

21. OTHER PERTINENT ISSUES AND RECOMMENDATIONS

21.1 In this Chapter, we have focussed on remnant specific issues of pertinence which we wish to highlight. We have also made observations regarding a few impediments which we encountered while conducting this overall review exercise. The aim is to bring more understanding of some of our policies that have been adopted.

Gender Neutrality

21.2 The Bureau has, to the extent possible, ensured a gender neutral approach in framing its recommendations. Only in a few cases, mainly in the Disciplined Forces and Health Sector, certain appellations have been maintained to distinguish between male and female officers. There is, however, no disparity in salary between them. This distinction in appellations takes into account the specific needs of the service and allows for male and female officers to move along their respective hierarchy. It is noteworthy that such gender demarcation is in line with what obtains in foreign jurisdictions in similar quarters and is mainly due to gender requirements on workplaces and nature of duties.

Employees with Disabilities

21.3 In line with the United Nations Convention on the Rights of Persons with Disabilities, aimed at protecting the rights of disabled persons through the provision of just and favourable conditions of work, together with a safe and healthy work environment, we have provided improved conditions for this category of employees.

21.4 Furthermore, with the advent of the COVID-19 Pandemic, we believe that this category of employees should take advantage, where practicable, of the Work from Home Scheme. We have, therefore, recommended another measure in that direction, which may contribute to a betterment of their lives.

Recommendation 1

21.5 **We recommend that:**

- (i) annual casual leave entitlement for employees with disabilities should be 12 days;**
- (ii) employees with disabilities travelling by bus be allowed to reach and leave office with a flexibility of 15 minutes everyday subject to exigencies of the service;**
- (iii) refund of travelling by bus to attend duty should be by the most practical route though not the most economical one;**
- (iv) Government should continue investing in all office structures and amenities to render work environment user-friendly for employees with disabilities and to ensure them easy access to public buildings/work places;**

- (v) Government should continue to act as facilitator in providing employment opportunities to persons with disabilities;**
- (vi) to the extent possible, arrangements should be made for employees with disabilities to be posted near their place of residence;**
- (vii) handicapping barriers should be removed so that employees with disabilities can easily be integrated in the main stream of the society and can also participate in all activities with the creation of an inclusive society and access to all available amenities and facilities; and**
- (viii) employees with disabilities should, where practicable, be given priority of consideration under the Work from Home Scheme.**

Hospitality Allowance

21.6 By virtue of their functions and position they occupy, Senior Officers of the level of Permanent Secretary and above are currently paid a monthly allowance of Rs 7500 to cater for expenses incurred in staying connected with people, receiving and entertaining high officials and reciprocating invitations received. Since the rationale for granting the allowance still holds, we are maintaining its payment.

Recommendation 2

21.7 We recommend that officers of the level of Permanent Secretary and above should be paid a Hospitality Allowance of Rs 7500 per month.

Review of Salaries and Conditions of Employment by Private Consultants

21.8 The Bureau has noted that a few public sector organisations which are under the purview of the PRB had recourse to private consultants for a review of their salary and conditions of employment. Subsequently, the recommendations made in the private consultant's Report have been implemented after obtaining the approval of the Board and/or other relevant authorities concerned.

21.9 Our task is however, complicated when the same organisation has to revert to the Bureau for an overall review. This is so as private consultants and the PRB operate within different frameworks with varying parameters and along different lines. In fact, private consultants have a wider leeway in conducting a review exercise and may not necessarily take into account the same factors as the Bureau while determining the pay policy. As a result, the policies adopted often lead to, among others: unwarranted pay drifts; prevalence of structures and conditions not obtainable in our framework; equity issues; accelerated career path in certain cases for employees; and different cut points for eligibility to some benefits.

21.10 Against this backdrop, the Bureau finds itself in a difficult position when readjusting the higher salaries recommended by the private consultant in the PRB's framework, as the salary reconciliation exercise is far from being straightforward and which at times leads to dissatisfaction among the employees of the organisation concerned. This state of affairs is further exacerbated when a category of employees does not

opt to be governed by the PRB's recommendations while others are agreeable, thereby leading to the prevalence of two categories of officers. In a few cases, the parent Ministry has adopted certain pay policies contrary to those of the Bureau, which further renders the harmonisation of salaries difficult.

- 21.11 In view of the various impediments encountered with this practice, coupled with the element of unfairness vis-à-vis other employees in comparable organisations who are drawing a lesser salary and lower benefits while performing the same duties, **the Bureau holds the considered opinion that Ministries/Departments/Organisations should, as far as possible, refrain from having recourse to such practice. However, this observation does not preclude Government from tapping the services of private consultants in specific cases/circumstances.**

Personal Salaries

- 21.12 Federations and Staff Associations have drawn the attention of the Bureau on the principle of equal pay for equal work as stipulated at Section 26 of the Workers' Rights Act 2019. The point was raised during consultations with regard to the prevalence of two or more scales for the same grade that is, a personal salary scale which is higher compared to a lower future holder salary scale.

- 21.13 We wish to bring some clarifications on the existence of two or more salary scales for the same grade and the historical underlying philosophy for such course of action:

- (i) the Bureau determines the salary scales based on a systematic evaluation of the work performed and not according to personal attributes;
- (ii) the salaries recommended for all grades can be consulted by anybody as the Report is available on the Bureau's website;
- (iii) a demarcation in salary scales is done on account of the following reasons, among others:
 - (a) the pattern of work that is, normal working hours against working on shift, roster or staggered pattern of work or working on a part-time basis;
 - (b) where a salary is overgraded (out of line of adopted pay policy) and where it may have repercussion on grades within the cadre or the class by affecting internal relativity or across the public sector thereby impacting on external relativity;
 - (c) in case of a major restructuring involving a significant revamping of a cadre, whereby the salaries granted long time back no longer commensurate with the qualifications' requirements and duties;
 - (d) in case of redeployment, where an officer is granted a personal higher salary in line with what he/she was drawing in his/her defunct organisation;

- (e) in case of an organisation being made defunct and its functions are being taken over by a new or another entity, the salary scales of the grades obtainable at the defunct institution are placed on a personal basis, until same are established in the new organisation; and
 - (f) to safeguard the promotion path of officers in their cadre, as obtained at a particular point in time, following a re-engineering exercise; and
- (iv) the maintenance of two salary scales for the same grade, with the higher one on a personal basis, is a compensation strategy, which is equally adopted in foreign jurisdictions where an employee is considered as red circled.

Harmonious Industrial Relations at Workplace

- 21.14 The Bureau has observed that for this Report, a significant number of representations made by the Unions were in fact related to implementation issues, which needed to be addressed by Management and, therefore, not under our purview. During consultative meetings, we were apprised that in some organisations, the relationship between Unions and Management was rather strained. This situation has on several occasions been highlighted by the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) through several circular letters addressed to Supervising Officers, to flag the importance of holding Departmental Meetings with Unions/Federations at regular intervals.
- 21.15 We view that this lack of harmonious industrial relations is to the disadvantage of both parties, which ultimately impacts adversely on the smooth running of activities at the organisation and prevents the prevalence of a conducive working environment. The absence of regular consultations between the two parties has reportedly been a cause of industrial disputes in some instances.
- 21.16 In this regard, we view that it is advisable for Management to hold meetings with representatives of Unions on a fairly regular basis to instil a culture of maintaining sound industrial relations for the benefit of the staff and the organisation. In the same breath, as advocated by the MPSAIR, optimal use of the Desk Officer Concept should be made.

Non-Implementation of Recommendations/Non-Filling of Funded Posts

- 21.17 In the context of this overall review, we have been apprised by Unions from almost all quarters that various recommendations made by the Bureau have not been implemented by Management, thereby causing much frustration among staff. To gauge the situation, we carried out, among others, a survey on recommendations which have not been implemented and the reasons thereof.
- 21.18 The findings of the survey have revealed that the non-implementation of our recommendations mainly consisted in: the non-filling of vacant/unfunded posts on a substantive basis; the non-payment of certain allowances; non-establishment of Standing Committees; and grades not created. The reasons provided for the non-implementation were, among others, lack of funds, misinterpretation of the

recommendations where diverse views were expressed; non-availability of qualified candidates; schemes of service not yet prescribed; and organisation undergoing a restructuring. With a view to addressing such problems, **the Bureau has provided at Chapter 20 in this Volume, for a mechanism in the form of a dedicated Standing Committee at the level of the MPSAIR to look into such issues.**

- 21.19 As regards the non-filling of vacant posts by Management on a substantive basis, we took note that in some quarters, officers have been assigned to perform the duties of the vacant positions, at times for long spells. While it stands to reason that this course of action may be appropriate to enable the organisation to function without much disruption, we consider that Management should, however, refrain from adopting this measure to cater for long term issues unless on reasonable grounds. In ensuring that there is no disruption in the running of activity at their Ministry/Department/Organisation, Management should consider the advisability of filling existing vacancies at the earliest.

Filling of Certain Top Positions

- 21.20 In the Public Sector, mainly in the Civil Service, there are a few top positions such as Financial Secretary, Secretary for Foreign Affairs, Secretary for Public Service, etc, for which the Bureau has specified the mode of appointment and terms regarding tenure of office. We also noted that for such levels, no scheme of service exists. Given the strategic importance of these levels, there is need for high calibre and competent officers possessing the relevant expertise, knowledge and skills as well as a leadership capability profile, to occupy these posts. In this context, we provided for the latter positions to be filled on an assignment or contractual basis, renewable upon the incumbents' sustained and effective performance.
- 21.21 However, our attention has been drawn to the fact that in one instance incumbents have been appointed directly in a substantive capacity. **Recommendations contained in our Reports are approved by the Cabinet and any derogation therefrom should obtain the prior approval of the High Powered Committee. Consequently, the relevant authorities involved in the process of filling vacancies in these positions should take into consideration our recommendations.**

