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LEGAL NOTICE NO. 76 OF 1998

THE COMMISSION OF ENQUIRY ACT, 1963
(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY INTO THE PUBLIC SERVICE CONDITIONS OF
SERVICE AND SALARIES NOTICE, 1998
(Under section 3)

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963, the Minister for Public Service and Information issues the following Notice -

Citation and Commencement.

1. This Notice may be cited as the Commission of Enquiry into the Public Service Conditions of Service and Salaries Notice, 1998, and shall come into force on the 19th May, 1998.

Establishment and composition of the Commission.

2. (1) There is hereby established a Commission to be called the "Commission of Enquiry into the Public Service Conditions of Service and Salaries" (hereafter in this Notice referred to as "the Commission").

(2) The Commission, shall consist of persons or consultants from Cooper and Lybrand, Chartered Accountants being the following -

Mr. J.P. Lewis	- Project Director;
Mr. J.C. Spies	- Project Manager;
Mr. R.F. Camphor	- Consultant;
Ms. N.E. Wilson	- Consultant;
Mr. J.P. Coetzee	- Consultant;
Mr. H.P. Dupuis	- Consultant;
Mr. G.G. Rex	- Consultant;
Ms. A.S. Stabler	- Consultant;
Ms. K.R. Matthews	- Consultant; and
Ms. C. Johnston	- Consultant.

Functions of the Commission and Terms of Reference.

3. (1) The Commission shall study and make recommendations on the following -

(a) the structure and conditions of service (including remuneration) of officers in the public service, with particular reference to the following matters:

(i) **Salaries:**

(A) the criteria to be used in determining public service salaries;

(B) the feasibility of introducing separate pay structures for some or all of the cadres in the Public Service; and

(C) the link between public service salaries to politicians' salaries and benefits;

(ii) Allowances and benefits:

- (A) the present value of existing allowances and benefits in the public service, their desirability (or otherwise), their effectiveness and proposals for changes and revisions;
- (B) the possibility of introducing new allowances and their rates and conferment of other benefits (e.g. Medical Aid Scheme);
- (C) the desirability of linking allowances to salaries; and
- (D) a monitoring and an evaluation systems for allowances;

(iii) Size and cost of personnel budget:

the issue of the size of the budget for personnel expenditure in relation to total government recurrent expenditure and to recommend corrective measures to address the problem;

(iv) Performance and productivity:

- (A) the issue of productivity and performance-related pay in the public service and methods to improve productivity;
- (B) the issue of productivity and performance-related reward systems in the public service, taking into account the current notching system;
- (C) the size of the civil service in relation to productivity; and
- (D) a performance management system which shall -
 - (aa) link ministerial and departmental performance with set objectives, and performance targets;
 - (bb) set management systems of accountability and performance and develop skills which will enable senior managers to effectively manage the public service in order to improve the efficiency and effectiveness of ministries and departments and employees in the performance of their functions;
 - (cc) put in place an effective personnel performance evaluation system which will enable setting of individual employee objectives and the monitoring and evaluating of employee performance against agreed performance targets and reward for good performance; and
 - (dd) put in place a management information system which will enable supervisors to compile and manage data useful in making vital personnel decisions at the time of confirmation, promotion, discipline, transfer and retirement of public servants; and
- (E) the current practice in the public service which provides for a "personal right" to officers who have been placed in posts which are lower than their previous posts.

(v) **Housing:**

- (A) a suitable government housing policy to take into account the criteria for allocating Government accommodation and housing allowances; and
- (B) a machinery to enable regular review of rentals and flat rate charges,

(vi) **Retirement:**

a retirement policy for public servants;

(vii) **Job evaluation:**

- (A) the present job evaluation system and its relevance; and
- (B) a machinery to enable a regular review of the job evaluation system;

(viii) **Negotiations machinery for conditions of service:**

- (A) suitable negotiations structures, taking into account both unionized and non-unionized categories of personnel in the public service and personnel serving in the foreign service; and
 - (B) the possibility of establishing structures for negotiations for non-unionized categories of the public service;
- (b) the conditions of service for certain categories of employees, such as shift workers and the disciplined forces; and
- (c) the relationship between general orders and force orders for the disciplined forces and their legal status as compared to Acts and Regulations.

(2) While carrying out the review, the Commission shall take into consideration existing labour laws of the country.

Performance of duties.

4. In the performance of its functions and in the exercise of its powers the Commission -
- (a) shall liaise with the Principal Secretary for the Ministry of Public Service and other Government officials on matters which impact on the operations of the Public Service;
 - (b) shall receive written and oral submissions, and may interview people individually or in groups;
 - (c) may sub-contract its work, but shall have the overall responsibility for the entire assignment to ensure that recommendations are consistent and are in line with the Terms and Reference;
 - (d) may accept any document and copies of reports that it may consider relevant and of assistance to its functions; and
 - (e) shall assist in the setting up of sustainable structures to implement the recommendations made on the above issues.

Venue and address of the Commission.

5. (1) The enquiry shall be held at Dhlam'ubeka Building, 6th Floor, Mbabane or at such other place as the Project Director may determine.

(2) The address of the Commission shall be P.O. Box 2701, Mbabane.

Enquiry in camera.

6. Unless the Minister otherwise directs in writing, the enquiry shall be in camera.

Remuneration.

7. The Commission shall be remunerated in accordance with the terms of the contract of Tender Number 149 of 1997/98.

Submission of report.

8. (1) The Commission shall produce and present four bound copies of a preliminary report of the Commission's findings and recommendations to the Minister for Public Service and Information who will pass the report on to the Joint Negotiations Team for consideration.

(2) The Commission shall submit its final report on 30th November, 1998 or on such later date as the Minister may determine.

H.D. MAGAGULA
Principal Secretary
Ministry of Public Service and Information

Mbabane

..... May, 1998