

Tanzania

Executive Agencies Act

## Executive Agencies (Personnel Management) Regulations, 1999

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# Executive Agencies (Personnel Management) Regulations, 1999

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# Tanzania

## Executive Agencies Act

### Executive Agencies (Personnel Management) Regulations, 1999 Government Notice 75 of 1999

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*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[Section 18; G.N. No. 75 of 1999]*

## Part I – Preliminary provisions (regs 1-2)

### 1. Citation

These Regulations may be cited as the Executive Agencies (Personnel Management) Regulations.

### 2. Interpretation

In these Regulations, unless the context otherwise requires:

"**Act**" means the Executive Agencies Act<sup>1</sup>;

"**child**" includes a child born out of wedlock, a step child, a legally adopted child or a child of a deceased near relative—

- (a) of not more than eighteen years of age and is wholly maintained by the officer; or
- (b) of any age who because of physical or mental infirmity or because of being a pupil in a primary or secondary school is unable to earn a living and is therefore wholly maintained by the officer;

"**department**" means any division, section, branch or unit of an Agency Identified as an entity within its organisation structure for management purposes;

"**Management Team**" means the Chief Executive and heads of department acting as a team in the management of the affairs of the Agency and, in the case of a branch of an Executive Agency, means the head of the branch together with other heads of the units of the branch;

"**middle grade**" means a group of employees in the grading structure of an Agency of a rank higher than general staff and operational grade but lower than senior grade;

"**prescribe**" means to prescribe by administrative and other circulars or instructions in writing;

"**senior executive grades**" means grades of employees who are responsible for the management of the Agency;

"spouse" means, where the employee is a husband, only one wife officially designated by the employee as the wife irrespective of whether the employee is permitted by law to have more than one wife; and where the employee is a wife, means the husband.

## **Part II – Exercise of powers (regs 3-4)**

### **3. Functions of Management Team**

A Management Team shall advise and assist the Chief Executive or, as the case may be, the head of a branch in the exercise of his powers and shall exercise any powers conferred upon it by these Regulations or any other regulations, or delegated to it.

### **4. Delegation of powers**

- (1) The powers vested in senior employees of the Agency may, for the proper management of an Executive Agency powers, be delegated to any other employee of the Agency at the appropriate level at which a particular function can best be performed in a cost-effective and productive manner.
- (2) Where the Agency has branches, the Agency shall ensure that sufficient powers are delegated to the branches.
- (3) Delegation of powers under this Regulation shall not be construed as complete divestiture of powers and responsibilities on the part of the delegator.

## **Part III – Recruitment, appointment, termination of appointment, and advancement to higher posts (regs 5-20)**

### **(a) – The Chief Executive (regs 5-9)**

### **5. Appointment of the Chief Executive**

- (1) Where an Executive Agency is being established the Chief Executive shall be selected as early as possible to enable him to participate in the planning and design of the Agency and where the position of Chief Executive falls vacant it shall be filled as a matter of urgency.
- (2) The Permanent Secretary shall, immediately after the establishment of an Agency, approve a job description for the Chief Executive position expressed in terms of responsibilities of the post and the attributes of likely candidates.
- (3) The Permanent Secretary shall after approving a job description under subregulation (2), cause the post to be advertised in the public media or in such manner as he may determine.
- (4) The Ministerial Advisory Board shall, on receipt of applications submitted in response to the advertisement made under subregulation (3), prepare a short list of the candidates for interview by the Public Service Commission at which the Ministerial Advisory Board may be represented by one of its members or by any other appointee of the Board.
- (5) The Public Service Commission shall, after conducting an interview, as per subregulation (4), submit a name of a successful candidate to the Minister for appointment as the Chief Executive.

### **6. Disciplinary control**

The Permanent Secretary shall have powers to take disciplinary measures against the Chief Executive for misconduct or dereliction of powers. Except that the measures to be taken by the permanent secretary shall not amount to termination of appointment.

## 7. Termination of appointment

- (1) The Permanent Secretary shall, in the event of misconduct, incompetence or inability to perform duties on the part of a Chief Executive which may warrant the termination of his appointment, inform the Chief Executive in writing of such misconduct incompetence or inability to perform his duties and may require him to show cause as to why the Minister should not be invited to invoke his powers under subsection (6) of section 9 of the Act.
- (2) The Permanent Secretary shall, immediately after receiving the representations by the Chief Executive, submit to the Minister copies of the communication together with his recommendations.
- (3) The Minister may, on the recommendation of the Permanent Secretary and after consultation with the Public Service Commission, terminate the appointment of the Chief Executive.

## 8. Appeals

- (1) Where the Chief Executive of an Agency is aggrieved by the decision of the Permanent Secretary under regulation 7 he may appeal to the Minister in writing against such decision and he shall send a copy of the appeal to the Permanent Secretary.
- (2) The Permanent Secretary shall, after receiving a copy of the appeal from the Chief Executive, submit his comments in writing to the Minister with a copy to the Chief Executive.
- (3) In determining the appeal the Minister may confirm, vary or rescind the decision of the Permanent Secretary.
- (4) Where the Chief Executive is aggrieved by the decision of the Minister in terminating his appointment he may appeal to the Prime Minister. An appeal to the Prime Minister shall be in writing and shall be copied to the Minister.
- (5) On receipt of a copy of the appeal the Minister shall submit to the Prime Minister his comments together with copies of the representations made by the Chief Executive, the recommendations of the Permanent Secretary and the advice given by the Public Service Commission.
- (6) In determining the appeal the Prime Minister may confirm, vary or rescind the decision of the Minister.

## 9. General application

Except as otherwise provided in this Part, the provisions of these Regulations shall apply, where appropriate, to the Chief Executive as they apply to other employees of an Executive Agency.

### (b) – Other Staff (regs 10-20)

## 10. Recruitment policy

- (1) Recruitment and appointments of personnel shall be made on the basis of a fair, transparent, open and competitive selection process and shall be based on an objective assessment of the suitability of each candidate.
- (2) In recruiting persons to the service of an Agency the Chief Executive shall have regard to the need to maintain and promote efficiency and effectiveness in the delivery of the services for which it is established.
- (3) The number of persons to be employed by an Executive Agency shall be such that it is capable of carrying out its functions, aims, role, objectives, authority and performance standards as laid down in the framework document of that Agency with a view to having an optimum complement of staff with capacity to deliver services in a cost-effective manner.

- (4) A post in the service of an Agency may only be filled if there is justifiable need for it.

## **11. Requisition to fill vacancy**

- (1) Where a vacancy occurs or is anticipated, the head of department in which the vacancy requires to be filled shall complete a Requisition Form prescribed in the First Schedule to these Regulations for submission to the personnel department.
- (2) In addition to the particulars in the Requisition Form the head of department concerned shall enclose the following—
  - (a) a job description;
  - (b) a personnel or hiring specification defining the background, qualifications and experience, and the personal qualities of the candidate required for the successful performance of the job; and
  - (c) where applicable, a recommendation with justification on whether the vacancy should be filled internally by the transfer of a serving employee or any other candidate.

## **12. Advertisement of vacancies**

Applications for appointment to vacant posts shall normally be invited by public advertisement in such manner as the Chief Executive may determine.

## **13. Short list**

- (1) The Chief Executive shall, for the purpose of short-listing applicants, constitute a panel of not more than five persons including a representative of the personnel department and of the department in which the vacancy exists.
- (2) The Panel constituted under subregulation (1) may include a person who is not an employee of the Agency.
- (3) A person who has applied for the vacant post advertised under Regulation 12 shall not be a member of the panel.

## **14. Interview**

The panel, constituted under regulation 13 as may be determined by the Chief Executive, shall interview candidates who have been short-listed and shall make its objective assessment of the suitability of each candidate and also indicate the ranking of each of them.

## **15. Appointments**

The Chief Executive shall, immediately after the interview conducted under regulation 14, appoint successful candidates.

## **16. Letter of appointment**

- (1) Letters of appointment as prescribed in the Second Schedule shall specify the terms and conditions of service, and indicate that performance of the job shall be subject to set targets and performance standards.
- (2) Oral contracts whether daily, weekly, fortnightly or monthly shall comply with the Employment Ordinance as regards the preparation and maintenance of a record of contract.
- (3) All terms of employment shall comply with the provisions of any law relating to those terms.



## 17. Medical examination

Except as may be determined by the Agency generally or in any particular case, all offers of appointment shall be subject to a certificate of medical fitness being granted, at the expense of the Agency, by a registered or licensed medical practitioner designated by the Agency.

## 18. Date of first appointment

The date of first appointment shall be that of commencement of duty as may be indicated in the letters of appointment.

## 19. Probation

- (1) Appointments on permanent terms may be made subject to a probationary period not exceeding twelve months.
- (2) Notwithstanding subregulation (1), the Chief Executive may, where the employee has previously served in the post or in a similar post on non-permanent terms or where the reduction of the probationary period is necessary or desirable for administrative reasons, reduce the probationary period.
- (3) The reduction of probationary period made under subregulation (2), shall not exceed the period which the employee has served in the post or a period of six months whichever is the shorter period.
- (4) Where the performance of an employee on probation is unsatisfactory and he has been previously informed of that fact, the appointment may be terminated by one month's notice or the payment of one month's salary *in lieu* of notice or he may revert to his previous post.
- (5) Unless the appointment of an employee is earlier terminated in accordance with subregulation (4) of this regulation the employee shall be considered to have been confirmed in the service on the expiry of his probationary period.

## 20. Mobility between posts

Movement of employees within an Agency from one post to another which does not entail promotion or demotion may be made in order to give an employee broader job experience.

# Part IV – Salaries, wages and allowances (regs 21-28)

## 21. Rates

- (1) The Chief Executive shall, upon the directions of the Ministry responsible for the Public Service, determine the rates of pay.
- (2) In determining the rates under subregulation (1) the Chief Executive shall take into account—
  - (a) the capacity of the agency to generate income from its own sources;
  - (b) the ability of the Agency to be self-financing;
  - (c) job factors; and
  - (d) the need to attract and retain high quality and well motivated employees.
- (3) The salary or wages of an employee shall constitute the fundamental component of an employee's emoluments and allowances shall only be regarded as incidental and shall be designed to enable the employee to perform his functions without undue hardship.

- (4) Grading structures may group employees into senior, middle and general service and operational grades. Duties, responsibilities and salaries of employees shall be tailored to the needs of the Agency so as to ensure—
  - (a) enhancement of job satisfaction;
  - (b) the progression of able performers by promotion on merit; and
  - (c) the introduction of new skills.

## **22. Incentives for performance**

- (1) The Agency may establish bonus or incentive schemes linked to performance and productivity targets and bonuses or incentives may be granted either to individual employee or collectively in accordance with limits prescribed by the Permanent Secretary responsible for the public service.
- (2) The Chief Executive may at his discretion, pay to an individual employee bonus for a commendable act or exceptional performance, innovation, the saving of the property of the Agency or the disclosure of information leading to recovery of the property of the Agency.
- (3) The details of any bonus or incentive schemes and grants of incentives and bonuses to individuals paid under subregulation (2) shall be included in the quarterly reports made under the Executive Agencies (Finance Procurement and Stores) Regulations <sup>2</sup>.

## **23. Increments**

Annual incremental progression in any particular salary grade shall not be automatic but shall depend on performance and shall be awarded with the approval of the Chief Executive upon recommendation of the employee's head of department and the Management Team.

## **24. Entry points**

Except where the Chief Executive directs otherwise, newly appointed employees shall be placed on the minimum of the salary grade approved for the post concerned.

## **25. Payment of salaries and wages**

Salaries and wages shall be calculated and paid monthly or at such shorter intervals as the Chief Executive may determine and employees shall be eligible for such salary advances as may be prescribed by the Chief Executive.

## **26. Acting appointments and allowance**

- (1) Actable posts carrying acting allowance shall extend to all posts in the senior executive grades which are filled substantively.
- (2) Acting appointments shall be for a period not exceeding six months where a post falls vacant or where the incumbent is absent.
- (3) The Chief Executive shall take necessary measures to fill the vacancy in respect of which an acting appointment has been made before the expiry of the period of six months unless the holder of the substantive post is away on official duty or on long-term training.
- (4) No acting allowance shall be paid where an acting appointment is for less than fourteen days' duration.

- (5) The rate of acting allowance shall be the full difference between the employee's substantive basic salary and the minimum basic salary of the post in which he is acting, but the allowance payable shall not exceed one half of the employee's substantive basic salary.

## **27. Overtime**

- (1) Eligibility for overtime payments shall be confined to general and operational staff or, in any particular case, to an employee in the middle grade authorised by the Chief Executive.
- (2) Overtime payments shall not be payable for any work done by an employee beyond normal working hours if in any particular case the employee has not worked for the minimum daily working hours.
- (3) Payment for overtime shall be made at rates prescribed by the Regulation of Wages and Terms of Employment Orders made from time to time by the Minister for Labour.

## **28. Daily subsistence allowance**

Daily subsistence allowance shall be paid so as to enable an employee while on duty away from his normal duty station to meet his boarding and lodging expenses and the rates of these allowances shall be determined by the Public Service Department.

## **Part V – Employees' welfare and general conditions of service (regs 29-41)**

## **29. Entitlement to leave**

Any employee shall be entitled to the minimum amount of leave and leave benefits and any conditions relating thereto as provided for in the Employment Ordinance and the Regulations of Wages and Terms of Employment Ordinance.

## **30. Leave benefits**

An employee other than a casual employee shall be entitled to the following benefits—

### **(a) Paid annual leave:**

- (i) every employee shall, once in every calendar year, be entitled to leave with full pay at the expense of the Executive Agency to be taken at such time during the calendar year as may be agreed between the parties;
- (ii) leave may only be accumulated with the agreement of both parties depending on the exigencies of work but not for more than two leave cycles;
- (iii) an employee shall be entitled to payment *in lieu* of leave if his services cease before he has taken the leave outstanding to his credit.

### **(b) Paid sick leave and convalescent leave:**

An employee shall be entitled to paid sick leave, in addition to annual leave and to convalescent leave for such period as may be prescribed by the Chief Executive.

### **(c) Compassionate leave:**

Compassionate leave may be granted on reasonable grounds at the discretion of the Chief Executive.

### **(d) Maternity leave:**

Maternity leave shall be granted to a female employee in accordance with any law in force.

(e) **Leave allowance and transport costs:**

An employee shall at such intervals of continuous service as may be prescribed be entitled to receive leave allowance not exceeding one month's salary.

**31. Provision of medical benefits**

- (1) Every employee of the Agency shall where a health insurance scheme is established, be required to join the health insurance scheme to cover medical treatment for himself his spouse and children.
- (2) Where the health insurance scheme is not yet established, employees, their spouses and children shall be entitled to medical treatment at Government hospitals at the expense of the Agency.
- (3) Where the Agency has its own medical facility or has contracted another medical facility for the provision of medical services all employees shall initially receive medical attention at that facility. And doctor in charge of the facility may refer an employee to another hospital for specialist attention.

**32. Occasional medical examination**

An Agency may, in order to ensure that employees maintain good health and fitness for performance of their functions, require an employee to undergo a medical examination for that purpose only.

**33. Death of employee**

Except for employees on casual or temporary terms an Executive Agency shall meet the following costs of the burial of an employee:

- (a) coffin or other burial requirements;
- (b) grave;
- (c) shroud;
- (d) wreath; and
- (e) transportation of the body of the deceased.

**34. Grant of free transport**

- (1) Subject to the approval of the Chief Executive, the Executive Agency shall meet the costs of local travelling for an employee in the following cases:
  - (a) on first appointment;
  - (b) on duty;
  - (c) on transfer;
  - (d) on termination of appointment not involving dismissal, but not on resignation;
  - (e) for obtaining medical treatment and for proceeding on sick leave or convalescent leave; and
  - (f) for training or attending seminars or similar forums in respect of which attendance has been approved by the Chief Executive.
- (2) Costs for transport on first appointment, on transfer, on leave, and on termination of appointment shall extend to the employee's spouse and children.

### **35. Authority for travel**

Heads of department branches and units shall be responsible for authorising all journeys undertaken for duty purposes and in carrying out this responsibility they shall take into account the need for economy in the use of official transport.

### **36. Use of private vehicle on official duty**

- (1) Where an employee has to use his private vehicle on duty, prior authority in writing may be granted by the Agency for the specific journey and the Agency shall pay the employee an allowance at prescribed rates for the distance covered.
- (2) An official of the Agency who authorises the use of employee's private vehicle under subregulation (1), shall before the authority is granted to the employee, satisfy himself that the owner's insurance policy covers the use of the vehicle on such business.

### **37. Transport of personal effects**

An employee travelling on first appointment, transfer from one duty station to another, cessation of employment otherwise than by resignation or dismissal shall be entitled to transport of personnel effects at the expense of the Agency in accordance with scales of weight of luggage to be transported as may be prescribed by the Chief Executive.

### **38. Transportation of employee's vehicle**

- (1) Where an employee is entitled to transport costs for his personal effects these may include transportation of one motor vehicle provided that any amount in excess of the prescribed scale for personal effects shall be borne by the employee.
- (2) Where it is considered that the employee be allowed to use the motor vehicle on duty journeys at his new station, the Agency may meet the cost at the appropriate rate of mileage allowance involved in driving the vehicle to the new station by the most economical route, or the actual cost of its movement by public transport whichever is the less.

### **39. Provision of housing**

- (1) Where an agency decides to provide housing for its employees, it shall do so at a rent as may be determined by the Chief Executive.
- (2) The emoluments of an employee shall be such that they include an element of the cost of housing.
- (3) Notwithstanding subregulation (1), the Agency has no obligation to provide housing for its employees.

### **40. Superannuation**

- (1) Until other arrangements are made, superannuation arrangements for a person who on the date on which the Agency in which he is employed is established shall be those applicable to him immediately before that date.
- (2) Nothing in this regulation shall be construed as prohibiting the employment of any person to whom paragraph (1) applies on contract terms.
- (3) In this regulation, "superannuation arrangements" means pension or provident fund or any other social security arrangements.

**41. Other allowances and benefits**

The Chief Executive may, in addition to benefits and allowances provided for in this Part, prescribe any other benefits and allowances payable to employees.

**Part VI – Performance appraisal and evaluation (regs 42-47)****42. Performance appraisal and evaluation**

- (1) For the purpose of this Part the "performance appraisal of employees" is to discover, evaluate and document the potential and shortcomings of individuals to enable measures to be taken for the improvement of the efficiency and effectiveness of the Agency as a continuous objective.
- (2) The information obtained through performance appraisal shall be used in awarding or withholding increments, planning job rotation and training programmes, and in making appointments to higher posts or in demotions.

**43. Types of appraisal**

Performance appraisal under these Regulations shall be informal involving day to day communication between the supervisor and the employee through appreciation and constructive criticism of the employee's performance, or formal where a written appraisal is similarly made but at longer intervals.

**44. Content of appraisal report**

A formal appraisal report shall be in the form set out in the Third Schedule and each employee shall be provided with a copy of his annual or other performance appraisal.

**45. Evaluation of performance**

- (1) In evaluating the effectiveness of an employee's performance the assessment shall be done objectively. The person making the evaluation shall sign the appraisal report and have it countersigned by the head of department.
- (2) Where an evaluation of an employee's performance indicates any factors that adversely affect his performance or the performance of the Agency the employee shall be informed of those factors and be given an opportunity to make his comments in writing.
- (3) Any employee shall have the right to make comments in writing on his performance appraisal.

**46. Follow-up of report**

Performance appraisal reports shall be closely followed up both for implementation of any recommendations and, where appropriate, for training the individual in the skills that he may require.

**47. Performance appraisal of Chief Executive**

The performance of the Chief Executive under the Performance Agreement with the Permanent Secretary and under other responsibilities imposed upon him by the Act shall be assessed and evaluated by the Permanent Secretary who may require the Chief Executive to rectify shortcomings or effect improvements in the performance of his duties as the Permanent Secretary may find appropriate.

## **Part VII – Staff development (regs 48-50)**

### **48. Staff development**

Staff development shall aim at developing individuals in the skills required for the performance of their present duties or for the performance of future jobs. Supervisors and managers have a joint responsibility for training and development of their staff.

### **49. Staff development programme**

- (1) The Agency shall, on the basis of job descriptions, personnel audit, forecasts in the human resource plan and performance appraisal findings, introduce a staff development programme for employees of the Agency.
- (2) In order to ensure smooth implementation of the training programme, adequate provision shall be made by the Agency in the annual budget for funding it and responsibility for managing staff development funds shall be delegated to appropriate heads of departments.

### **50. Attendance at courses**

The Chief Executive shall prescribe terms and conditions for employees attendance at various training courses. The Public Service Department shall in order to avoid unwarranted disparities between Agencies, monitor the training of employees.

## **Part VIII – Disciplinary matters (regs 51-55)**

### **51. Discipline**

- (1) An Agency shall, in order to instill and maintain discipline ensure that—
  - (a) its leadership conducts itself with the highest ethical standards and integrity;
  - (b) its policies are clear and encourage ethical behaviour;
  - (c) the leadership is free from corrupt and other unethical practices; and
  - (d) employees shall regularly be made aware of the standard of discipline expected of them.
- (2) For the purpose of this Part "breach of discipline" includes corruption, abuse of office, criminal acts, breach of the Code of Ethics and Conduct, insubordination, negligence dereliction of duty and breach of any of these Regulations or any other regulations applicable to Executive Agencies.

### **52. Penalties for breach of discipline**

Any employee of an Agency who commits breach of discipline under these Regulations shall be liable to dismissal, demotion, reduction in salary or surcharge depending on the gravity of the breach.

### **53. Interdiction**

- (1) Where the Chief Executive considers that it is in the interests of the Agency that an employee should cease to perform the duties of his post while a breach of discipline on his part is being investigated, he may interdict the employee forthwith.
- (2) Interdiction shall, not later than thirty days, be followed by the institution of a charge against the employee; and where no charge has been instituted before the expiry of that period, the interdiction shall lapse.

- (3) An employee under interdiction shall be paid such salary being not less than half of his basic salary as the Chief Executive may determine.
- (4) An employee who is interdicted under subregulation (1) shall not leave his duty station without prior written permission of the Chief Executive or the head of personnel department.

#### **54. Disciplinary procedure**

- (1) Except where any other law, such as the Security of Employment Act <sup>3</sup>, provides for disciplinary procedures against an employee the provisions of these Regulations shall apply.
- (2) The Chief Executive shall have powers to institute disciplinary proceedings against any employee and determine those proceedings and he may delegate these powers to any employee or panel of employees in these Regulations both referred to as "the disciplinary authority".
- (3) All disciplinary proceedings shall be instituted by preferring a written charge which clearly sets out the allegations against the employee concerned.
- (4) The employee shall be given an opportunity to present his case and may represent himself or be assisted by a person of his own choice including an advocate. He may present his case at a hearing in writing, or orally or both.
- (5) After the disciplinary authority has considered the representations made by the employee charged, it shall make its decision containing reasons for that decision and may impose an appropriate penalty after giving him an opportunity to present any matters in mitigation and shall also provide him with a copy of its written decision.
- (6) If an employee is found guilty of a breach of discipline, whether or not a penalty is imposed, he shall be informed of his right of appeal.
- (7) Breaches of discipline must be investigated speedily and, unless exceptional circumstances exist, the disciplinary authority shall ensure that disciplinary proceedings are concluded within ninety days from the date of commencement.

#### **55. Appeals**

- (1) An employee who is aggrieved by the decision of the disciplinary authority or a penalty imposed upon him, or both, may within fourteen days of receipt of the decision appeal to the Permanent Secretary (in these regulations referred to as "the appellate authority") in writing copied to the disciplinary authority.
- (2) The appellate authority may accept an appeal made by an employee out of time where it is satisfied that special circumstances precluded the submission of the appeal within the prescribed time.
- (3) Except where the appellate authority is satisfied that the disciplinary authority is in possession of a copy of the appeal, the appellate authority shall serve a copy upon the disciplinary authority.
- (4) Upon receipt of a copy of the appeal, whether from the appellant or from the appellate authority, the disciplinary authority shall within fourteen days of the receipt, submit to the appellate authority its representations in writing with a copy to the appellant.
- (5) The appellate authority may determine the appeal in the absence of the employee appealing and in any case, unless exceptional circumstances exist, the appellate authority shall ensure that every appeal is conclude within ninety days from the date of receipt of representations made under paragraph (4).



- (6) After the appellate authority has considered the appeal it may confirm, vary or rescind the decision of the disciplinary authority and shall inform the employee concerned and the disciplinary authority together with the reasons.
- (7) No finding made or punishment imposed by a disciplinary authority shall be reversed or set aside on the ground only of any irregularity in the appointment of the disciplinary authority or the conduct of the disciplinary proceedings none of which shall substantially have affected the decision of the disciplinary authority.

## **Part IX – Staff relations (regs 56-57)**

### **56. Awareness of policies**

- (1) In order to foster good working relations, an Agency shall ensure that all employees are kept fully informed of the Agency's policies and plans.
- (2) The Agency shall encourage consultations with employees to ensure that no changes in working arrangements or conditions are decided upon without the views of the employees concerned having been obtained.
- (3) The Agency shall deal promptly with industrial grievances of individuals or groups.

### **57. Trade union membership**

- (1) The Agency shall maintain a positive attitude towards trade unions and the membership of its employees in trade unions.
- (2) In dealing with grievances, the Chief Executive shall ensure that labour laws such as the Security of Employment Act<sup>4</sup>, the Employment Act<sup>5</sup> and the Industrial Court of Tanzania Act<sup>6</sup> are adhered to.

## **Part X – Code of ethics and conduct (regs 58-59)**

### **58. Codes of ethics and conduct**

- (1) Until such time as a code of ethics applicable generally to the public service is issued, the Code of Ethics and Conduct set out in the Fourth Schedule shall apply to employees of Executive Agencies and every employee shall, throughout his term of employment, comply with the requirements of the Code or any other Code replacing the same.
- (2) Every employee of an Executive Agency shall be provided with a copy of the applicable Code at the time of his appointment or when these Regulations come into force, whichever is the earlier.

### **59. Penalties for breach of the Code**

- (1) A breach of the Code constitutes a breach of discipline which may warrant disciplinary action leading to penalties including dismissal.

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[Cap. 387](#)

5

[Cap. 366](#)

6

[Cap. 60](#)

- (2) Where the breach warrants criminal prosecution or causes civil liability to the Agency, the Chief Executive shall immediately report the matter to the police or to the Attorney-General, as the case may be, for necessary measures.

## **Part XI – Miscellaneous provisions (reg 60)**

### **60. Scope of the regulations**

- (1) These Regulations do not provide for every eventuality. Where a solution cannot be found by applying a regulation, the official concerned shall apply his best judgement and where the matter is of sufficient importance as to require a decision by the Chief Executive, the matter shall be referred to him with an explanation of the inability to resolve it by applying these Regulations and the Chief Executive may consult Government regulations or administrative orders and instructions which relate to the matter but only for guidance and may seek guidance of the Public Service Department.
- (2) Employees of Executive Agencies are Government employees grouped as public servants alongside civil servants and others. These Regulations give the authority and framework within which Executive Agencies may devise details of their personnel management systems for an efficient and businesslike approach to their operations while retaining the status of a public service.
- (3) These Regulations may be supplemented from time to time by written operational instructions issued by the Chief Executives of the respective Agencies in respect of their Agencies. The forms in the Schedule may be adopted or modified to suit particular purposes.

### **First Schedule (Regulation 11)**

#### **Forms**

*[Editorial note: The forms have not been reproduced.]*

### **Second Schedule (Regulation 16)**

#### **Forms**

*[Editorial note: The forms have not been reproduced.]*

### **Third Schedule (Regulation 44)**

#### **Annual performance appraisal**

*[Editorial note: The forms have not been reproduced.]*

### **Fourth Schedule (Regulation 55(1))**

#### **Code of ethics and conduct**

#### **I. Core value**

##### **1. Pursuit of Excellence in Service**

An employee of an Executive Agency shall strive to achieve the highest standard in the performance of his work and shall have regard to the special obligations that his official position imposes on him.

**2. Loyalty to the Agency and the Government**

An employee of an Executive Agency shall loyally serve the Agency and the duly elected Government of the day.

**3. Integrity**

An employee of an Executive Agency shall conduct himself with integrity, honesty and objectivity in the performance of duties and shall not, either by himself or in conjunction with any other person, solicit, accept, obtain or attempt to obtain any advantage or favour as an inducement to do or not to do, or for having done or not having done, anything in relation to the functions of the Agency or the Government.

**4. Courtesy**

An employee of an Executive Agency shall be courteous to clients and colleagues and will always focus on meeting the needs of clients.

**5. Cost consciousness**

An employee shall be scrupulous and conscientious in the use of the resources of the Agency and of time.

**6. Accountability**

An employee of an Agency shall be accountable for his actions through formal lines of authority and responsibility within the Agency.

**7. Impartiality in service**

An employee of an Executive Agency shall not engage in political activities, nor allow his personal political views to influence performance of his duties.

**8. Diligence on duty**

An employee of an Agency will attend regularly during hours of work and will devote himself wholly to his work.

## **II. Detailed obligations**

### **A. Devotion to duty**

An employee of an Executive Agency shall devote his time, energy and effort in the performance of assigned duties and shall—

- (a) obey the law;
- (b) obey all lawful instructions and work as instructed;
- (c) ensure competence and efficiency in the performance of assigned duties;
- (d) refrain from conduct which might impair work performance;
- (e) observe punctuality as to the hours of arrival and breaks;
- (f) not leave his workplace before the official closing time without authorisation;
- (g) not absent himself from duty without proper authorisation or reasonable cause;
- (h) when the exigencies of service so demand, work beyond official business hours including weekends and public holidays;
- (i) discharge not only the duties appertaining to his job, but also any other duties which he may be called upon to perform in the interests of the Agency;

- (j) accept his posting to any work station, as the station to which an employee is posted is determined by the requirements of the service of the Agency.

### **B. Proper use official information**

An employee of an Executive Agency will not unnecessarily withhold information which clients or the public has the right to know. On the other hand an employee may not divulge or misuse confidential official information obtained or to which he has access owing to his position, except with authority.

### **C. Political and other influences**

An employee of an Executive Agency shall not seek political influence with a view to obtaining advancement on matters relating to appointment, promotion, transfer, discipline and cessation of employment.

### **D. Private interests**

1. No employee of an Agency shall engage in any occupation or undertaking outside his official duties that would require his attendance at any time for government business.
2. No employee of an Agency may at any time engage in any activity that would in any way impair his usefulness as a public servant.
3. No employee of an Agency may engage in any occupation or undertaking that would conflict with the interest of the Agency or be inconsistent with his position as a public servant.

### **E. Presents, gifts and voluntary contributions**

An employee of an Executive Agency is prohibited from giving or receiving valuable presents other than gifts to or from personal friends and relatives whether in the form of money, goods, services or other personal benefits. This prohibition applies to gifts etc., received by members of the employees family. The restriction shall not apply to presents of little value such as diaries, and pens, which are usually a token of goodwill.

### **F. Pecuniary embarrassment**

1. Serious pecuniary embarrassment, from whatever cause, will be regarded as necessarily impairing the efficiency of an employee.
2. Pecuniary embarrassment involved in the lending and borrowing of money at usurious rates of interest will be regarded as affecting both the respectability of the service of the Agency and the trustworthiness of the employee.

### **G. Sexual harassment and sexual discrimination**

1. An employee of an Agency shall refrain from unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature, when submission to, or rejection of, such conduct explicitly or implicitly affects an individual's work performance or creates an intimidating, hostile or offensive work environment.
2. The following types of conduct constitute sexual harassment:
  - (a) pressure for sexual activity or favours;
  - (b) rape, sexual battery and molestation or attempt to commit these assaults;

- (c) intentional physical conduct which is sexual in nature such as unwelcome touching, pinching, patting, grabbing or brushing against another employee's body, hair or clothing;
- (d) sexual innuendoes, gestures, noises, jokes, comments or remarks to a person about his/her sexuality, sexual experience or his/her gender or body; and
- (e) preferential treatment, promises, compensation and rewards on submitting to sexual conduct which make the working environment hostile to other employees.

## **H. Political participation**

1. An employee of an Executive Agency may participate in the following political activities—
  - (a) becoming a member of a political party of his choice;
  - (b) voting at party elections and at presidential, parliamentary and local government elections;
  - (c) attending lawful political party rallies outside office hours as an observer; and
  - (d) paying contributions to a political party and while outside the place of work soliciting payment of party contributions from other people.
2. An employee of an Executive Agency may not—
  - (a) Engage in political activities at work or while in the work place;
  - (b) wear uniforms of any political party at work or while in the work place;
  - (c) by words or acts, bring the Agency or the Government into disrepute on the basis of his political belief or affiliation;
  - (d) offer services discriminatingly on account of his political belief affiliation;
  - (e) hold office in, or be employed by, a political party while in the service of the Agency;
  - (f) campaign for his own election or for aspirants to any political office while in the service of the Agency;
  - (g) stand for election to office in any political party or to any other political office while in the service of the Agency.