the Chief Executive Officers in relation to the Service.
9. Administrative Powers of a District Administrative Secretary.
10. Administrative Powers of the Head of Department, Division or Unit
11. Administrative Powers of the Heads of Sections
12. Duties of the Chief Executive Officer in relation to the Service.
13. Other duties of the Permanent Secretary (Establishments)
14. Composition of the Commission.

PART III

THE COMMISSION

15. Services under the Commission
16. Tenure of Office and Conditions of Service
17. Cessation of membership

18. Secretary and other staff
19. Oath of Members, Secretary and Staff
20. Delegation of powers and functions
21. Departments of the Commission
22. Decisions of the Commission
23. Correspondence
24. Communications of Commission to be privileged
25. Commission may require attendance
26. Influence or attempt to influence the Commission
27. False information to the Commission
28. Powers of the Commission in relation to the Service.

#### PART IV

##### THE SERVICE

29. Terms and Conditions of the Service
30. Appointments in the Public Service
31. Qualifications for appointment and promotion
32. Persons not to be appointed in the Service
33. Approved Establishment
34. The appointing Authorities' Responsibility
35. Appointment principles.
36. Notification of Vacancies
37. Complaints regarding appointments or recruitments.
38. Constitution and Abolition of posts
39. Public servants accountability
40. Relationship between Public servants and their supervisors.
41. Relationship between political leaders and executives.
42. Relationship between the Commission and the President.
43. Relationships between Ministries, Independent Departments, Regions, Local Government Authorities and other Public Organisations.
44. Communications within the Public Service
45. Termination of appointments.
46. Preliminary investigations.
47. Discipline of public servants
48. Appeals
49. Political involvement of public servants
50. Political neutrality and Impartiality of public servants
51. Political influence

*Public Service Scheme*

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*G.N. No. 169 (contd.)*

52. Public servants' integrity
53. Confidentiality
54. Intervention of Political Leaders
55. The Public Service Working Documents.
56. Age of retirement
57. Grievances handling mechanism
58. Performance appraisal system
59. Performance contracts
60. Transfers
61. Leave
62. Compensation for injuries or death
63. Employers duty to protect the health of public servants
64. Public servants' representation
65. Duty to keep records.

**This Service Scheme is made pursuant to section 7 of the Public Service Act, 2002 (No. 8 of 2002) and each of the Clauses therein shall be construed as complimentary to the Act and to the Public Service Regulations, 2003.**

THE PUBLIC SERVICE SCHEME, 2003

PART I

PRELIMINARY PROVISION

1. This Scheme may be cited as the Public Service Scheme, 2003 and shall come into operation on the 20<sup>th</sup> day of June, 2003. Citation
2. This scheme shall apply to and in respect of all public servants employed and working in:- Applica-  
tion
- (a) The Civil Service;
  - (b) The Local Government Service;
  - (c) The Teachers Service;
  - (d) The Immigration Service and the Fire and Rescue Service
  - (e) The Health Service; and
  - (f) The Executive Agencies Service and the Public Institutions Service.
3. In this scheme, unless the context requires otherwise:- Interpre-  
tation
- "Act", means the Public Service Act No. 8 of  
2002
- "Appellate Authority" Means a body or organ or a person empowered by the Act to decide upon Public servants' appeals;
- "Appointments" means recruitment of Persons in the Public Service and shall include first appointments or appointments on promotion.
- "Appointing authority" means a body or organ or a person empowered by the Act to make appointments of Public servants in the Service.

- "Approved Establishments" means the establishment of posts in the Public Service which there is provision in the approved budget for their establishment.
- "Chairman" means the Chairman of the Commission and includes any person acting in the office of the Chairman;
- "Chief Secretary" means a Public Servant appointed by the President under Section 4 of the Act to assist the President on the Administration of the Public Service;
- "Chief Executive officer of the Service" means the Chief Secretary;
- "Chief Executive Officers" means the Permanent Secretaries, Deputy Permanent Secretaries Heads of Independent Departments, Regional Administrative Secretaries, Directors of Local Government Authorities, Clerk of the National Assembly, Director of Immigration Services, Commissioner of Fire and Rescue Services, and Ambassadors.
- "Code of Ethics and Conducts" means the Code of Ethics and Conducts applicable to Public servants.
- "Commission" means the Public Service Commission established the by Act.
- "Constitution" means the Constitution of the United Republic of Tanzania, 1977;
- "Criminal Offence" means an offence chargeable in the criminal court as defined under the Criminal Procedures Act, 1985;
- "Department" or "Division" or "Unit" means an identified entity within the organisational structure for management purposes;
- "Dependent" means a member of the family of a public servant who is wholly or partially dependant upon his earnings.
- "Director of a Local Government Authority" means a chief executive officer of the local government authority and shall include the Director of the Local Government Authority of the City Council or Commission;
- "Disciplinary Authority" means any person vested with powers by the Act to take disciplinary measures against any Public Servant and includes any person to whom those powers have been delegated;
- "Disciplinary Offence" means an offence which is specified in the Act as warranting disciplinary proceedings;
- "Employing Authority" means the authority under which a public servant works and shall also be known as the employer;

- "Employee" for the purpose of those Regulations, means any person termed by the Act as a public servant.
- "Employer" means a person or organisation, in the public service, with whom a public servant entered into a contract of service and who is responsible for the payment of salaries of such a public servant.
- "Independent Department" means a Department of the Government which is not under the direct control of the Ministry;
- "Local Government Authority " means the Local Government Authority as defined in the Act;
- "Member" means in relation to a Commission, a member of the Commission and includes the Chairman, and in relation to a Committee, a member of the Committee and includes a Chairman of a Committee, and in relation to a Board means a member of a Board and includes a Chairman of a Board;
- "Minister" means the Minister for the time being responsible for the Public Service;
- "Operational Service" means the cadre of supporting staff or employed in the executive or office grade;
- "Promotion" means the appointment of a public servant to a higher grade with an immediate or potential increase in salary;
- "Public Service" means the system or organisation entrusted with the responsibility or overseeing the provision or directly providing the general public with what they need directly from their government or any other institution on behalf of the government as permissible by laws; and include the Service in the Civil Service; the teachers service; the local government service; the health service; the immigration and the fire and rescue service, the executive agencies and the public institutions service and the operational service;
- "Public Service post" means a post in the Public Service;
- "Public Servant" means a person holding or acting in the Public Service office;
- "Public Service Scheme" means a Government Administrative legal document stipulating a formal or official order or way of doing things for the purpose of enabling Public Servants to serve the Public in an orderly and accountable manner.
- "Scheme of Service" means a carrier path development which enables a hard working and ambitious Public Servant to work his way up from the lowest to the highest levels of the Service.

"Service" means the Public Service of the United Republic of Tanzania.

"Tenure of office" means a specified length of a period of holding office;

PART II

ADMINISTRATION OF THE SERVICE

Powers of the President in relation to Public Service

4.—(1) All executive functions of the Government of the United Republic of Tanzania are vested in the President by virtue of Article 35 of the Constitution.

(2) The executive functions shall be performed through the Public Service by public servants on behalf of the President.

(3) All Authorities in the Public Service vested with powers under the Act, shall exercise those powers on behalf of the President and shall act with obedience abiding to the directives issued in that respect.

(4) The President shall make appointments of the Chief Secretary, other Chief Executive Officers, Members and Secretary of the Public Service Commission and any other public servants to be known by such titles as may, from time to time, be determined.

Role of the Minister in the Public Service

5.—(1) The Minister shall be a leader and overseer in the implementation of this Scheme and policies governing the Public Service.

(2) Ministers for each Ministry within the Public Service shall ensure effective implementation of this Scheme, their respective sectoral policies and service schemes governing the service.

The Administrative Powers of the Chief Secretary

6.—(1) The Chief Secretary shall be the Head and the Chief Executive Officer of the Service and shall provide leadership, direction and image to the Service.

(2) The Chief Secretary shall have powers of administration of the Service and the ordering of terms and conditions of service of Public servants.

The Disciplinary Powers of the Chief Secretary

7.—(1) The Chief Secretary shall be the highest ranking disciplinary authority in the Service and may in that capacity, in relation to any servant, exercise all or any of the powers delegated to a disciplinary authority.

(2) Notwithstanding the provisions of sub-clause (1) of this clause, the Chief Secretary shall be a disciplinary authority in respect of public servants appointed by the President.

(3) The exercise of powers of the President as the appellate authority, shall be facilitated by the Chief Secretary.

(4) The Chief Secretary shall through the Permanent Secretary (Establishments), facilitate the exercise of powers of the President to make appointments, and he shall confirm to the Service all public servants appointed by the President.

8.—(1) Every Chief Executive Officer shall be the overall in charge of the administration of all public servants under his jurisdiction.

(2) In case of the Region, the Regional Administrative Secretary shall be the overall in charge of the Administration of public servants in the Region.

(3) In case of a Local Government Authority, the Director of a Local Government Authorities shall be the in-charge of the administration of public servants in the Local Government Authority concerned.

9.—(1) The District Administrative Secretary shall be in-charge of the Administration of public servants in the District Commissioner's office including the office of the Divisional Secretary.

(2) The District Administrative Secretary shall assist public servants and other authorities within the District in the proper interpretation of the Public Service Laws, Regulations, Orders, Directives and Instructions.

10.—(1) The Head of Department, Division or Unit shall be the Disciplinary Authority in respect of public servants in the operational service, agreement or contract, temporary month-to-month and daily paid.

(2) When exercising his disciplinary powers the Head of Department, Division or Unit shall observe the procedures governing the services mentioned in sub-clause (1) of this clause.

11. The Head of Section shall have powers of supervision of public servants under him and shall give directives and ensure proper performance of the Public Service activities in his respective section.

Administrative Powers of the Chief Executive Officers in relation to the Service

Administrative powers of a District Administrative Secretary

Administrative powers of the Head of Department, Division, or Unit

Administrative powers of The Head of Section

## *Public Service Scheme*

*G.N. No. 169 (contd.)*

Duties of  
the Chief  
Execu-  
tive  
Officer  
in rela-  
tion to  
the  
Service

12. Every Chief Executive Officer shall;
- (a) pursue results oriented management and ensure that the Service is mission-driven and performing effectively and efficiently;
  - (b) be the authority in respect of the appointment, confirmation of appointments, promotion and discipline of public servants other than those appointed by the President.

Other  
duties of  
the  
Perma-  
nent  
Secretary  
(Establi-  
shments)

13.-(1) In addition to his duties as a Chief Executive Officer, the Permanent Secretary (Establishments) shall be the principal assistant to the Chief Secretary in relation to the administration of the Service and shall have duty to:-

- (a) notify the Chief Secretary of vacancies in the public service offices in respect of which the President is the appointing authority;
- (b) Formulate, promulgate, monitor, evaluate, review and interpret administrative and personnel policies;
- (c) Prescribe the Code of Conduct for the public servants;
- (d) Constitute and abolish public service offices except the office of the Permanent Secretary and Deputy Permanent Secretary;
- (e) Coordinate recruitment and appointments of persons from outside the United Republic of Tanzania;
- (f) Conduct investigations and studies concerning development and improvement of the efficiency of public servants and shall take appropriate steps to ensure the attainment of efficiency in the Public Service;
- (g) Carry out a review of annual personal emoluments to ensure that personal emoluments expenditure conforms to budget ceiling;
- (h) coordinate and ensure proper upkeep of personnel information for all public servants;
- (i) be a change agent in relation to the image, mission, ethics, conduct and role of the Service;
- (j) carry out job evaluation and re-grading and determine remunerations of public servants;
- (k) facilitate labour mobility of employees among employers;
- (l) issue the professional qualification standards for appointments in the Public Service.

(2) In performing the duties mentioned under clause 11 and 12 of this Service Scheme, Chief Executive Officers shall observe and adhere to the procedures governing the Public Service which shall be provided for in the Regulations, Standing Orders, Policies, Circulars, and other Directives.

PART III  
THE COMMISSION

14. The Commission shall consist of members appointed in pursuant to section 9 (1), (2), (5) and (6) of the Act.

Composi-  
tion of  
the  
Commi-  
sion

15. The Commission shall cater for public servants in the following services:-

Services  
under the  
Commis-  
sion

- (a) the civil service;
- (b) the local government service;(c) the teachers service;
- (d) the health service;
- (e) the immigration and fire and rescue services;
- (f) the executive agencies and the public institutions services;
- (g) the operational service.

16. A period of holding office for members of the Commission including the Chairman shall not exceed three years and they shall be eligible for re-appointment for a further term or terms none of which shall exceed three years.

Tenure  
of Office  
and  
Condi-  
tions of  
Service

17. The Chairman or any Member of the Commission shall cease to hold office on the following grounds: -

Cessa-  
tion of  
member-  
ship

- (a) death;
- (b) resignation;
- (c) abolition of office;
- (d) removal from office by the President for disability to perform the functions of his office due to illness or misbehaviour;
- (e) contesting constitutional leadership or elective political post.

*Public Service Scheme*

*G.N. No. 169 (contd.)*

Secretary  
and other  
staff

18. - (1) The Secretary of the Commission shall be appointed by the President.

(2) The appointment of the Secretary of the Commission shall be facilitated in accordance with the provisions of section 8 (2) (a) of the Act and as shall be provided for in the Public Service Regulations.

(3) The Secretary of the Commission shall be the Chief Executive Officer, the Accounting Officer and the Appointing Authority of the staff of the Commission.

(4) The Secretary to the Commission shall appoint confirm and promote the staff of the Commission after consultation with the Permanent Secretary (Establishments).

(5) The Secretary to the Commission shall be the disciplinary authority of the staff of the Commission.

Oath of  
mem-  
bers,  
Secretary  
and  
Staff.

19. Members, Secretary and Staff of the Commission shall take Oath on first appointment. Oath of members and Secretary shall be administered by the President and Oath of Staff shall be administered by the Chairman of the Commission.

Delegati  
on of  
powers  
and  
functions

20. The Commission may delegate its powers and functions to any of its department or any of its staff except the powers and functions of:

- (a) tendering of advice to the President on matters of appointment, termination of appointment and disciplinary action.
- (b) deciding on appeals.

Departm  
ents of  
the  
Commis  
sion

21. (1) The Commission shall have the following Departments:-

- (a) the civil service department;
- (b) the teachers service department;
- (c) the local government service department;
- (d) the fire and rescue service and immigration service department;
- (e) the health service department.

(2) The Commission may, with the prior approval of the President, establish such other departments, divisions, subdivisions, committees or offices within its organisational structure as may be necessary for the better and more efficient carrying out of the objectives and purposes of this Act, and in so doing the Commission may establish such offices in Regions as well as in Zanzibar in relation to Union Government servants.

(3) The departments of the Public Service Commission shall be responsible for facilitation of the functions of the Commission.

(4) The teachers service department of the Commission shall be the authority for appointments, confirmation of appointments, promotions, registration and discipline of all teachers in the Service.

22.- (1) Decisions of the Commission shall be made in a properly convened meeting of the Commission through consensus or three quarters vote of members attending.

Decisions of the Commission

(2) Without prejudice to the provisions of sub-clause (1) of this clause, where circumstances necessitate, decisions may be made by the Commission without a meeting by circulation of the relevant papers among members and the expression of their views in writing.

(3) Where a decision is made by the Commission without a meeting as provided for in sub-clause (2) of this clause, any member shall be entitled to require that any such decision be deferred until the subject matter is considered at the meeting of the Commission.

(4) Any member shall be entitled to dissent from a decision of the Commission and his dissent and reasons thereof shall be set out in the records of the Commission.

23.- (1) All correspondence for the Commission shall be addressed to the Secretary and all correspondence from the Commission shall be signed by the Secretary or on behalf of the Secretary.

Correspondence

(2) Without prejudice to the provisions of sub-clause (1) of this clause, where circumstances necessitate correspondence may be addressed to and signed by the Chairman.

*Public Service Scheme*

*G.N. No. 169 (contd.)*

(3) The Secretary shall sign the records of the meetings of the Commission and the reports on the activities of the Commission in all matters.

(4) The Chairman shall sign the records of the meetings of the Commission and the reports on the activities of the Commission.

Communica-  
tions of  
Commis-  
sion to  
be privi-  
leged

24. No person shall, in any legal proceedings, be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission, or any member or a staff and the Government or the President, or between any member or staff of the Commission and the Chairman, or in connection with the exercise of the functions of the Commission, unless the Chief Secretary consents in writing to such production or disclosure.

Commis-  
sion  
may  
require  
atten-  
dance

25.- (1) Any person may be required to attend and give information before the Commission concerning any matter which the Commission is required to consider in exercise of its functions under this Service Scheme and the Commission may require the production of any official documents relating to any such matter by any person attending before it.

(2) A person who without lawful cause refuses or fails to abide with the requirements of the provisions of sub-clause (1) of this clause, commits an offence and is liable to a fine not exceeding five hundred thousand Shillings or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

Influence  
or  
attempt  
to influ-  
ence the  
Commis-  
sion

26.- (1) It shall be an offence to influence or attempt to influence any decision of the Commission by any person in whatsoever manner otherwise than in the cause of his duty.

(2) Any person who commits an offence under sub-clause (1) of this clause shall be liable on conviction for a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or both for such fine and imprisonment.

(3) The Secretary of the Commission shall take action against any person who is suspected to have violated the provisions of this clause. Provided that where the action to be taken involves prosecution, he shall seek the consent of the Director of Public Prosecutions.

(4) The provisions of this clause shall not be construed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information or assistance at the request of the Commission.

27. Any person who wilfully gives to the Commission any information which he knows to be false or does not believe to be true, or which he knows to be false by reasons of the omission of any material particulars, shall be guilty of an offence, and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding two years or to both such fine and imprisonment.

False information to the Commission

28.- (1) Subject to section 10 of the Act, the Commission shall have power:-

Powers of the Commission in relation to the Service

- (a) to advise the President through the Public Service Department in respect of the exercise of his powers of appointment as the President may require;
- (b) to issue guidance, to monitor implementation of the guidance and to facilitate merit based recruitment in the Public Service. In the guidance, the Commission shall set out guidelines and criteria to be adhered to by appointing authorities to ensure that all appointments are merit based;
- (c) to monitor the professional qualification standards issued by the Permanent Secretary (Establishments);
- (d) to facilitate appointments in the service by advertising vacancies after being notified by the appointing authorities, conducting interviews and advising appointing authorities on the suitable candidates to be appointed;
- (e) to ensure the accountability of all executives in the Service and shall call upon any of them to account for his performance if the Commission receives complaints or has evidence indicating mis-management or non performance;
- (f) to take measures in relation to any executive who fails to take action concerning public servants under him in accordance with the requirements of the Law by reporting him to the Chief Secretary;

(2) While exercising its powers under sub-clause (1) of this clause the Commission shall involve the appointing authority concerned.

## Public Service Scheme

G.N. No. 169 (contd.)

(3) Where appropriate, the Commission shall handle appeals from the decision of all disciplinary authorities in the Service other than the decision of the Chief Secretary and President the decision made in respect of any appeal shall be binding upon both the authority and the Public Servant concerned and shall be appealable to the President.

(4) Any employing authority in the Service may be called upon by the Commission to provide information required for carrying out the functions of the Commission. Failure by the employing authority to comply with the requirements of this sub-clause shall be reported to the Chief Secretary who shall take appropriate action.

### PART IV THE SERVICE

Terms  
and con-  
ditions  
of the  
service

29.- (1) The terms and conditions of the Service shall be:-

- (a) Permanent and Pensionable;
- (b) Agreement or Contract;
- (c) Temporary month to month;
- (d) Operational Service;
- (e) Daily paid.

(2) The terms and conditions of the Service provided for under sub-clause (1) of this clause may be modified by any special terms contained in the agreements, contracts or letters of appointment of individual public servants.

Appoint-  
ments in  
the  
Public  
Service

30. Appointments in the Public Service shall be governed by the Constitution, the Act, the Public Service Regulations, the Public Service Recruitments Code of Practice, the Public Service Code of Ethics and Conduct, Public Service Professional Codes of Ethics and Conduct and Administrative Instructions or Orders.

Qualifi-  
cations  
for  
appoint-  
ment and  
promot-  
ion

31. No person shall be appointed or promoted to the Service unless he meets the following necessary requirements:-

- (a) academic qualification determined by a certain level of education required in the post concerned as indicated in the relevant Scheme of Service;

- (b) professional competency determined by the skill level of that profession;
- (c) age qualification determined by the date of birth shown either in a birth certificate or any other document relevant and legally acceptable;
- (d) good character and integrity by his appearance, interaction with other people, the manner he conducts himself, the manner he expresses himself and his track record;
- (e) experience determined by length of time he has served in the same post or equivalent post;
- (f) Citizenship determined by birth certificate or registration certificate.

32.- (1) Any person who has been convicted of a criminal offence involving moral turpitude or who has been dismissed from the Public Service previously, shall not be appointed in the Service, without prior sanction of the Chief Secretary.

Persons not to be appointed in the service

(2) Offences involving moral turpitude shall include:-

- (a) an act or behaviour that gravely violates the moral sentiment or accepted moral standard of the Community.
- (b) the immorally culpable quality held to be inherent in some criminal offences as distinguished from others.

(3) Any person who has been removed or retired in public interest or retired by retrenchment or redundancy from the Service shall not be appointed in the Public Service without prior sanction of the Chief Secretary.

Provided that any person who is retired by retrenchment or redundancy from the Public Service shall, after the sanction of the Chief Secretary be reappointed to the service on contract terms.

(4) Any person of unsound mind shall not be appointed in the Public Service.

33.- (1) No appointment may be made in the Public Service, whether temporarily or otherwise, for which no provision has been made in the estimates.

Approved Establishment

*Public Service Scheme*

*G.N. No. 169 (contd.)*

(2) No increase in the number of posts may be made above the authorised establishment without prior approval of the Permanent Secretary (Establishments).

The  
Appoi-  
nting  
Authori-  
ties'  
Respon-  
sibility

34. The ultimate responsibility for appointments shall rest to the appointing authorities.

Appoint-  
ment  
Princi-  
ples

35.-(1) All appointments in the Public Service' shall be governed by the overriding principles of selection based on merit, the well informed choice of individuals who through their abilities, experience and qualities match the need of the vacant post concerned.

(2) The principles of selection for appointments of public servants shall be provided for in the Public Service Recruitments Code of Practice.

(3) The appointment procedures shall be subject to the principles of proportionality and shall be appropriate for the nature of the post, the size and weight of responsibility.

(4) Appointments in the Public Service shall be free from religious beliefs or political partiality and shall be based on:-

- (a) merit, fairness and open competition;
- (b) the prescribed qualifications.

Notifica-  
tion of  
vacan-  
cies.

36. (1) All appointing authorities in the Public Service shall be obliged to notify the Commission on vacancies within their respective organisations.

(2) Notification of vacancies shall specify the necessary requirements for the vacant posts and shall follow the procedures which shall be provided for in the public Service Regulations and Administrative or Instructions or Orders.

37. (1) Where a candidate is dissatisfied with the way appointment procedure is conducted to any post which he is interested and which he was a candidate, he shall complain to the appointing authority concerned and if not satisfied with the decision of the appointing authority he shall appeal to the Commission and there after to the Chief Secretary.

Complaints regarding appointments or recruitments

(2) The recruitment competition proves shall be fully documented and the document shall be kept for a period of not less than twelve months from the date when such recruitment process ended.

38-(1) The powers of constituting and abolishing posts or upgrading and downgrading posts other than the post of the Chief Secretary, the Permanent Secretary and Deputy Permanent Secretary, shall be exercise by the Permanent Secretary (Establishments).

Constitution and abolition of posts

(2) For the purpose of the provisions of Sub-Clause (1) of this clause, the words "upgrading" and "downgrading" of post shall mean change in the Salary Scale or entry point.

(3) The powers under sub-clause (1) of this clause may be exercised by the Permanent Secretary (Establishments) either after being directed by the Chief Secretary or on his own motion or after the application from the Chief Executives.

(4) The Permanent Secretary (Establishments) may constitute or abolish or upgrade or downgrade any post on his own motion only where there is a policy or administrative or establishment necessity. Under these circumstances, he shall consult the Chief Secretary.

(5) In case of the application from any chief executive for constitution of any public service posts, the application shall be made to the Permanent Secretary (Establishments) stating-

- (a) the title of the proposed post;
- (b) the salary or the salary scale to be attached to the proposed post;
- (c) whether or not the proposed post is to be a pensionable post;
- (d) the reason why the constitution of the proposed post is considered desirable;

## *Public Service Scheme*

G.N. No. 169 (contd.)

- (e) the qualifications of any holder of the proposed post and the duties which such holder will be required to perform;
- (f) where the post is to be created and filled during a financial year, whether or not funds are available to meet the expenses involved until the expiry of the financial year;
- (g) such other matters as the Permanent Secretary (Establishments) may direct.

(b) In case of the application for the abolition of any public service post, the application made to the Permanent Secretary (Establishments) shall state:-

- (a) the reason why it is considered that the post should be abolished; and
- (b) such other matters as the Permanent Secretary (Establishments) may direct.

Public  
servants  
account-  
ability

39.- (1) The accountability in the Public Service shall be hierarchical and public servants shall be accountable according to arrangements from lower to higher ranks and shall be based on the hierarchy of authority and responsibility.

(2) In the higher rank there shall be the Permanent Secretaries, Heads of Independent Departments, Regional Administrative Secretaries and Directors of Local Government Authorities who are the chief executives according to section 5 (1) (a) of the Act.

(3) Below the chief executives there shall be the Heads of Divisions or Departments followed by Section Heads then by the supporting administrative professional and technical staff comprising senior, middle and junior level public servants.

(4) Every Chief Executive officer shall be accountable for the functioning of his Institution.

(5) Every Divisional or Departmental and Section Head shall be accountable for the functioning of his area of responsibility and every public servant in charge of any specific area such as a supervisor, a schedule officer and an auxiliary officer shall be accountable for the efficient performance in his area of responsibility.

(6) The most senior public servant is accountable for the actions of all public servants below him.

(7) Notwithstanding the provisions of sub-clause (1) of this clause every public servant shall be accountable for his own performance and actions provided that no pressure, undue influence or interference is exerted upon him by his senior or any public leader.

(8) Without prejudice to the provisions of sub-clause (2) to (4), (5), (6) and (7) of this clause, every public servant working in the Local Government Authority, shall be accountable to his respective Local Government Authority in the discharge of his functions in the following manner:-

- (a) In case of the Director of a Local Government Authority, he shall be accountable for the proper discharge of his functions and responsibilities and those of public servants under him.
- (b) In case of other public servants, their accountability to the Local Government Authority shall be co-ordinated through the Director of the Local Government Authority concerned and shall at all times and in such a manner as may be directed by a Local Government Authority, deliver an account of the functioning of their responsibilities to the Local Government Authority Concerned.

40. (1) All Public servants shall be loyal to the President of the United Republic of Tanzania and shall perform their duties with regard to the requirements of the Constitution, Laws, Regulations, Orders, Directives and Instructions.

(2) Public servants shall regard themselves as servants under the same Service and shall strive to serve loyally and to comply with lawful instructions of their supervisors.

(3) Relationship in the Public Service shall observe that every public servant is entitled to recognition and respect for his dignity regardless of hierarchy in the Service.

(4) Every Public Servant shall respect and co-operate with his fellow public servant at work place and elsewhere within the Public Service in order to achieve the objectives of the Public Service.

Relationship  
between  
Public  
servants  
and their  
supervi-  
sors

*Public Service Scheme*

G.N. No. 169 (contd.)

(5) Subject to the laid down procedures a civil servant shall have the right to claim and enquire on any issue pertaining his service and his employer or supervisor shall grant the right claimed or avail him with the appropriate or necessary information enquired.

Relationship  
between  
political  
leaders  
and  
execu-  
tives

41. -(1) The relationship between a political leader and a public servant while performing their duties and functions, shall be governed by the Constitution and the relevant laws conferring powers on them.

(2) Matters of administration in every Ministry, Independent Department, Region, District and a local Government Authority shall be under the powers of the executive officer in charge and matters of leadership shall be under the powers of the political leader.

(3) In performing their executive duties and functions, public servants shall not be interfered with except through the appropriate supervisors.

Relation-  
ship  
between  
the  
Commi-  
sion and  
the  
President

42.- (1) The Public Service Commission shall perform its functions under the President and shall account for all its functions to the President.

(2) All members of the Commission including the Chairman shall be loyal to the President of the United Republic of Tanzania and shall perform their duties in conformity with the requirements of the Constitution, the Public Service Act, Public Service Regulations, Directives and Instructions of the President or any other person acting on behalf of the President.

Relation-  
ship  
between  
Minist-  
ries,  
Indepe-  
ndent  
Depart-  
ments,  
Regions,  
Local  
Govern-  
ment  
Authori-  
ties and  
other  
Public  
Organisa-  
tions.

43.- (1) The Commission shall be independent and shall not be under the direct control of any Ministry but shall keep good working relationship and co-operation with Ministries, Independent Departments, Regions, Local Government Authorities and other Public Organisations.

(2) Ministries, Independent Departments, Regions, Local Government Authorities and other Public Organisations shall also keep good working relationship and co-operation with the Commission for smooth operations of their activities.

(3) Ministries, Independent Departments, Regions, Local Government Authorities and other Public Organisations shall not interfere with the functioning of the Commission except through the President where necessary.

(4) Ministries, Independent Departments, Regions, Local Government Authorities and other Public Organisations shall respond without any delay where the Commission requires any information crucial for the performance of its functions.

44. Communications within the Public Service shall be in accordance with the procedures to be provided for in the Public Service Regulations, Administrative Directives or Instructions or Orders.

Communica-  
tions within  
the  
Public  
Service

(2) Notification of vacancies shall specify the necessary requirements for the vacant posts and shall follow the procedures which shall be provided for in the Public Service Regulations and Administrative Directives or Instructions or Orders.

45. (1) Termination of appointments of Public servants shall include:-

Termina-  
tion of  
appoint-  
ments

- (a) removal or retirement on public interest;
- (b) retirement on medical grounds;
- (c) retirement on abolition of office or re-organisation of department;
- (d) termination by age of retirement;
- (e) termination upon contesting constitutional leadership or elective political post;
- (f) retrenchment or redundancy by reason of:-
  - (i) abolition of office or post;
  - (ii) re-organisation of office;
  - (iii) dissolution of the organisation;
  - (iv) employers incapability to remunerate a public servant.
- (g) termination on disciplinary ground.

(2) Procedures for termination of appointments mentioned in sub-clause (1) of this clause shall be provided for in the Public Service Regulations.

(3) Suggestions for removal or retirement in public interest shall be made by the Chief Executive himself in accordance with the procedures to be provided for in the Public Service Regulations and shall only be made where the Chief Executive is of the opinion that grounds for such a suggestion do not warrant disciplinary actions.

46. Where the disciplinary authority considers necessary to institute disciplinary proceedings against a public servant, the disciplinary authority shall make preliminary investigations before instituting disciplinary proceedings.

Prelimi-  
nary  
investi-  
gations.

*G.N. No. 169 (contd.)*

Discipline of public servants

47.-(1) Every public servant shall conduct himself with integrity, impartiality and honesty. He shall give honest and impartial advice to the President or, as the case may be, to the Minister, to the Chief Executive or to the Head of his Department or to his Supervisor without fear or favour and shall make all information relevant for decision available to them.

(2) A public servant shall not deceive or knowingly mislead the President, Minister, his Head of Department, his Supervisor or any member of the Public.

(3) Every Public Servant shall not conduct himself in a way which: -

- (a) is illegal;
- (b) is improper;
- (c) is unethical;
- (d) is in breach of Constitutional Convention or a Professional Code of Ethics and Conduct;
- (e) is inconsistent with the Public Service Code of Ethics and Conduct and the Public Service Leadership Code of Ethics and Conduct;
- (f) involves possible maladministration.

(4) Public servants shall conduct themselves in accordance with the provisions of:-

- (a) the Public Service Codes of Ethics and Conduct;
- (b) the Public Service Leadership Code of Ethics and Conduct;
- (c) various Professional Codes of Ethics and Conduct;
- (d) the public service Regulations, the Administrative Directives or Instructions and Orders.

(5) Any public servant who contravenes the provisions of sub-clause (1) (2), (3) and (4) of this clause shall commit a disciplinary offence and shall be subject to disciplinary proceedings which shall be conducted in accordance with the procedures to be provided for in the Public Service Regulations.

(6) Every Public Servant who is aware of any breaches or who has been required by any other public servant, whether senior or junior, to act in a way which raises a fundamental issue of conscience for that public servant, may report that breach to his supervisor or his employer as the case may be.

48.- (1) The Appellate Authorities of public servants and the procedures for appeals shall be as provided for in the Public Service Regulations.

Appeals

(2) Both the employers or the disciplinary authority and a civil servant shall have the right to appeal if aggrieved with any decision.

49.- (1) A public servant has the right of being a member of any political party and can vote both for his political party and in general elections except where he is prohibited by any Law, Regulations or Administrative Directives or Instructions or Orders.

Political involvement of public servants

(2) Notwithstanding the provisions of sub-clause (1) of this clause, a public servant shall obediently implement the policies of the ruling party and shall observe the following limitations -

- (a) shall not conduct or engage himself with political activities during official hours or at work place;
- (b) shall not be employed or hold office in any political party;
- (c) shall not identify himself by dressing in his political party's uniform or wear his political party's medal or badge during official hours or at his work place;
- (d) shall not utter any words which may embarrass the Government due to his political affiliation;
- (e) shall not actively participate in the affairs of political parties such as holding a political party's office or speaking or addressing on political platforms.

50. A public servant shall be neutral and impartial while delivering service to the public without any bias due to his political affiliation and shall observe the following limitations-

Political neutrality and impartiality of public servants

- (a) shall not take part in political activities which can compromise or be seen to compromise his loyalty to government activities;
- (b) shall not pass information or documents availed through his position in the service to his political party.

*Public Service Scheme*

G.N. No. 169 (contd.)

Political  
influence

51. A public servant has the right to communicate with his political representatives provided he observes the following limitations:- J

- (a) shall not use such influence to intervene on matters affecting him, which are in dispute between the Government and him;
- (b) shall not use such influence for furthering personal ends or interests which are not part of the Government Policy.

Public  
servants  
integrity

52. Every public servant shall serve with high standard of wisdom and integrity.

Confide-  
ntiality

53. A public servant shall not without authority disclose official information which has been communicated confidentially within the administration or received confidentially from other public servants.

Interven-  
tion of  
political  
leaders

54. (1) A public servant shall not seek any political leaders intervention when pursuing matters of his service unless he proves that he has exhausted the executive administrative ladder.

(2) Where a public servant pursues any matter concerning his service, he shall do so by starting from his immediate supervisor before going to the higher level of the Public Service Administration, provided that he shall not be bound to start from his immediate supervisor where he thinks that justice shall not be done.

(3) Where in any way, a public servant seeks any political leaders intervention, a political leader whose intervention has been sought, shall before intervening, communicate the matter to the Chief Executive of that public servant.

The  
Public  
Service  
Working  
Docu-  
ments

55. -(1) The necessary Public Service Working Documents shall include:-

- (a) the Constitution of the United Republic of Tanzania;
- (b) the Public Service Act;
- (c) the Public Service Retirement Benefits Act, No.2 of 1999;
- (d) the Political Leaders Retirement Benefits Act, No.3 of 1999;
- (e) the Local Authorities Provident Fund Act, No.6 of 2000;

- (f) the Employment Ordinance Cap 366;
- (g) the Security of Employment Act No. 62 of 1964;
- (h) the Executive Agencies Act, No 30 of 1997;
- (i) the Regional Administration Act, No.19 of 1997;
- (j) the Public Service Regulations;
- (k) the Public Service Code of Ethics and Conduct;
- (l) various Professional Codes of Ethics and Conduct;
- (m) Standing Orders for the Public Service;
- (n) the Public Service Recruitment Code of Practice;
- (o) the Public Service Disciplinary Code of Practice;
- (p) the Public Service Arbitration and Reconciliation Code of Practice;
- (q) the Public Service Retrenchment and Redundancy Code of Practice;
- (r) the Public Service Management and Employment Policy;
- (s) any other Laws and documents relevant for reference in relation to specific matters;

(2) Every employer shall ensure the availability and accessibility of all necessary Public Service working documents for public servants under him.

(3) Every Public Servant shall make sure that he has all necessary public Service working documents, he understands them and make use of them.

(4) Every public servant shall make correct interpretation and reference of the working documents in order to reach proper decisions.

(5) Where a public servant fails to interpret or wants to confirm the interpretation of a provision of any law or any document, he shall seek assistance of any government legal expert available in the area.

(6) A public servant shall behave as a public servant and not as a public master and shall show normal courtesy.

(7) A public servant shall display an attitude of responsibility to public property.

*Public Service Scheme*

*G.N. No. 169 (contd.)*

Age of retirement

56. (1) Age of retirement for Public servants shall be as provided for by the Retirement Benefits, laws applicable for the time being.

(2) Where there is ambiguity on the date of birth of a public servant and where there is argument between the employer and a public servant as to the accurate date of birth, the date on record disclosed by a public servant during his first employment, shall be recognised as the accurate date of birth of such a public servant.

(3) Where only the year and not the actual date of birth of a public servant has been recorded, his date of birth shall be deemed to be the first day of July of that year.

(4) Where only the month of birth has been recorded, the date of birth shall be deemed to be the 16<sup>th</sup> day of that month and the 15<sup>th</sup> in the case of February.

Grievances handling mechanism

57. It shall be the role of every supervisor and every chief executive to establish a grievances handling mechanism and he shall receive, solve or seek solutions for the grievances of public servants under his jurisdiction.

Performance appraisal system

58. There shall be operated an open appraisal system by every organisation within the Public Service in accordance with the procedures as shall be provided for in the Public Service Regulations.

Performance contracts

59. Every public servant shall sign a performance contract with his supervisor in accordance with the procedures as shall be provided for in the Public Service Regulations.

Transfers

60.-(1) Where necessary and where it is in the public interest, transfers of public servants shall be conducted within the Service for the purpose of improving efficiency of the service.

(2) Where a public servant is transferred, he shall be entitled to free transport for himself, spouse and four children or dependants as well as his personal belongings.

Leave

61.- (1) Every public servant shall be entitled to annual leave which shall be granted by the employer or supervisor once a year in accordance with the public servant's leave cycle.

(2) Non-grant of a public servant's annual leave by-the employer, shall entitle such a public servant a one month salary payment in lieu thereof.

(3) There shall be other leave available for the public servant in accordance with the provisions of the Public Service Regulations.

62. Where a public servant sustains injuries or dies in the course of his employment, he shall be entitled to compensation which shall be paid in accordance with the procedures to be provided for in the Public Service Regulations.

Compensation for injuries or death

63.-(1) Every employer shall take all reasonable precautions to ensure occupational safety standards in order to avoid unnecessary cause of health hazards and shall facilitate annual medical check up for public servants within this jurisdiction.

Employers duty to protect the health of public servant

(2) Notwithstanding the provisions of sub-clause (1), every public servant shall take reasonable precautions in accordance with modern health practices for proper protection of his health.

64. The representation of public servants in the discussions with the employers on matters of the employment welfare in general, shall be through the workers' councils and the Joint Staff Council.

Public servants' representation

65. -(1) It shall be the duty of both employer and employee to keep employment records for the purposes of reference for calculation of the employees terminal benefits.

Duty to keep records

(2) Employment records kept by both employer and employee shall be regarded as original copies duly signed by authorised person.

(3) Where there is no possibility to get hold of employment records from the employer's end, records in custody of the employee shall be used for any purpose provided that such records are in the original form.

Dar es Salaam,  
14<sup>th</sup> June, 2003

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