REPUBLIC OF ZAMBIA

GRIEVANCE HANDLING PROCEDURES FOR THE PUBLIC SERVICE AND THE LOCAL GOVERNMENT SERVICE

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ARRANGEMENT OF THE GRIEVANCE HANDLING PROCEDURE GUIDELINES

PART I
PRELIMINARY

1. Title

These guidelines may be cited as the Grievance Handling Procedures for the Public Service and the Local Government Service.

2. Interpretations

In these guidelines, unless the context otherwise requires:

"Gender balance" means, absence of inequalities arising from prejudices which exist between females and males and which have no bearing on their performance in the Public Service and the Local Government Service.

"Gender equality" means, the state of being equal in terms of enjoyment of rights, treatment, quantity or value, access to opportunities and outcomes by, and in relation to, both sexes.

"Grievance" means, a formal complaint by an employee concerning a perceived violation of an employment contract, unfair treatment of an employee or indeed violation of any law by the employer or employer's representative.

"Grievance Procedures" means, a mechanism through which complaints are presented and handled administratively.

"Head of Department" means, the public officer in charge of a Departmentofa Ministry,LocalAuthority,Institution,Division,Province or District.

"Local Government Service" means, the office of the Town Clerk, Council Secretary, members of staff of the Local Government Service Commission, the members of staff of the Local Authorities and other Local Government staff.

"Officer" means, a person holding or acting in any public office.

"Public Service" means the Civil Service, the Teaching Service, the Zambia Police Service, the Zambia Correctional Service, and any other service duly established under the Constitution of Zambia or an Act of Parliament.

"Responsible Officer" means, the Permanent Secretary in a Ministry, Division or Province, and any other officer appointed as Responsible Officer as the case may be.

"Service Commission" means, in relation to any particular service, the Civil Service Commission, Teaching Service Commission, Zambia Police Service Commission and Zambia Correctional Service Commission, Local Government Service Commission or any other Service Commission duly established by the Constitution of Zambia.

"Supervising Officer" means, an officer in a Ministry, Institution, Division, Province, Department, District or Local Authority to whom a public officer is responsible or reports and from whom he or she receives instructions regarding his or her day-to-day work.

3. Application

3.1 These guidelines shall apply to all Public Service and Local Government Service officers except for the following:

(a) Secretary to the Cabinet;

(b) Attorney-General;

(c) Solicitor-General;

(d) Auditor-General;

(e) Director of Public Prosecution;

(f) Public Protector;

(g) Chief of Staff, State House;

(h) Deputy Secretary to the Cabinet;

(i) Secretary to the Treasury;

(j) Chairperson, Service Commission;

(k) Permanent Secretary;

(l) Principal Private Secretary, State House;

(m) Comptroller, State House;

(n) Director-General, Special Division;

(o) ChiefAdministrator, Judiciary;

(p) Accountant-General;

(q) Controllerof InternalAudit;

(r) National Coordinator, Disaster Management and Mitigation Unit;

(s) Inspector-General of Police;

(t) Deputy Inspector-General of Police;

(u) Commissioner of Police;

(v) Commissioner-General, Correctional Services;

(w) Deputy Commissioner-General, Correctional Services;

(x) Commissioner, Correctional Services;

(y) Director-General, Immigration;

(z) Deputy Director-General, Immigration;

(aa) Director-General, Anti-Corruption Commission;

(bb) Deputy Director-General, Anti-Corruption Commission;

(cc) Commissioner, Drug Enforcement Commission;

(dd) Ambassadors or High Commissioner;

(ee) Mayor; and

(ff) Council Chairperson.

PART II
GRIEVANCE HANDLING PROCEDURES

4. Preamble

4.1 The Grievance handling procedures provide guidelines to be followed when handling grievances in the Public Service and the Local Government Service. They are aimed at ensuring a conducive and harmonious environment for effective service delivery.

4.2 A violation of the Public Service values and principles will constitute a basis for a formal complaint.

4.3 In this context, the aggrieved employee or group of employees is or are entitled to have their complaints attended to quickly and fairly through a formal grievance procedure.

5. Guiding Principles

5.1 The following shall be the principles governing the Grievance Procedures:

(a) morality and ethics;

(b) human dignity, equity, social justice, equality and nondiscrimination;

(c) accountability for administrative acts;

(d) fair competition and merit as the basis of appointments and promotions;

(e) impartiality and fairness in the exercise of disciplinary action;

(f) affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service and the Local Government Service of:

(i) both gender;

(ii) members of all ethnic groups; and

(iii) the youth and persons with disabilities.

(g) Timeliness in handling grievances; and

(h) Any other relevant principles and practices as set out in other legislations.

6. Types of grievances

(a) Individual grievance Individual grievance refers to a formal complaint of an employee related to: the interpretation of his or her specific terms and conditions of service; work environment; occupational safety and health; unfair treatment by supervisors and co-workers and government regulations or policy.

(b) Collective Grievances Collective grievances refers to all grievances arising from interpretation of existing Terms and Conditions of Service, work environment; occupational safety and health, Government regulations or policy, which may affect all employees or any group of employees collectively. In such cases a group of employees will nominate a representative or representatives or where applicable Trade Union representative (s) to lodge such complaints.

7. Steps for Lodging and Handling of Grievances

7.1 The Procedure below shall be used when handling grievances in the Public Service and the Local Government Service:

Step 1

When an employee(s) has or have a grievance, he or she should immediately lodge a complaint wherever practicable, in writing, to his or her immediate supervisor who shall attend to the grievance as quickly as possible within a period of five (5) working days.

Step 2

(a) If the grievance is not settled in Step1, the aggrieved employee(s) shall have the right to take the matter to the head of Department within a period of five (5) working days.

(b) In the event that the complaint involves the head of department, the officer has the right to refer the matter to the next senior officer.

Step 3

If the matter is not resolved in Step 2, the complainant shall refer the grievance to the Department or unit responsible for Human Resource matters within a period of ten (10) working days.

Step 4

If the matter is still unresolved in Step 3, the matter shall be referred to the Responsible Officer for final determination within a period of thirty (30) working days.

Step 5

If a grievance related to Human Resource Management, is not resolved by a Responsible officer, the officer may appeal to the relevant Service Commission, within a period of thirty (30) working days.

Step 6

If the grievance is not resolved in Step 4 and it borders on maladministration, the officer may refer the matter to other oversight institutions such as the Public Protector or any other body of competent jurisdiction.

8. Other Provisions

8.1 During the processing of grievance handling, the employee shall continue to perform his or her work in a normal manner and shall not resort to any other action.

8.2 Where a grievance is related to a hardship (physical, mental or otherwise) being suffered by an employee, the immediate supervisor shall make every effort to immediately remove or alleviate the hardship notwithstanding that the matter may still be under consideration.

8.3 Nothing in this procedure shall be construed as barring an employee from recourse to reconciliatory channels provided in any relevant employment statutes.

8.4 All Collective Disputes shall be referred to the Human Resource Department.