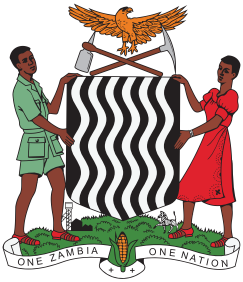

REPUBLIC OF ZAMBIA

DISCIPLINARY CODE AND PROCEDURES FOR HANDLING OFFENCES IN THE PUBLIC SERVICE AND LOCAL GOVERNMENT SERVICE

PART I

PRELIMINARY

PART II

DISCIPLINARY CODE

Preamble and Basic Principles

Classification of Offences

Penalties for Offences

PART 1

PRELIMINARY

Title

1. This Code may be cited as the Disciplinary Code and Procedures for Handling Offences in the Public Service.

PART I

INTERPRETATIONS

2. In this Code, unless the context otherwise requires:

"Criminal Proceedings" means court hearings into an alleged criminal offence.

"Discipline" means, a system of rules, norms, principles and policies designed to promote orderly conduct.

"Disciplinary Authority" means, a Service Commission, Responsible Officer, Head of Department and Supervising Officer.

"Disciplinary Committee" means a Committee appointed by a Service Commission or the Human Resource Management Committee mandated to deal with disciplinary matters.

"Employee" has the meaning assigned to the word in the Employment Code Act, No.3 of 2019.

"Employer" has the meaning assigned to the word in the Employment Code Act, No.3 of 2019.

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

"Human Resource Management Committee" means a Human Resource Management committee as established by the Service Commissions Act No. 10 of 2016.

"Offence" means, misconduct committed by an officer.

"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.

"Learner" has the meaning assigned to the word in the Education Act, No.23 of 2011.

"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; Zambia Correctional Service Commission; and Local Government Service Commission or any other Service Commission duly established under the Constitution of Zambia.

"Supervising Officer" means, an officer in a Ministry, Institution, Division, Province, Department or District 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.

Application

3. This Code will apply to all Public Service officers except 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) Chief Administrator, Judiciary;

(p) Accountant-General;

(q) Controller of Internal Audit;

(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) Responsible Officer, Immigration;

(z) Deputy Responsible Officer, Immigration;

(aa) Responsible Officer, Anti - Corruption Commission;

(bb) Deputy Responsible Officer, Anti-Corruption Commission;

(cc) Commissioner, Drug Enforcement Commission;

(dd) Ambassadors or High Commissioner;

(ee) Mayor; and

(ff) Council Chairperson.

PART II

DISCIPLINARY CODE

Preamble

4. A Disciplined workforce is essential for the successful achievement of Government objectives. This requires a framework of rules or code of conduct to ensure that all employees know what is expected of them and of which they must comply with. Such a code, should be fair, just and uniformly administered to ensure that all individual employees are treated in a consistent manner.

A Code of this nature cannot cover every specific case that will occur. Consequently, supervising officers must use their discretion within the framework of and in accordance with the spirit of this Code.

This Disciplinary Code provides procedures and sanctions in the event of breach of the Code of Conduct. When handling disciplinary cases, the Service Commissions, Reponsible Officers and Human Resource Management Commitees shall at all times observe the provisions of the Constitution of Zambia, the Industrial and Labour Relations Legislation, Employment Code Act No. 3 of 2019, Service Commissions Act No. 10 of 2016 and other relevant pieces of legislation and amendments thereto.

PART III

DISCIPLINARY PRINCIPLES

Principles of Discipline

5. This Code is based on the following principles:

(i) Prevention, counselling, correction and rehabilitation. Where these steps are ineffective, punitive action as the last step.

(ii) Just and uniform administration of the rules and regulations to ensure employees are treated in a fair and consistent manner.

(iii) Efficiency in the handling and disposal of disciplinary cases.

(iv) Protection of the Government against indiscipline.

(v) Protection of employees against arbitrary judgement and punishment.

(vi) The right of an employee to be heard.

(vii) Enhancement of the following princples and core values:

- Integrity
- Honesty
- Objectivity
- Impartiality
- Loyalty
- Respect
- Accountability
- Excellence
- Confidetiality
- Selflessness

Purpose of the Disciplinary Code

6. The purpose of the Code is:

(a) To create awareness of the Government 's rules and regulations.

(b) To illustrate the expected standard of performance and conduct.

(c) To facilitate the administration of discipline in a just, fair and consistent manner.

(d) To outline the grievance and appeals procedure.

6.1 Parties Obligations

6.1.1 Employer's responsibility

Employer's Responsibility

Custom and practice of Industrial and Labour Relations Management recognise that it is the prerogative of the Government and its Management to discipline its employees for any improper conduct. When an offence is alleged to have been committed disciplinary action shall be taken by a Disciplinary Authority in accordance with the provisions of this Code as follows:

(i) Consider taking educative and corrective measures as a first step before any punitive action. This could be done by educating staff on their rights and obligations by providing them with all the policy documents and Terms and Conditions of Service.

(ii) Undertaking thorough investigation into alleged offence.

(iii) Taking into consideration all the circumstances of each case before disciplinary action is taken, and such action should always be prompt, fair and firm.

Employee's responsibilities

6.1.2 Employee's responsibilities:

An employee shall:

(i) Perform conscientiously and diligently, functions of the Government to the best of the employee's ability, any work that the Government may require the employee to undertake.

(ii) Attend work as scheduled and when required to do so.

(iii) Adhere to terms and conditions of service and the Code of Conduct for the Public Service.

(iv) Obey and comply to all lawful orders.

(v) Observe all the rules and regulations in force for the management of Government's property and maintenance of health and safety of the employees.

(vi) Not cause willful damage to the Government's reputation or property.

(vii) Not engage in any activity or business which might interfere with the performance of one's duties.

(viii) Not engage in any other employment during working hours without prior express consent of the Responsible Officer.

(ix) Not engage in any other employment or activity that is in conflict with the Government's mandate. In this regard, an employee shall not undertake any act or omission prejudicial to the operations of the Government.

(x) Not divulge any confidential information which the employee may acquire during employment concerning operations of the Government. To this effect, the employee will be required to sign a declaration of secrecy on taking up employment with the Government.

Establishment of Human Resources Management Committee

6.2 A Human Resources Management Committee shall consider submissions on disciplinary cases and make recommendations to the Responsible Officer for final determination.

PART IV

CLASSIFICATION OF OFFENCES

7. In this Code, offences have been classified into two (2) main categories as follows:

Categorisation of Offences

7.1 Category A

(i) Absenteeism

(ii) Poor Time Management

(iii) Sub-Standard Performance

(iv) Dishonest Conduct

(v) Illegal Industrial Action

(vi) Loss, Damage and Misuse of Government Property

(vii) Financial mismanagement

(viii) Indiscipline, Improper, or Disorderly Behaviour

(ix) Other offences bordering on employees' attitude that is likely to affect performance

7.2 Category B

(i) Bribery, Corruption, Theft, Fraud and Misappropriation

(ii) Breach of Trust or Confidentiality

(iii) Sexual Harassment

(iv) Illegal taping and recording of conversations

(v) Un-authorised copying of official documents

(vi) Unlawful circulation of official documents.

DESCRIPTION OF OFFENCES

8. Category A Offences

S/N	Offence	Definition
	ABSENTEEISM	
1	Regular absence from duty but not exceeding ten (10) days	Pattern of missing work in which an employee is habitually and frequently absent from work without permission or reasonable cause, or regularly staying away from work.
2	Absence from duty for a consecutive period of ten (10) days or more	Prolonged absence from work without permission or reasonable cause for a continuous period of ten (10) days.
3	Absenteeism for periods up to two (2) days	Staying away from duty by an employee without verbal or written permission or acceptable reason for a period of up to two (2) days.
4	Absenteeism of more than two (2) days but less than ten (10) days	Staying away from duty by an employee without verbal or written permission or acceptable reason for more than two (2) days but less than ten (10) days.
5	Desertion	Absence from work for a time that warrants the inference that the employee does not intend to return to work.
	POOR TIME MANAGEMENT	
1	Reporting late for work	Reporting for work after the stipulated starting times of 08:00 hours in the morning and 14:00 hours in the afternoon without reasonable cause. In the case of shift workers, work period will be according to shift schedules agreed.

S/N	Offence	Definition
2	Leaving work place early	Leaving work place before the stipulated times of 13:00 hours and 17:00hours, or shift, without verbal or written permission from the employee's supervisor. This includes absence from work without permission or reasonable cause for part of a day or the whole day.
3	Leaving work place without permission	Leaving work place during working hours without the verbal or written permission from the employee's supervisor.
4	Idling on duty	The failure by an employee to engage in active and productive work in the office during working hours.
5	Loitering on duty	The lingering, malingering or straying away from one's workplace by an employee.
6	Sleeping on duty	Sleeping on duty by an employee and witnessed by one or more people.
7	Reporting late back from leave	Reporting late for duty by an employee without verbal or written permission or acceptable reason after completing one's leave.
8	Desertion	Unauthorized absence from duty by an employee for a consecutive period of ten (10) working days.
SUB-STANDARD PERFORMANCE		
1	Negligence of duty	Failure to exercise proper care and regard to the manner of discharging duty to the extent that tasks have to be repeated or equipment or persons are at risk of damage/loss or injury.

S/N	Offence	Definition
2	Poor supervision	(i) Failure to provide documented evidence of support, coaching and continuous performance to subordinates who possess the minimum competence for the role being performed resulting into sub-standard performance. (ii) Failure to discipline subordinates. (iii) Inability to provide effective leadership and guidance to employees in achieving the agreed targets. .
3	Sub-standard performance	(i) Failure to meet required performance expectations. (ii) Performing below the prescribed standard which may lead to loss or damage to Government property or may constitute a hazard to the safety and health of the offender or others.
4	Incompetence	(i) lack of physical or intellectual ability to perform duties. (ii) Failure to achieve satisfactory standard of performance in one's position or lack of capacity to achieve desired results.
5	Gross negligence of duty resulting in loss of Government /public funds or property, or damage to Government /public funds or property.	The lack of proper care and attention in the performance of duties by an employee, which leads to injury to life or loss of life, money, property or damage to Government property or that of a third party.
6	Causing road traffic accident due to negligence	Causing road traffic accident due to negligence, failure to observe road traffic safety rules and regulations or due to disorderly conduct while driving Government vehicle.

S/N	Offence	Definition
7	Carelessness	Performance of a task or duty without due care and attention.
8	Loafing	Passing time idly that may lead to failing to complete set tasks.
9	Negligent Failure	Failing without reasonable cause to complete set tasks.
10	Disregarding health and/or safety or security rules	An act or conduct that puts the life, health or security of other employees or persons at risk.
11	Inefficiency	Failure to carry out a task promptly or to the required standard without reasonable cause.
DISHONEST CONDUCT		
1	Conduct contrary to set standards	Conduct not in line with agreed or set standards of acceptable behaviour or untrustworthy, deceitful or insincere conduct.
2	Deceit	Conduct where an employee conceals or misrepresents the truth. This includes illegal duplicity of documents, double-dealing, fraudulent behaviour, lying, pretence, artifice or treachery.
3	Untrustworthiness	Conduct where an employee is not worthy of deserving trust or confidence. This includes: undependable, unfaithful, crooked, disloyal, dishonest, irresponsible, questionable, treacherous or unreliable. or posting unauthorized statements through mass media or social media on Government business

S/N	Offence	Definition
4	Issuing unauthorized press statements to the public.	Issuing statements to the public, the press, third parties or persons without authority.
5	Disclosure of confidential information	The disclosure of confidential information to unauthorized persons/organisations.
6	Misuse of Government property	Use of Government property for non-Government activities without permission.
7	Carrying unauthorized passengers on Government vehicle	Carrying passengers on Government vehicle without prior authority from supervising officer .
8	Driving Government vehicle without competence certificate	Driving Government vehicle without a competence certificate issued by the Government.
9	Permitting unauthorized person(s) to drive Government vehicle.	Allowing unauthorized person(s) to drive Government vehicle.
10	Misappropriation	Means applying or attempting to apply to a wrong use or for any unauthorized purpose any funds, assets or property belonging to the Government .
11	Theft	Refers to stealing, removing or being found in possession of Government property without authority.
12	Bribery and corruption	Giving or receiving or attempting to give or receive any bribe or inducing or attempting any person to perform any corrupt act.
13	Fraudulent misrepresentation	Submission of false information, statement, impersonation, document or material omission relating to qualifications, ability or competence.

S/N	Offence	Definition
14	Failure to declare interest	Failure to disclose knowledge or one's connections in a matter.
15	Engaging in outside employment	Not engage in any outside employment, for remuneration or otherwise, unless prior approval has been obtained from the Responsible Officer.
16	Abuse of office	Use of one's office for personal, monetary and material or other advantage.
ILLEGAL INDUSTRIAL ACTION		
1	Illegal strike action	Any concerted action by two or more employees to withdraw their labour or otherwise interfere with the normal operations of the Government in furtherance of a trade union dispute or with the object of compelling the management to take or refrain from taking any specific action, where the matter or matters in dispute have not been processed through all the relevant procedures set out in the Recognition Agreement and in any law for the time being in force relating to the settlement of industrial disputes and grievances. All essential workers as prescribed by law are not permitted to proceed on strike.
2	Incitement to strike	Any action by an employee to lure, persuade or encourage an employee to take any illegal strike action referred to in (1) above.
3	Intimidation	Any action by an employee in consent with one or more persons to frighten or

S/N	Offence	Definition
		threaten any employee with the object of compelling or persuading him or her to take any action referred to in one (1) above.
4	Sabotage	Any act by an employee to interfere with the normal operations of the Government by damaging any building, machinery, equipment or installation, or by interrupting any supplies of power, fuel, materials, water, or services necessary to the operations.
LOSS, DAMAGE AND MISUSE OF GOVERNMENT PROPERTY		
1	Negligent Loss	Any act where an employee, through carelessness or negligence, loses property or is unable to account for it satisfactorily.
2	Negligent Damage	Any act where an employee, through carelessness or negligence, causes or allows Government property to become damaged.
3	Wilful Loss	Any act where an employee wilfully or deliberately loses or causes Government property to be lost.
4	Wilful Damage	Any act where an employee wilfully or deliberately damages Government property.
5	Misuse of Government Property	An action where an employee uses Government property and premises for purposes other than that for which it is intended.

S/N	Offence	Definition
FINANCIAL MISMANAGEMENT		
1	Financial Mismanagement	Any act where Government funds are, deliberately or not, handled in a way that can be characterized as "unethical, incompetent, or dishonest and contrary to the provisions of the Finance Management Act and other relevant Financial Management documents issued or as amended from time to time.
2	Failure to collect any money owing to the Government	An act by an employee to collect money owing to the Government which results in the Government losing income.
3	Improper payment of Government funds	An act by an employee or employees that involve the use of Government funds to make payment for goods or services not approved by the relevant authority or was made in an incorrect amount (over payments and underpayment).
4	Loss or deficiency of Government money	An act by an employee or employees that results in loss or shortage of the expected money by the Government .
5	Dishonest Conduct, and Sub-Standard Performance	Any act as already defined in this Section under Dishonest Conduct, and Sub-standard Performance will also apply under mismanagement.
INDISCIPLINE, IMPROPER, OR DISORDERLY BEHAVIOUR		
1	Refusal to Obey Lawful Instructions	Deliberate refusal by an employee to carry out a lawful instruction given by a person in authority.

S/N	Offence	Definition
2	Failure to obey Lawfull nstructions	Failure by an employee to obey lawful instructions given by a person in authority.
3	Non-compliance with Established Procedures or Standing Instructions	(i) Any act by an employee leading to failure to follow established procedures and/or standing instructions. (ii) An act or conduct that disregards the authorized method or practice in performing a task, duty or obligation. (iii) An act or conduct that disregards lawful and reasonable instructions and established Government or protocol in the performance of duties.
4	Refusing to work overtime	Refusal by an employee to work overtime when required to do so by a person in authority, in line with the Terms and Conditions of Service for the Government.
5	Unethical Conduct by Government employee	Conduct by an employee which does not conform with the Code of Ethics for the Public Service. one's profession, dignity, integrity or which brings the Government into disrepute.
6	Use of Abusive Language	(i) The uttering of any words or gestures that are insulting or belittling in nature of any form. (ii) The act of an employee being rude discourteous, impolite or disrespectful to fellow employees or clients.
7	Discrimination	An act of unfair, unjust, prejudicial or mistreatment on the basis of sex, race, religion, place of origin or colour.

S/N	Offence	Definition
8	Tribalism and Hate Speech	(i) An act to discriminate or disadvantage anyone on the basis of a tribe. (ii) Abusive or threatening speech that expresses prejudice against a particular person or group on the basis of tribe.
9	Insubordination	(i)An act of disobedience, defiance and non-compliance by an employee to a superior officer's reasonable or lawful instructions; or (ii) An act of insolence towards anyone in authority by an employee, shown by demeanour, action or words.
10	Disorderly Behaviour (horseplay)	An act of indulging in rough or unruly behavior or practical jokes and insolent gestures whether or not such behavior endangers the safety or health of others or the smooth running of the work place.
11	Threatening violence	(i) Any act of physical conduct by an employee that is forceful, disruptive, disorderly or rowdy. This includes threatening to do physical injury to any person at the place of work. (ii) Physical or verbal act tending to instill fear or apprehension in other employees or third parties.
12	Fighting on duty	The use of physical violence or combat by an employee against other employees or third parties

S/N	Offence	Definition
13	Attempted Assault or Assault on duty	The act of attempting to cause bodily harm or injury or causing bodily harm to any person at the place of work.
14	Riotous behaviour	Where an employee in agreement with one or more persons, engages in or incites a group of persons to indulge in disorderly behavior or to willfully damage Government property.
15	Causing road traffic accident due to negligence	Causing road traffic accident due to negligence, failure to observe road traffic safety rules and regulations or due to disorderly conduct while driving Government or private vehicle.
16	Reporting for work under the influence of alcohol or narcotic drugs or psychotropic substances	An act were an employee reports for work whilst under the influence of alcohol, and/ or narcotic drugs and psychotropic substances as ascertained by a Registered Medical Practitioner.
17	Being in possession of alcohol, narcotic drugs and/or psychotropic substances and containers thereof.	Being in possession of alcohol, and/or narcotic drugs and psychotropic substances and containers or any other objects for administration of illicit drugs.
18	Being under the influence of drugs or alcohol during working hours	State of intoxication induced by alcohol or illicit drugs on Government premises as shown by one's abnormal behavior and performance of duties. This must be verified by laboratory tests by a recognized Government .

S/N	Offence	Definition
19	Drinking alcoholic beverages whilst on duty (except at officially authorized functions)	Taking alcoholic beverages by an employee whilst on duty.
20	Refusal to be tested for intoxication.	An act were an employee refuses or runs away from being taken to be breathalysed or tested by a Registered Practitioner or Law Enforcement Agents when suspected to be under the influence of alcohol, and/ or narcotic drugs and psychotropic substances.
21	Playing games on electronic gadgets during working hours	The unauthorized use of electronic gadgets by playing games and other unauthorised usage during working hours.
22	Producing and/or Circulating pornographic or illicit materials on social media	Producing and/or circulating any pornographic and illicit materials or acts via any form of social media.
23	Illegal access to computer	The unauthorized accessing of a computer by an employee or using another person's computer or password to access data, whether or not such data is restricted.
24	Illegal modification of computer systems, information or software	The unauthorized changing or modification of computer systems, information and software.
25	Using Government time for personal gain.	The use of Government time or resources by an employee to pursue private work or assignments for personal gain.
26	Sabotage or malicious damage to Government property.	Deliberately or wilfully causing damage to Government property .

9. **Category B Offences**

S/N	Offence	Definition
BRIBERY, CORRUPTION, THEFT, FRAUD AND MISAPPROPRIATION		
1	Bribery and Corruption	(i) The act by an employee of giving, receiving or attempting to give or receive illegitimately any money, goods or services inconsistent with one's duties or the rights of others.
		(ii) The act by an employee of offering or accepting of a payment in cash or in kind in return for favours.
2	Theft	The act by an employee of stealing, removing or being found in possession of Government property without authority.
3	Fraud	(i) The act by an employee of falsifying or changing or attempting to change any document with fraudulent intent. (ii) The act by an employee of uttering or attempting to utter fraudulent or false documents.
4	Misappropriation	The act where an employee attempts to apply or applies wrongfully or dishonestly any funds, assets or property belonging to the Government.
BREACH OF TRUST AND CONFIDENTIALITY		
1	Unauthorized press statements	The act by an employee of issuing unauthorized press statements to the public or mass media on Government business

S/N	Offence	Definition
2	Unauthorized disclosure of information	The act by an employee to reveal priviledged information to unauthorized persons
3	Disloyalty	The act by employee of doing or saying things that do not support the organization or tarnish its image.
SEXUAL HARRASSMENT		
1	Indecent Dressing	Sleeveless tops, body revealing and transparent clothes, shorts, body fitting, tight attires, mini skirts and men wearing ear rings, sagging and ripped jeans which could be construed to seduce or entice the opposite sex and may corrupt the mind of an officer.
2	Seductive sexual advances	An act by an employee of making unsolicited sexual comments, indecent assault, looks, suggestions, physical contact or other gestures of a sexual nature which one finds objectionable or offensive or which cause discomfort in one's job or interferes with work performance or a conducive work environment.
3	Sexual bribery	An act by an employee of soliciting, or attempting to solicit and/or offering sexual activities for a reward.
4	Sexual threat or coercion	An act by an employee of procuring or attempting to procure sexual activity by threats of violence and/or victimization.
5	Sexual imposition	An act by an employee of using forceful behaviour or assault in an attempt to gain physical sexual contact.

S/N	Offence	Definition
6	Rape	An act of having sexual intercourse without the consent of the victim.
7	Sexual Relationship with a Learner or pupil	When any public officer impregnants, or engages in a sexual relationship with a pupil.
ILLEGAL TAPING AND RECORDING OF CONVERSATIONS		
1	Taping and recording of conversations	Unlawful recording of official or non-official conversations or a meeting for purposes of implicating, sabotaging, or defaming fellow employees.
UNAUTHORISED PRINTING OF OFFICIAL DOCUMENTS		
1	Unauthorised printing of official documents	An act by an employee of printing official documents without the authority of the Responsible Officer. This includes photocopying, scanning or re-production of official documents.
UNAUTHORISED CIRCULATION OF OFFICIAL DOCUMENTS		
1	Unauthorised Distribution and Circulation of official documents	An act by an employee of distributing or circulating official documents without the authority of the Responsible Officer. This includes distribution by social media or any other means.

PENALTIES FOR THE OFFENCES

VERBAL (UNRECORDED) WARNING

10. A Verbal Warning is:

(a) (i) A penalty given to an employee for minor offences and usually for first breaches; and

(ii) The least serious formal disciplinary action that may be taken against an employee.

Verbal (Unrecorded) Warning

Supervisor to Communicate nature of offence to the employee

(b) When issuing the verbal warning, the Supervisor shall formally talk to the employee on the nature of the offence, the need for behaviour change and warn against repetition.

(c) The Supervisor may maintain a record for reference in the Occurrence Book but no copy is maintained in the Employee's Personal File.

Duration of a verbal warning

(d) A verbal warning shall remain in force for a period of six (6) months.

Offences warranting unrecorded warning

10.1 *(a)* A verbal (unrecorded) warning may be given by a Supervising Officer for a first offence of:

(i) Reporting late for work;

(ii) Leaving work place early;

(iii) Leaving workplace without permission;

(iv) Idling on duty;

(v) Loitering on duty;

(vi) Sleeping on duty;

(vii) Reporting late back from leave but not exceeding ten (10) working days;

(viii) Carrying unauthorized passengers in the Government vehicle;

(x) Failure to obey lawful instructions;

(xi) Refusal to work overtime;

(xii) Reporting for work under the influence of alcohol or narcotic drugs or psychotropic substances;

(xiii) Playing games on electronic gadgets during working hours; and

(xiv) Indecent Dressing Unrecorded warning not to be entered on an employee's disciplinary record.

unrecorded warning not to be entered on the employees disciplinary record

(b) When an unrecorded warning is given to an employee, the Supervising Officer shall not complete a charge form, in which case there will be no entry made on the employees disciplinary record.

Written (Recorded) Warning

10.2 A Written (Recorded) Warning is instituted:

Application of written warning

(a) instituted for repeated violation of rules outlined in the Terms and Conditions of Service and the Disciplinary Code. This will also apply in instances where an employee is serving a verbal warning.

Offences that warrant written (recorded) warning

(b) instituted as a penalty following a disciplinary hearing for serious offences such as:

(i) Absenteeism for periods up to two (2) days;

(ii) Reporting late for work;

(iii) Leaving work place early;

(iv) Leaving work place without permission;

(v) Idling on duty;

(vi) Loitering on duty;

(vii) Sleeping on duty;

(viii) Refusing to work overtime;

(ix) Failure to obey lawful instructions;

(x) Negligence of duty;

(xi) Poor supervision;

(xii) Sub-standard performance;

(xiii) Incompetence;

(xiv) Carelessness;

(xv) Loafing;

(xvi) Disregarding health and/or safety or security rules;

(xvii) Inefficiency; and

(xviii) Untrustworthiness.

(xix) Misuse of Government property;

(xx) Driving Government vehicle without competence certificate;

(xxi) carrying unauthorized passengers on Government vehicles;

(xxii) Permitting unauthorized person(s) to drive Government vehicle;

(xxiii) misuse of Government Property;

(xxiv) non-compliance with established procedures or Standing Instructions;

(xxv) reporting for work under the influence of alcohol or narcotic drugs or psychotropic substances;

(xxvi) being under the influence of narcotic drugs or alcohol during working hours;

(xxvii) Playing games on electronic gadgets during working hours;

(xxviii) using Government time for personal gain;

(xxix) indecent dressing; and

(xxx) seductive sexual advances.

(c) instituted to help the employee's change of behaviour and improve work performance.

Duration of written warning

10.2.1 A written warning shall last for six (6) months during which period more severe disciplinary action shall be taken should further breach of the same type of offence occur.

Severe Warning

10.3 *(a)* A severe warning is given for a repetition of the same offence during a period a written warning is still in effect or for a serious first offence.

(b) A severe warning may be given by a Supervising Officer for a first offence of:

(i) refusal to obey lawful instructions;

(ii) using Government time for personal gain;

(iii) indecent dressing; and

(iv) insubordination.

Final Written Warning

10.4 A Final Written Warning is instituted:

Imposition of Final written warning

(a) instituted for persistent and unsatisfactory behavior as an alternative to discharge.

(b) instituted when an employee who is on severe warning commits another offence which is serious to justify discharge.

(c) instituted for repetition of the same offence during a period when a severe warning to an employee is still in force.

Offences that warrant Final written warning

(d) instituted as a penalty following a disciplinary hearing for a first offence of the following nature:

(i) regular absence from duty but not exceeding ten (10) days;

(ii) absenteeism for periods up to two (2) days;

(iii) absenteeism of more than two (2) consecutive days but less than ten (10) days;

(iv) reporting late for work;

(v) leaving workplace early;

(vi) leaving workplace without permission;

(vii) idling on duty;

(viii) loitering on duty;

(ix) sleeping on duty;

(x) negligence of duty;

(xi) poor supervision;

(xii) sub standard performance;

(xiii) incompetence;

(xiv) carelessness;

(xv) loafing;

(xvi) disregarding health and/or safety or security rules;

(xvii) inefficiency;

(xviii) untrustworthiness;

(xix) misuse of Government property;

(xx) carrying unauthorized passengers on Government vehicle;

(xxi) driving Government vehicle without competence certificate;

(xxii) permitting unauthorized person(s) to drive Government vehicle;

(xxiii) using Government time for personal gain;

(xxiv) refusal to obey lawful instructions;

(xxv) failure to obey lawful instructions;

(xxvi) refusing to work overtime;

(xxvii) non-compliance with Established Procedures or Standing Orders;

(xxviii) Insubordination;

(xxix) reporting for work under the influence of alcohol or narcotic drugs or psychotropic substances;

(xxx) being under the influence of narcotic drugs or psychotropic substances during working hours;

(xxxi) gross negligence of duty resulting in loss of Government Funds, property or damage to property;

(xxxii) negligent failure;

(xxxiii) conduct contrary to set standards;

(xxxiv) deceit;

(xxxv) issuing unauthorized press statements to the Public;

(xxxvi) failure to declare interest;

(xxxvii) negligent loss;

(xxxviii) negligent damage;

(xxxix) using abusive language;

(xl) discrimination;

(xli) tribalism and Hate Speech;

(xlii) disorderly behavior (horseplay);

(xliii) threatening violence;

(xliv) causing road traffic accident due to negligence;

(xlv) producing and/or circulating pornographic or illicit materials on social media;

(xlvi) playing games on electronic gadgets during working hours;

(xlvii) illegal access to computer;

(xlviii) unauthorised press statements;

(xlix) indecent dressing;

(l) seductive sexual advances; and

(li) sexual threat or coercion.

(e) Instituted as a penalty following a disciplinary hearing for offences in circumstances highlighted in *(a)* to *(c)* above.

Duration of final written warning

(f) A final written warning shall be effective for a period of six (6) months.

Alerts that repeated breach results in dismissal

(g) This warning alerts and forewarns the employee that the next action for repeated breach of the same offence is dismissal.

(h) A copy of the letter of Final Written Warning is kept on the Employee's Personal File.

Applicaable period of final warning

(i) An employee must be informed in writing of the applicable period for the final warning.

Head of Department/ Responsible Officer to issue final warning

(j) Only a Head of Department or Responsible Officer can institute a final written warning.

Surcharge

Definition of surcharge

10.5 *(a)* This is a fine instituted on an employee for loss of Government funds or property and for damage Government property.

Offences warranting a Surcharge

(b) A surcharge shall be instituted for the following offences:

(i) gross negligence of duty resulting in loss of Government funds, property or damage to Government property;

(ii) negligent failure;

(iii) negligent loss;

(iv) negligent damage;

(v) willful loss;

(vi) willful damage;

(vii) misuse of Government property;

(viii) failure to collect money owing to the Government;

(ix) improper payment of Government funds;

(x) loss of Government money; and

(xi) causing road traffic accident due to negligence.

(c) Only the Responsible Officer can institute a surcharge on the recommendation from the Human Resources Management Committee.

Responsible Officer to surcharge

(d) In instances where an employee is dismissed and surcharge is instituted, this shall be paid from the terminal benefits.

Forefeiture of Terminal Benefits on Surcharge

Demotion

10.6 *(a)* This is a sanction instituted on an employee for persistent poor work performance and where an employee is unable to meet the requirements of his or her present job but is otherwise suitable fo continued employment in a lower capacity.

Definition of demotion

(b) Notwithstanding *(a)* above, a demotion may also be instituted for the following offences:

(i) negligence of duty;

(ii) poor supervision;

(iii) sub-standard performance; and

(iv) inefficiency.

(c) Demotion may only be sanctioned when there is an approved, funded and vacant post at a lower level within the Government.

Demotion to be sanctioned where there is an approved and funded position

(d) Only the Responsible Officer can institute a demotion onrecommendation from the Human Resource Management Committee.

Discharge

Application of discharge

10.7 *(a)* A discharge is applied:

(i) when an employee who is on severe or final warning commits another offence which is serious to justify discharge; and

(ii) for repetition of the same offence during a period when a severe or final warning to an employee is still in force.

Repeated offence that warrant discharge

(b) Discharge shall be applied for the following offences where (a) above has been instituted but failed:

(i) absenteeism of more than two (2) consecutive days but less than ten (10) days;

(ii) loafing;

(iii) inefficiency;

(iv) carrying unauthorized passengers in Government vehicle;

(v) driving Government vehicle without competence certificate;

(vi) permitting unauthorized person(s) to drive Government vehicle;

(vii) refusing to work overtime;

(viii) insurbordination;

(ix) playing games on electronic gadgets during working hours;

(x) unauthorised press statements; and

(xi) indecent dressing.

(c) Only the Responsible Officer can sanction a discharge on the recommendation of the Human Resource Management Committee.

(d) This is the final sanction given when other forms of disciplinary actions have failed or when an officer on final warning commits any offence. The employer shall give three (3) months' notice or one (1) month pay in lieu of notice.

Employee to give reasonable notice

Dismissal

10.8 *(a)* A dismissal is:

(i) the final sanction given when other forms of disciplinary actions have failed or when an employee on severe or final warning commits another offence which is serious to justify dismissal;

Definition of a dismissal

(ii) applied in instances were there is repetition of the same offence during a period when a severe or final warning to an employee is still in force; and

Application of dismissal

(iii) applied where an employee has been found to be in serious breach of the Disciplinary Code.

(b) Dismissal shall be applied for the following offences where (a) above has been instituted but failed:

Offences warranting dismissal

(i) Regular absence from duty but not exceeding ten (10) days;

(ii) absenteeism for periods up to two (2) days;

(iii) absenteeism of more than two (2) consecutive days but less than ten (10) days;

(iv) eporting late for work;

(v) leaving workplace early;

(vi) leaving workplace without permission;

(vii) idling on duty;

(viii) loitering on duty;

(ix) sleeping on duty;

(x) negligence of duty; sub-standard performance;

(xi) incompetence;

(xii) carelessness; gross negligence of duty resulting in loss of Government funds, property, or damage to Government property;

(xiii) negligent failure;

(xiv) disregarding health and/or safety or security rules;

(xv) conduct contrary to set standards;

(xvi) deceit;

(xvii) untrustworthiness issuing unauthorized press statements to the public; or posting unauthorized statements through mass media or social media on Government business;

(xviii) disclosure of confidential information;

(xix) misuse of Government property;

(xx) financial mismanagement;

(xxi) failure to collect money owing to the Government;

(xxii) Improper payment of Government funds;

(xxiii) loss of Government money;

(xxiv) refusal to obey lawful instructions;

(xxv) failure to obey lawful instructions;

(xxvi) non-compliance with Established Procedures or Standing Instructions;

(xxvii) use of abusive language;

(xxviii) discrimination;

(xxix) tribalism and hate speech;

(xxx) disorderly Behaviour (horseplay);

(xxxi) threatening violence;

(xxxii) causing road traffic accident due to negligence;

(xxxiii) reporting for work under the influence of alcohol or narcotic drugs or psycotropic substances;

(xxxiv) being under the influence of narcotic drugs or alcohol during working hours;

(xxxv) producing and/or circulating pornographic or illicit materials on social media;

(xxxvi) illegal access to computer;

(xxxvii) using Government time for personal gain;

(xxxviii) seductive sexual advances; and

(xxxix) sexual threat or coercion.

(c) Only the Responsible Officer can sanction a dismissal on the recommendation of the Human Resource Management Committee.

(d) No notice or pay in lieu thereof, shall apply under this form of separation.

Summary Dismissal

(a) Summary Dismissal is the first and final sanction. Definition of summary dismissal

(b) Summary Dismissal shall be applied for the following offences: Application of summary dismissal

(i) desertion;

(ii) absence from duty for a consecutive period of ten (10) days or more;

(iii) disclosure of confidential information;

(iv) misappropriation;

(v) theft;

(vi) bribery and Corruption;

(vii) fraudulent misrepresentation;

(viii) failure to declare interest;

(ix) engaging in outside employment;

(x) abuse of office;

(xi) illegal strike action;

(xii) incitement to strike;

(xiii) intimidation;

(xiv) sabotage;

(xv) wilful loss;

(xvi) wilful damage;

(xvii) dishonest conduct;

(xviii) unethical conduct by Government employee;

(xix) fighting on duty;

(xx) attempted assault or assaulton duty;

(xxi) riotous behavior;

(xxii) being in possession of alcohol, narcotic drugs and/or psychotropic substances and containers thereof;

(xxiii) drinking alcoholic beverages whilst on duty (except at officially authorized functions);

(xxiv) refusal to be tested for intoxication;

(xxv) unauthorised modification of computer systems, information or software;

(xxvi) sabotage or malicious damage to Government property;

(xxvii) bribery and Corruption;

(xxviii) theft;

(xxix) fraud;

(xxx) misappropriation;

(xxxi) unauthorised disclosure of classified information;

(xxxii) disloyalty;

(xxxiii) sexual Bribery;

(xxxiv) sexual Imposition;

(xxxv) rape;

(xxxvi) sexual relationship with a Learner or pupil

(xxxvii) taping and recording of conversations;

(xxxviii) unauthorised Printing of official documents; and

(xxxix) unauthorised distribution and circulation of official documents.

(c) Summary Dismissal shall be sanctioned in an event where the officer is convicted by a court of law for a criminal offence.

(d) Only a Service Commission or Responsible Officer may sanction a Summary Dismissal.

(e) No notice or pay in lieu thereof, shall apply under this form of separation.

No notice or pay in lieu for summary dismissal

SCHEDULE OF PENALTIES AND SANCTIONS

11. ABSENTEEISM					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Regular absence from duty but not exceeding ten (10) days	Final Written Warning and loss of pay for the days absent	Dismissal	-	-	-
Absence from duty For a consecutive period of ten (10) days or more	Summary dismissal	-	-	-	-
Absenteeism for periods up to two (2) days	Written Warning and loss of pay for two (2) days	Final Written Warning and loss of pay for two days	Dismissal	-	-
Absenteeism of more than two (2) consecutive days but less than ten (10) days	Final Written Warning and loss of pay equivalent to the days absent	(i) Dismissal (ii)Discharge in case of Zambia Police Service and Zambia Correctional Service	-	-	-
Desertion	Summary dismissal	-	-	-	-

POOR TIME - KEEPING AND UNAUTHORISED ABSENCE					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Reporting late for work	Verbal warning	Written Warning	Final Written Warning	Dismissal	-
Leaving work place early	Verbal warning	Written Warning	Final Written Warning	Dismissal	-
Leaving work place without permission	Verbal warning	Written Warning	Final Written Warning	Dismissal	-
Idling on duty	Verbal warning	Written Warning	Final Written Warning	Dismissal	-
Loitering on duty warning	Verbal Warning	Written Written	Final Dismissal Warning	-	
Sleeping on duty warning	Verbal Warning	Written Written	Final Warning	Dismissal	-
SUB-STANDARD PERFORMANCE					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Negligence of duty	Written Warning	Final Written Warning	demotion	Dismissal	-
Poor supervision	Written warning	Final written Warning	demotion	Discharge	-
Sub-standard performance	Written warning	Final written warning	demotion	Dismissal	-

SUB-STANDARD PERFORMANCE—*Cont.*					
Incompetence	Written Warning	Final Written Warning	Dismissal	-	-
Gross negligence of duty resulting in loss of Government funds or property, or damage to Government property.	Final Written warning plus surcharge	Dismissal plus surcharge	-	-	-
Carelessness	Written warning	Final written warning	Dismissal	-	-
Loafing	Written Warning	Final Written Warning	Discharge	-	-
Negligent Failure	Final Written Warning. If there is any loss, surcharge	Dismissal	-	-	-
Disregarding health and/or safety or security rules	Written Warning	Final Written Warning	Dismissal	-	-
Inefficiency	Written warning	Final written warning	Demotion	Discharge	-

DISHONEST CONDUCT					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Conduct contrary to set standards	Final Written warning	Dismissal	-	-	-
Deceit	Final written warning	Dismissal	-	-	-
Untrust-worthiness	Written warning	Final Written warning	Dismissal	-	-
Issuing unauthorized press statements to the public.	Final written warning	Dismissal	-	-	-
Disclosure of confidential information	Summary dismissal	-	-	-	-
Misuse of Government property	Written warning	Final written warning	Dismissal	-	-
Carrying unauthorized passengers on Government vehicle	Verbal warning	Written warning	written Warning	Discharge	-
Driving Government vehicle without competence certificate	Written warning	Final written warning	Discharge	-	-

DISHONEST CONDUCT—*Cont.*					
Misappro-priation	Summary Dismissal	-	-	-	-
Permitting unauthorized person(s) to drive Government vehicle.	Written warning	Final Written warning	Discharge	-	-
Theft	Summary Dismissal	-	-	-	-
Bribery and corruption	Summary Dismissal	-	-	-	-
Fraudulent misre-	Summary Dismissal	-	-	-	-
presentation					
Failure to declare interest	Final Written Warning	Summary Dismissal	-	-	-
Engaging in outside employment.	Summary Dismissal	-	-	-	-
Abuse of office	Summary Dismissal	-	-	-	-
ILLEGAL INDUSTRIAL ACTION					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Illegal strike action	Summary Dismissal	-	-	-	-
Incitement to strike	Summary Dismissal	-	-	-	-
Intimidation	Summary Dismissal	-	-	-	-
Sabotage	Summary Dismissal	-	-	-	-

LOSS, DAMAGE AND MISUSE OF GOVERNMENT PROPERTY					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Negligent Loss	Final Written warning plus surcharge	Dismissal plus surcharge	-	-	-
Negligent Damage	Final Written warning plus surcharge	Dismissal plus surcharge	-	-	-
Wilful Loss	Summary Dismissal plus surcharge	-	-	-	-
Wilful Damage	Summary Dismissal plus surcharge	-	-	-	-
Misuse of Government Property	Written warning	Final Written warning	Dismissal plus surcharge	-	-
FINANCIAL MISMANAGEMENT					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Financial Mismanag-ement	Dismissal	-	-	-	-
Failure to collect money owing to the Government	Surcharge	Dismissal and surcharge	-	-	-

FINANCIAL MISMANAGEMENT—*Cont.*					
Improper payment of Government Funds	Surcharge	Dismissal and surcharge	-	-	-
Loss of Government Money Dishonest Conduct,	Surcharge Summary Dismissal	Dismissal and surcharge	-	- -	
INDISCIPLINE, IMPROPER OR DISORDERLY BEHAVIOUR					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Refusal to Obey Lawful Instructions	Severe warning	Final Written warning	Dismissal	-	-
Failure to obey Lawful Instructions	Verbal warning	Written warning	Final Written warning	Dismissal	-
Non-compliance with Established Procedures or Standing Instructions	Written warning warning	Final Written	Dismissal	-	-
Refusing to work overtime	Verbal warning	Written warning	Final Written warning	Discharge	-
Unethical Conduct by Government employee	Summary Dismissal	-	-	-	-

INDISCIPLINE, IMPROPER OR DISORDERLY BEHAVIOUR—*Cont.*					
Using Abusive Language	Final written warning	Dismissal	-	-	-
Discrimination	Final Written Warning	Dismissal	-	-	-
Tribalism and Hate Speech	Final written Warning	Dismissal	-	-	-
Insubordi-nation	Severe warning	Final Written warning	Discharge	-	-
Disorderly Behaviour (horseplay)	Final Written warning	Dismissal	-	-	-
Threatening violence	Final Written warning	Dismissal	-	-	-
Fighting on duty	Summary Dismissal	-	-	-	-
Attempted Assault or Assault on duty	Summary Dismissal	-	-	-	-
Riotous behaviour	Summary Dismissal	-	-	-	-
Causing and traffic accident due to negligence	Final written warning and surcharge	Dismissal and surcharge	-	-	-

INDISCIPLINE, IMPROPER OR DISORDERLY BEHAVIOUR—*Cont.*					
Reporting for work under the influence of alcohol or narcotic drugs or psychotropic substances	Verbal warning and counselling	Written warning and possible rehabilitation	Final written warning	Dismissal	-
Being in possession of alcohol, narcotic drugs and/or psychotropic substances and containers thereof.	Dismissal				
Being under the influence of narcotic drugs or alcohol during working hours	Written warning	Final written warning	Dismissal	-	-
Drinking alcoholic beverages whilst on duty (except at officially authorized functions)	Summary dismissal	-	-	-	-
Refusal to be tested for intoxication	Summary Dismissal	-	-	-	-

INDISCIPLINE, IMPROPER OR DISORDERLY BEHAVIOUR—*Cont.*					
Playing games on electronic gadgets during working hours	Verbal warning	Written warning	Final written warning	Discharge	-
Producing and/or Circulating pornographic or illicit materials on social media	Final written warning	Dismissal	-	-	-
Illegal access to computer	Final written warning	Dismissal	-	-	-
Unauthorised modification of computer systems, information or software	Summary Dismissal	-	-	-	-
Using Government time for personal gain	Written warning	Severe warning	Final written warning	Dismissal	-
Sabotage or malicious damage to Government property	Summary Dismissal	-	-	-	-

BRIBERY, CORRUPTION, THEFT, FRAUD AND MISAPPROPRIATION					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Bribery and Corruption	Summary Dismissal	-	-	-	-
Theft	Summary Dismissal	-	-	-	-
Fraud	Summary Dismissal	-	-	-	-
Misappro-priation	Summary Dismissal	-	-	-	-
BREACH OF TRUST AND CONFIDENTIALITY					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Unauthorized press statements	Final written warning	Discharge	-	-	-
Unauthorized disclosure of classified information	Summary dismissal	-	-	-	-
Disloyalty	Summary Dismissal	-	-	-	-
SEXUAL HARRASMENT					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Indecent Dressing	Severe warning	written warning	Final Written warning	Discharge	
Seductive sexual advances	Written warning	Final written warning	Dismissal	-	-

SEXUAL HARRASMENT—*Cont.*					
Sexual bribery	Summary Dismissal	-	-	-	-
Sexual threat or coercion	Final written warning	Dismissal	-	-	-
Sexual imposition	Summary Dismissal	-	-	-	-
Rape	Summary Dismissal	-	-	-	-
Sexual Relationship with a Learner or pupil	Summary dismissal	-	-	-	-
ILLEGAL TAPING AND RECORDING OF CONVERSATION					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Taping and recording of conversations	Summary Dismissal	-	-	-	-
UNAUTHORIZED PRINTING OF OFFICIAL DOCUMENTS					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Unauthorised Printing of official documents	Summary Dismissal	-	-	-	-
UNAUTHORISED CIRCULATION OF OFFICIAL DOCUMENTS					
Offence	*1st Breach*	*2nd Breach*	*3rd Breach*	*4th Breach*	*5th Breach*
Unauthorised Distribution and circulation of official documents	Summary Dismissal	-	-	-	-

SUSPENSION FROM DUTY

Mandatory Suspension

Suspension for committing a serious offence or violation of this Code

12. *(a)* (i) An employee shall be suspended immediately and removed from the place of work if the employee is alleged to have committed or have been involved in committing a serious offence or violation of the provisions in the Disciplinary Code;

Reasons for suspension

(ii) The suspension is effected in order to allow for investigations into the matter or processing of the disciplinary case, and to ensure that an employee's presence does not lead to a disturbance in the process;

Steps to be taken by the Supervising Officer

(iii) Where an employee has been suspended pending investigations, the Supervising Officer will take immediate steps to ensure speedy commencement and conclusion of the investigations and report the findings to the Responsible Officer within a month after the suspension.

Rights to a hearing before further determination by the Human Resource Management Committe

(iv) Once investigations are concluded and it has been found that the employee is in breach of the Code, the employee should be accorded a chance to a hearing before further determination of the case by the Human Resources Management Committee.

Exonerated employees to be informed

(v) Where an employee is found not to be in breach of the Code, the Responsible Officer should inform him or her accordingly, lift the suspension immediately.

Offences that warrant suspension

(b) The following offences may warrant the disciplinary Authority to suspend an erring employee:

(i) Absence from duty for a consecutive period of ten (10) days of more;

(ii) Desertion;

(iii) Abscondment;

(iv) Gross negligence of duty resulting in loss of Government funds or property or damage to Government property;

(v) Disclosure of confidential information;

(vi) Misappropriation;

(vii) Theft;

(viii) Bribery and corruption;

(ix) Fraudulent misrepresentation;

(x) Failure to declare interest;

(xi) Engaging in a competing business enterprise;

(xii) Abuse of office;

(xiii) Ilegal strike action;

(xiv) Incitement to strike;

(xv) Intimidation;

(xvi) Sabotage;

(xvii) Wilful loss;

(xviii) Wilful damage;

(xix) Dishonest conduct, indiscipline, disorderly behaviour and sub standard performance;

(xx) Unethical conduct by Government employee;

(xxi) Fighting on duty;

(xxii) Attempted assault or assault on duty;

(xxiii) Riotous behaviour;

(xxiv) Drinking alcoholic beverages whilst on duty (except on officially authorised functions);

(xxv) Illegal modification of computer systems, information or software;

(xxvi) Sabotage or malicious damage to Government property;

(xxvii) Disloyalty;

(xxviii) Sexual bribery;

(xxix) Sexual imposition;

(xxx) Rape;

(xxxi) Taping and recording of conversations;

(xxxii) Unauthorised printing of documents; and

(xxxiii) Unauthorised distribution and circulation of Government official documents.

Responsible Officer to be informed of offences likely to warrant disciplinary proceedings

(c) Where it comes to the notice of a disciplinary Authority that an ordinary or criminal offence likely to warrant disciplinary proceedings may have been committed by an employee, the disciplinary Authority shall inform the Responsible Officer.

Suspension in Public Interest

(d) The Responsible Officer shall upon receiving the notice in *(c)* above, suspend an employee from exercising the powers and functions of the office, if the Responsible Officer is satisfied that Government so requires.

(e) Where the Responsible Officer suspends an employee under this Code, the Responsible Officer shall notify the employee in writing of the reason(s) thereof.

Notification and reasons for suspension

(f) Subject to the provisions of *(a)* above, the suspension of an employee shall have effect during the period and in accordance with the conditions as the Responsible Officer shall specify by notice in writing to the employee.

Suspension to be in accordance with the conditions specified

(g) Provided that, where it appears expedient, the Responsible Officer may at any time during such period abridge or extend the period by further notice in writing to the employee.

Extension of suspension period

(h) An employee who is suspended under *(a)* above shall, during the period of suspension, receive the full pay he or she is entitled to.

Full Pay on Suspension

(i) An employee who is suspended under this Code, shall not leave Zambia without the permission of the Responsible Officer during the period of suspension.

Travel abroad while on suspension

(j) Where investigations are instituted against an employee who is on suspension and it is revealed that the case does not warrant prosecution, the Responsible Officer shall be informed accordingly.

(k) Upon receipt of notification in *(j)* above, the Responsible Officer shall lift the employee's suspension. However, nothing in this Code shall prevent the Responsible Officer from referring the matter to the Human Resources Management Committee for further determination on any other charges arising out of the employee's conduct in the matter.

Lifting of suspension following criminal investigation

PUNITIVE SUSPENSION

Application of punitive suspension

13. *(a)* Punitive Suspension:

Punitive suspension as an additional measure

(i) May be used where a severe or a final warning alone is inadequate and should not be used in isolation.

(ii) Is not a step procedure under the Disciplinary Code but an additional measure that may be applied to reenforce such warning.

Punitive suspension to be instituted

(b) A Service Commission or the Responsible Officer may institute punitive suspension for a period not exceeding thirty (30) days if necessary.

PART V

PROCEDURE FOR HANDLING OFFENCES

14. Counselling and Corrective Action—

Record of Counselling not to be maintained on an employee's file

(a) In the administration of discipline, supervising officers, where necessary, may consider providing counsel to erring employees. In such instances there shall be no entry made on the employees' Disciplinary Record.

Application of Counselling and corrective action

(b) Counselling and corrective action may apply to first time offenders for ordinary offences to be determined by the Responsible Officer or the Disciplinary Authority in liaison with the Human Resource Department or Unit.

Action to prevent recurrence of the offence

(c) The supervising officer may also institute necessary corrective actions to prevent recurrence of the offence.

Initiation of disciplinary process

15. *(a)* The Disciplinary process shall be initiated by the immediate supervisor who as the charging officer shall ensure that the relevant section of the charge form is correctly and promptly completed. The charge form should then be submitted without delay to the Disciplinary Authority who shall:

(i) Deal with it in accordance with this Code if the case falls within his or her competency and jurisdiction;

(ii) Refer the matter to the Human Resource Department or the officer dealing with human resource management for onward submission to the Human Resource Management Committee for determination; and

(iii) The Human Resource Management Committee shall submit to the Responsible Officer for further determination in accordance with this Code.

Action by Supervising Officer

16. *(a)* When an employee is alleged to have breached the Terms and Conditions of Service and this Code, the immediate supervising officer will initiate investigations and:

(i) dismiss the allegation;

(ii) give a verbal (unrecorded) warning; or

(iii) issue a formal disciplinary charge in writing against the accused employee.

Employee to be charged immediately

(b) Where an employee has breached the Terms and Conditions of Service and this Code, the Disciplinary Authority shall charge the employee, on the day when the offence occurs or comes to light, but not later than the following working day.

Presentation of charge form

(c) Where an employee has been formally charged in writing, but it is not practicable to prepare and present the charge form during the day on which the alleged offence was committed, then the employee must be told of the charge at the time the charge form is being issued. A charge letter shall be copied to the Responsible Officer and Human Resource Department or Unit.

Exculpation period

(d) An employee charged in *(b)* and *(c)* above, shall be given reasonable time but not exceeding seven working days to exculpate himself or herself.

Case with unsatisfactory exculpatory statements

(e) However, if the exculpatory statement in *(d)* above is not satisfactory, the case should within forty-eight hours be referred to the Human Resource Department or Unit or person charged with the responsibility for handling human resources for onward submission to the Human Resource Management Committee for determination.

(f) Upon receipt of the charge and exculpatory letters, the Human Resource Department, Section, Unit or the employee charged with the responsibility for handling human resource shall ensure that the charge is correct. Thereafter, the Human Resource Department or Unit will thoroughly investigate the case within five (5) working days of receipt and submit its findings to the Human Resource Management Committee for consideration. When investigating a case, the Human Resource Department or Unit shall follow the steps below:

Investigation of case and submission of findings to the Human Resource Management Committee

(i) Record in writing or take written statements from the complainant, the accused and any witnesses on the official statement form. The accused employee must be given the opportunity of naming all those witnesses who he or she thinks are necessary to ensure a fair hearing of the case.

Steps for investigating a case

(ii) If the accused employee refuses to give a statement, this fact shall be recorded on a statement form which the accused employee shall sign and this shall be witnessed. Should the employee persist in his or her refusal to sign any statement, the case will still be heard and decided on the strength of the available evidence.

Decisions on Disciplainry Cases

(iii) Where an accused employee does not respond to the charge letter or does not appear for the meeting called by the Human Resource Department or Unit, the case will still be decided on based on the allegations or available evidence.

(g) (i) When the investigation has been completed, the Human Resource Department or Unit shall raise an appropriate recommendation with all relevant supporting documents attached for consideration by the Human Resource Management Committee;

Date of Hearing

(ii) The Human Resource Management Committee will then set a date for hearing of the case within a period of not more than fourteen (14) working days; and

Storage of case documents

(iii) Employees responsible for handling the case documents are required to ensure that they are kept properly. Failure to secure documents shall be construed as misconduct.

Evidence of grounds to institute disciplinary proceedings

17. *(a)* Where it appears, as a result of its investigations, that there are grounds for instituting disciplinary proceedings other than those in respect for which the employee is charged, the Human Resource Department or Unit shall inform the Human Resource Management Committee in writing about such grounds.

Case hearing

(b) (i) The Human Resource Management Committee shall give a hearing to the accused employee and, if need be, the Disciplinary Authority who initiated the disciplinary process as soon as possible but not later than fourteen (14) working days of receipt of the disciplinary case; and

Failure to attend hearing

(ii) The accused employee shall be informed in writing of the date, place and time he or she is required to appear before the Human Resource Management Committee. If the accused employee without reasonable cause fails to attend two consecutive case hearings after being so instructed, the case shall be determined in the employee's absence.

Hearing Procedure

(c) The procedure to be adopted at the hearing will be as outlined below:

(i) The Human Resource Management Committee shall ascertain that the particulars on the charge form are correct and grounds of appeal are within the confines of the Code;

(ii) The Committee shall then proceed to inform the accused employee of the charge or charges leveled against him or her, and ensure that he or she fully understood the charge(s);

(iii) The accused employee shall then be asked to answer to the charge and permitted to make any further pertinent comments he or she may wish to make, notwithstanding the fact that he or she may already have made a recorded statement;

(iv) If during the course of the hearing, the Human Resource Management Committee finds it necessary to obtain further information, the case shall be adjourned to allow for further investigations to be undertaken. Such investigations shall be carried out as soon as possible but not exceeding a period of fourteen (14) working days after a hearing; and

(v) If the accused employee wishes further evidence to be submitted, this shall also be allowed.

18. *(a)* The Human Resource Management Committee, upon determination of the case, shall make a recommendation to the Responsible Officer within five working days.

Period of submitting the recommendation to the Responsible Officer

(b) Upon receipt of the recommendation of the Human Resource Management Committee, the Responsible Officer shall take action within five (5) working days as follows:

Responsible Officer

(i) If in agreement, effect the recommendations; or

(ii) If not in agreement, refer the case back to the Human Resource Management Committee for reconsideration with reasons; and

Variation of the recommendation by the Responsible Officer

(iii) Where the Responsible Officer decides not to implement a recommendation of the committee made after reconsideration of a matter, the Responsible Officer shall vary the recommendation of the Human Resource Management Committee and inform the employee and the Human Resource Management Committee of the decision within forty-eight (48) hours.

THE RIGHT OF APPEAL

The Right of Appeal

19. Every employee has the right to appeal against a decision which involves an entry on his or her disciplinary record and which may thus affect his or her future advancement or employment prospects.

Appeal to be submitted within 48 hours

20. *(a)* Where the employee is not satisfied with the decision of the disciplinary Authority, he or she shall submit an appeal to the respective Service Commission within thirty(30) days of receipt of the sanction.

(b) Appeal applications must be in writing specifying:

Application of Appeal

(i) whether the appeal is against the finding or the sentence;

(ii) grounds for appeal; and

(iii) a plea in mitigation (if desired).

Appeal hearing

(c) Upon receipt of the appeal, the Human Resource Management Committee or the Responsible Officer shall set a date for the appeals hearing but not exceeding seven (7) working days and inform the appellant accordingly.

(d) The Human Resource Department or Unit shall be the secretariat during the appeal hearing and maintain a record of the proceedings. Secretariat for appeal hearing

21. During the appeal hearing, the accused employee has the right to be accompanied by a person of their choice who can either be a Union representative or any other public Officer to witness the appeal proceedings. The person (s) accompanying the appellant shall not participate in the proceedings unless otherwise invited to comment before a final decision is made. Right to a witness

LEVELS OF APPEAL

22. An employee who wishes to appeal against a disciplinary measure which has been taken against him or her, the procedure to be followed shall be as specified here under: Levels of Appeal

Step 1

First appeal against a recorded warning shall be heard at Head of Department or the next level of the supervising officer as the case may be.

Step 2

First appeal against a severe warning and final warning will be heard by the Responsible Officer.

Step 3

Final appeal against severe warning and final warnings, demotion and dismissal shall be heard by the Responsible Officer.

23. Every determination of the Responsible Officer shall have effect in accordance with the provisions of this Code, and notice in writing thereof shall be given to the appellant. Notice to the appellant

Appeals to the Office of the Public Protector or the Courts of Law

24. An employee may appeal a decision of the Disciplinary Authority to a Service Commission if the employee feels that his or her case has not been fairly dealt with.

25. The decision of the Service Commission shall be final.

PART VI

CRIMINAL PROCEEDINGS

Procedure for handling criminal offences

26. Whenever it comes to the notice of a disciplinary Authority that an offence likely to warrant criminal proceedings may have been committed by an employee, the following procedure shall apply:

(a) The disciplinary Authority shall verify the allegation (s) and inform the Responsible Officer immediately.

(b) Where criminal proceedings are instituted against an employee, the Responsible Officer shall immediately suspend the employee within 48 hours of receipt of the report and in accordance with the provisions of section 11.1 of this Code.

(c) The Responsible Officer in liaison with the Human Resource Management Committee shall review the case and determine whether administrative action should be taken in accordance with the provisions of this Code, or the case be reported to relevant law enforcement agencies for prosecution within forty-eight (48) hours of receipt of the report.

(d) If a decision is made to take the matter to law enforcement agencies, then no further administrative action shall be undertaken until the matter is disposed off by the law enforcement agencies or the Courts of Law.

(e) If the decision is made to take administrative action, then the due disciplinary process as provided for in this Code shall be followed until the conclusion of the case.

SUSPENSION OF AN ACCUSED EMPLOYEE

27. *(a)* The Responsible Officer may suspend an accused employee from exercising the powers and functions of his or her office, if he or she is satisfied that the Government so requires.

Notification of suspension

(b) Where the Responsible Officer suspends an employee under this Code, the employee shall be notified in writing, of the reason(s) thereof.

Travel abroad while on suspension

(c) An accused employee who is suspended shall not leave Zambia without the express permission of the Responsible Officer during the period of the accused employee's suspension.

SUSPENSION OF DISCIPLINARY PROCEEDINGS

28. Where criminal proceedings are instituted against an employee, no disciplinary proceedings shall be instituted against such an employee upon any ground which is the subject of such criminal proceedings, or if such disciplinary proceedings have been instituted, they shall be suspended until the conclusion of such criminal proceedings and the determination of any appeal therefrom.

PROCEDURE AFTER CONVICTION

29. *(a)* Upon the conviction of an accused employee, it shall be the duty of the Responsible Officer to obtain:

(i) a true copy of the charge;

(ii) a certified copy of the judgment of the court by whom such officer was convicted clearly stipulating the decision of the court and the effective date of the sentence; and

(iii) in the case of any appeal, a certified copy of the judgment of any court by whom such appeal was determined.

(b) (i) Where as a result of criminal proceedings, an employee is convicted of an offence, the Responsible Officer on the basis of a recommendation from a Human Resource Management Committee shall dismiss the convicted employee, as the case may be, without taking into account alternative punishment regardless of whether the Courts sanction is a fine, suspended sentence or incarceration; and

Convicted employee to be dismissed

(ii) In case of a Civil matter, a Human Resource Management Committee shall refer the matter to the Responsible officer who may further refer the matter to a Service Commission for determination.

(c) In the event that the conviction is upheld by the appellant court as a result of criminal proceedings, the Responsible Officer on the basis of a recommendation from the Human Resource Management Committee shall dismiss the convicted employee, as the case may be, without taking into account alternative punishment regardless of whether the Courts sanction is a fine, suspended sentence or incarceration.

(d) Where the conviction is as a result of financial mismanagement, any loss of funds incurred by Government shall be recovered from a convicted employee.

Funds to be recovered

30. *(a)* Where, as a result of criminal proceedings, an employee is convicted of an offence likely to warrant disciplinary proceedings for his or her dismissal, the Responsible Officer shall, by notice in writing to such employee, suspend him or her from exercising the powers and functions of his or her office and shall forward copies of such notice to the Disciplinary Authority. This shall be applicable where the employee was not suspended prior to the conviction.

Suspension following criminal conviction

(b) Salary for an employee on suspension to be withheld Where disciplinary proceedings are instituted against an employee who is suspended in *(a)* above, the Responsible Officer shall direct that the salary of such an employee be withheld, as from the date of his or her conviction, pending the determination of such disciplinary proceedings.

PROCEEDINGS AFTER ACQUITTAL ON CRIMINAL CHARGES

Suspension following criminal conviction

31. *(a)* An employee acquitted of a criminal charge in any Courts of Law shall not be dismissed or otherwise punished for any charges upon which he or she has been acquitted; and that nothing in this Code shall prevent his or her being dismissed or otherwise punished on any ther charges arising out of his or her conduct in the matter.

Acquited employee to be re-instated

(b) An employee who is acquitted shall be reinstated in his or her substantive position or redeployed into an equivalent position.

PART VII

ROLE OF HUMAN RESOURCE DEPARTMENT/UNIT, TRADE UNION REPRESENTATIVE OR OTHER GOVERNMENT EMPLOYEE AND HUMAN RESOURCE MANAGEMENT COMMITTEE IN HANDLING DISCIPLINARY CASES

32. The role of the Human Resources Management Department or Unit:

(a) The Human Resources Management Department or Unit shall not charge or institute penalties on employees of the Government, except in respect of their own subordinates.

Human Resource Department or Unit not to institute penalties

(b) The role of the Human Resources Management Department or Unit shall be:

Role of Human Resource Department of Unit

(i) In the case of the Head of Department, be a member of the Human Resource Management Committee;

(ii) Act as Secretariat for the Human Resource Management Committee;

(iii) Facilitate processing of recommendations on disciplinary cases to the Responsible Officer;

(iv) Advise the Responsible Officer and members of the Human Resource Management Committee on all disciplinary cases; and

(v) Sensitise Government employees on the provisions of the Terms and Conditions of Service, Disciplinary Code and the Code of Ethics for the Public Service.

(c) Further, the Human Resources Management Department or Unit shall:

(i) Ensure the charge form properly identifies the offence and is correctly completed;

(ii) Ensure the accused is aware of the charge or charges against him or her;

(iii) Ensure all the facts are collected, collated and presented without bias;

(iv) Interview and take exculpatory statements from the accused and the witness(es); Statements must be read over to the accused officer, witnessed and duly signed as being correct; and

(v) Investigate the domestic circumstances of the accused employee when it is felt necessary.

Role of Trade Union Represe-ntative or other person(s)

33. The role of the Trade Union Representative, or Public Officer shall be restricted to accompanying an accused officer to the case/appeal hearing as observers. Such a Trade Union Representative, or other Public Officer shall not form part of the disciplinary Authority or committee and will not participate in the proceedings unless otherwise but shall be invited to comment before a final decision is made.

Declaration of interest

34. If any person is present at the meeting of the Human Resource Management Committee, and that person is directly or indirectly interested in the case, that person shall, declare interest and shall not, unless the Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to the case.

Conduct of Hearing

35. *(a)* Where the accused opts to remain silent at the hearing of the case, the Disciplinary Committee shall proceed to determine the case on the basis of the evidence available and the accused's choice to remain silent shall not be subject to discussion;

Charging Officer not to be part of the Committee

(b) The Charging Officer shall not be part of the Committee but shall appear to make oral submissions if necessary and shall leave the room after his or her submission together with the accused;

(c) The accused and the Charging Officer shall both be present at the time of giving their evidence;

(d) Matters for debate among Committee Members should not be discussed in the presence of the accused and Charging Officer; and

(e) At the end of the hearing, the Chairperson may ask the accused to make final comments and leave the room in order to discuss the facts adduced during the hearing.

36. *(a)* The determination of any matter before the Committee shall be according to the decision of the majority of the members of the committee present at the hearing. Determination of cases

(b) (i) There shall be a Chairperson who shall preside over the sitting of the committee; and Chairperson of the Committee

(ii) The Chairperson may postpone or adjourn the hearing on such terms as may deem necessary. Postponement and adjournment of meetings

(c) The Human Resource Management Committee shall sit as and when there are disciplinary cases to be heard. Committee Sittings

(d) Where an employee has appealed but simultaneously commences legal action against the Government in the Courts of law, for Investigations or any other fora as by law so provided, such an appeal will automatically lapse. Automatic lapse of appeal

(e) Where an employee who was on suspension pending determination of the case by the relevant Disciplinary Authority is dismissed or discharged from the Government , the effective date of the dismissal or discharge shall be the date that the Service Commission or Responsible Officer directs the sanction. Effective date of dismissal or discharge

DISCIPLINARY HANDLING FORMS

DCF1

CONFIDENTIAL

CHARGE SHEET

This form should be completed by the Head of Department or the Supervising Officer who is charging an Officer who has committed an offence stipulated in this Disciplinary Code or any other regulations.

NAME OF ACCUSED EMPLOYEE:

Mr/Mrs/Ms/Dr/Prof……

Section/Department……

Job/title of the accused……

Date and Time of the Occurrence……

NAME OF CHARGING OFFICER: ……

Job title…… **Department** ……

You are hereby charged with the offence of:

……

……

as stated under……of the Disciplinary Code and Grievance Handling Procedure.

In this regard, you are hereby requested to submit a written statement to the Human Resources Section to exculpate yourself by ……(Date)

In the meantime you will cease/continue working for……..……days

From ……..……to……..……..

BRIEF ACCOUNT OF OFFENCE: ……..…….....…..

……..

……..

……..

……..

Signature……..……**Date**……..…….

Witnesses:

1…….....

2…….....

3…….....

Original copy : Accused

Duplicate copy: Human Resources Section

Triplicate: Head of Department

Quadruplicate: Responsible Officer

DCF2

CONFIDENTIAL

EXCULPATORY FORM

Name of Accused:……

Job Title: ……

Salary Scale:..... **Employee No.:**……..……**Date:**……..…..

Department: ……

Date of Occurrence: ……..……**Time:** ……..……

Place of Occurrence:……

EXCULPATORY STATEMENT

……

……..…

……

……

……..…

……

……

……

……

Witnesses:

1. Name:……..…… Occupation:……..……Signature……..

2. Name:……..… Occupation:……..……Signature……..…

3. Name:……..…… Occupation:……..……Signature……..…

I hereby accept/deny the charge.

Name:……..……**Signature:**……..…

Job Title:……..……

DCF3

CONFIDENTIAL

STATEMENT FROM WITNESS(ES)

Full Names:……..…….....**Age:**….....

Occupation: ……

Taken at:…….....**On:**……..…..

(Place) *(Date)*

……

……

……

……

……

……

……

……

……

……

……

……

……

……

……

Signature…….....… Occupation:……....……

Recorded by:…….....Job Title:……....……..…....

Date:…….....….....Time: ……....…..……