
**THE COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE
OF GUYANA**

Chairman: Professor Harold A. Lutchman

May 11, 2016

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- c) Mr. Samuel Goolsaran as a Commissioner of the Commission of Inquiry.
1. The Chairman and Commissioners shall exercise the powers conferred upon them by the provisions of the Constitution, the Commissions of Inquiry Act, the High Court Act, and all other enabling laws —
 - a) to inquire into and make recommendations on the role, functions, recruitment, training, remuneration, conditions of service and other matters pertaining to personnel employed in the Public Service;
 - b) to determine what measures should be taken to improve the efficiency of the Public Service in the discharge of their duties to the general public;
 - c) to review the methodology used in the classification and recruitment of Public Servants;
 - d) to examine the principles on which salaries and wages of Public Servants should be fixed, especially —
 - i. the mechanism for the determination of wages and salaries;
 - ii. the level of consistency between the salaries and the various levels of public servants; and
 - iii. the basis on which the levels of remuneration for various levels of Public Servants is determined;
 - e) to review or examine the age of retirement of Public Servants and make recommendations in this regard.
 2. The Commission shall render its report, findings and recommendations to the President within five months of its commencement or within such further time as may be approved by the President.
 3. The Inquiry shall be conducted continually at the Ministry of the Presidency, Waterloo Street, and in such other places as the Chairman may determine.
 4. The inquiry shall be held in public.
 5. The Commission shall commence work at a time to be determined by the Chairman and the Chairman shall take appropriate steps to ensure that the Commission complete its work and submit its report within the aforesaid time.
 6. The Chairman and one other Commissioner shall constitute a quorum.
 7. Subject to the above, the Commission shall establish and regulate its own procedures for the conduct of the Inquiry.

GIVEN under my hand and the Seal of the President of the Republic of Guyana at the Ministry of the Presidency, Georgetown, Guyana, this Seventeenth day of August, Two Thousand and Fifteen in the Forty-Sixth year of the Republic.

By the President's Command



Minister of State

LETTER OF TRANSMITTAL

To His Excellency DAVID A. GRANGER, MSM, MSS, President of the Co-operative Republic of Guyana.

Your Excellency,

By Commission dated August 17, 2015, under the Public Seal No. 186 of 2015 you appointed us to report under the terms of reference stated in that Commission.

We now submit our Report for your Excellency's consideration.

Harold A. Lutchman, Chairman

Sandra Jones, Member

Samuel Goolsarran, Member

Geeta Chandan-Edmond
Secretary

May 11, 2016

INTRODUCTION

We were appointed to inquire into certain matters pertaining to the Public Service by the Commission issued by His Excellency the President of the Co-operative Republic of Guyana on August 17, 2015 and published in the Official Gazette [Legal Supplement] – B August 17, 2015.

We were required –

- a) To inquire into and make recommendations on the role, functions, recruitment, training, remuneration, conditions of service and other matters pertaining to personnel employed in the Public Service;
- b) To determine what measures should be taken to improve the efficiency of the Public Service in the discharge of their duties to the general public;
- c) To review the methodology used in the classification and recruitment of Public Servants;
- d) To examine the principles on which salaries and wages of Public Servants should be fixed, especially –
 - i. The mechanism for the determination of wages and salaries;
 - ii. The level of consistency between the salaries and the various levels of public servants; and
 - iii. The basis on which the levels of remuneration for various levels of public servants is determined;
- e) To review or examine the age of retirement of Public Servants and make recommendations in this regard.

As we had anticipated, as we embarked on our enquiry, there was a perception even among generally informed sections of the society that we were in some measure charged with addressing the issue of Wages and Salaries and other benefits of Public Servants. We noted that this was not an unusual expectation as it also had to be addressed by the Collins Commission as early as year 1969. Then, that Commission had offered by way of explanation for the misunderstanding, the coincidence in the timing of the appointment of their Commission and concerns of Public Servants with their remuneration package. As the Collins Commission was obliged to do, then, and we sought to do more contemporaneously, we too had to explain that we were not a Wages and Salaries Commission and that our terms of reference did not require that we be involved in the award of salary increases and other benefits to Public Servants.

We are comfortable in adopting this position because, in our view, it is clear that relationships between the public employer and public employees in the form of the Collective Bargaining Agreement are firmly grounded in legal principles and procedures which it was not in our

interest and that of the public to disturb. Our understanding is that we were invited to advise on principles and procedures by which the two sides of the "public industry" might be guided during their deliberation to arrive at conclusions over remuneration and other benefits, but not for us to decide specifically what those benefits should be.

Ms. Geeta Chandan-Edmond, Legal Advisor attached to the Ministry of the Presidency, was appointed Secretary to the Commission.

We were sworn by Chief Magistrate Ann McLennan in two stages; Professor Harold Lutchman, Chairman and Ms. Sandra Jones on August 17, 2015, and Mr. Samuel Goolsarran, who was unavoidably absent from Guyana on the date the other Commissioners were sworn, was sworn by Chief Magistrate Ann McLennan on September 15, 2015.

Notices were issued to the general public in the media and specific individuals and organizations inviting them to submit memoranda and other forms of communication to indicate their desire to give oral evidence. Offer of assistance in the formulation and submission of presentations were extended to interested individuals and organizations. The response was in general heartening although we were disappointed that some entities and individuals who, because of their role and function in society, were uniquely placed to contribute positive inputs into our inquiry, did not respond to our request.

We were aware of instances where our requests for specific information from sections of the Public Service were not responded to because of apparent indifference to, and lack of understanding and appreciation of our mandate and role as Commissioners. In the latter regard, it was brought to our attention that some individuals took the position that it was for us, the Commission, to offer solutions to problems; not individuals or groups in the Public Service to be asked numerous questions or assigned tasks to produce information necessary to address specific problems. In some cases, we sought to remedy the situation by making our services available not only to explain our role but also to lend our expertise and assistance to those who, evidently to varying degrees, lacked the ability to respond effectively to our requests.

Other problems encountered in executing our mandate were due to the actual unavailability of information and data. In some instances we were informed that requested documents were not available due to their destruction by acts of nature, such as floods, which suggested to us a lack of care in the preservation and safeguarding of information. In some instances the lack of information was remedied through the generosity of private individuals who possessed the requisite documents. We are pleased to extend our gratitude to these persons.

A general lack of knowledge about the history and development of the Public Service which invariably featured as key components in understanding and addressing its contemporary problems was noticeable to us. Yet many of these agencies were in possession of important relevant documentations, which remained both unrecognized and unread. This suggested to us deficiencies in both educational and training processes in the Public Service which need to be addressed.

It was obvious to us that failure to adapt and respond to changes that have occurred both locally and externally over the years is among the problems confronting the Public Service in Guyana. Since the environment of its location and its basic social, economic and political institutions in effect constitute the framework within which it exists and functions, stresses and strains within and among these institutions inevitably impact the Public Service negatively. Then, the search is for responses in the form of devising and implementing appropriate policies to address problems and challenges; a key need for collaborative contributions from both the political directorate and the public bureaucracy.

In our resolve to fulfill the mandate in the aforementioned Terms of Reference, we determined that our focus should not be narrowly concentrated in the sense that our effort to both identify issues and problems, and responses to them should be eclectic. Thus, we conducted hearings and other forms of enquiry both in Georgetown and in other regional centres. Our search for solutions were also directed both internally in Guyana and externally in other countries with institutions of governance similar to those established in Guyana, and with similar histories.

At regional centres visited inhabitants generally welcomed the opportunities available to them to express their concerns and grievances to the Commission, first hand. This feeling was reciprocated on our part in that we too felt advantageously placed to understand and appreciate nuances of their positions and concerns.

We were aware, and indeed expected that the charges assigned to us would have been challenging and attended by various kinds and levels of difficulty. We had conceptualized that there would have been two discrete though interrelated parts of our activities; that is evidence and information gathering to be followed by the writing of our report based on our consideration of the evidence and the conclusions we draw from it. Therefore it was important that adequate arrangements be in place to ensure that accurate records of the proceedings of the hearings existed.

We were not satisfied that sufficient effort was devoted to the achievement of that objective, exemplified by the fact that we are yet to receive important editions of *verbatim* reports of our public hearings, although we are aware that arrangements in contract were made for their production. In that situation, we resolved to not let such problems distract or defeat us from achieving our main objective to produce a report that is credible and professional. Indeed, we rationalized the failure to produce the *verbatim* reports in full as evidencing weaknesses which are now ubiquitous in the Public Service.

As a consequence, we put in place 'fail safe' or 'back up' arrangements which served us well especially since those involved in alternative arrangements were not only highly motivated but were prepared to contribute even parts of their weekends towards helping us to achieve the fulfillment of our obligations under the Terms of Reference of our enquiry.

Other weaknesses were also apparent, evidenced when the services of two functionaries who were available to us during crucial periods of our activities, were minimized to the point that they were effectively withdrawn. Their relationships with us remained both occasional

and nominal. We rationalized that it was all about the effective use of scarce human resources where our activities in comparison with those of others were relegated to a secondary position. However, none of this was allowed to hinder our enquiry, although we had of necessity to adjust aspects of our approach and thinking in the execution of our mandate, and redouble our efforts.

We credit our success in dealing with such matters to the fund of professional experience available in and to our team, as well as the unstinting support which we received from myriad sources, both in the Public Service and the Guyanese society at large.

We are pleased to state that the analyses, conclusions and recommendations enjoy the unanimous support of all of us as Commissioners. This consensus emerged from the approach which we adopted in dealing with the issues that were inherent in the terms of reference and the evidence gathered in connection therewith. In spite of the voluminous nature of the evidence and the desire of interested parties to receive an early report of our findings and recommendations in order to facilitate their collective bargaining process, all matters were freely discussed in relative detail by us.

Acknowledgements

There is hardly the need for us to state that the task of taking a Commission such as ours through its various stages from appointment to conclusion represented in the finalization of its report could be a challenging exercise. Our effort was no less challenging and was compounded by our decision to take our enquiry statewide which involved, *inter alia*, the transporting of both persons and equipment significant distances away from Georgetown. We therefore owe those involved in these exercises a great debt of gratitude for their involvement in these matters.

We are also thankful to persons both from the Public Service, which included a number of interactions between the Permanent Secretary and staff of the Department of the Public Service (formerly the Ministry of the Public Service) and the public at large who submitted memoranda and other correspondences and inputs relevant to the terms of reference of the Commission. We are also grateful to those who testified at public hearings, in the process supplying us with a great deal of information and the benefit of their advice and knowledge. In this respect, we were also happy to acknowledge the contribution of a number of retired senior citizens and Public Servants. A list of those who testified before the Commission appears at **Annexe 1**.

It would be somewhat invidious were we to try to name all those who contributed significantly to our activities. At the same time some contributions were so outstanding as to require that restriction on the naming of individuals be lifted. In this regard, we agree, without reservation, that the services of our two Research Assistants – Ms. Karen Joseph and Mr. Trevor King – deserve to be prominently acknowledged not only because of the dedicated service which they rendered to us at all stages of our enquiry but, in addition, because of the void which they in large measure filled when, as aforementioned, the services of others to us were substantially reduced. We are therefore, pleased to extend our profound gratitude to these two functionaries.

We also wish to acknowledge the invaluable contribution which we received from Ms. Tamika Grimmond, who provided effective and helpful logistical support to the Commission.

LIST OF ACRONYMS

CARICOM	Caribbean Community
CEO	Chief Executive Officer
CHSD	Council on Human and Social Development
CLA	Collective Labour Agreement
COI	Commission of Inquiry
COTED	Council for Trade and Economic Development
DPS	Department of the Public Service
e-Gov	Electronic Government
ERP	Economic Recovery Programme
FITUG	Federation of Independent Trade Unions
GPSU	Guyana Public Service Union
HRMIS	Human Resource Management Information System
ICT	Information Communication Technology
ILO	International Labour Organisation
IRA	Industrial Relations Act
IT	Information Technology
JD	Job Description
JE	Job Evaluation
JSC	Judicial Service Commission
NIS	National Insurance Scheme
PMMP	Public Management Modernisation Programme
PNC	People's National Congress
PPP	People's Progressive Party
PS	Permanent Secretary
PSAT	Public Service Appellate Tribunal
PSC	Public Service Commission
PSM	Public Service Ministry
TOR	Terms of Reference

CHAPTER 1: ANTECEDENTS AND CHARACTERISTICS

1. States of the Commonwealth Caribbean, and even others not located within this region, are normally identified with features of governance primarily of British origin. This is the result of their evolution from Colonialism to political Independence being dominated by theories, values and practices originating from Britain. It was often the case that the constitutional progress and general political development of colonies were premised on their ability to increasingly demonstrate acceptance of those values, and ability and capacity to function effectively with them. In this regard, there was the expectation that two agencies of the machinery of government, in particular the political executive or directorate, and the public bureaucracy, which had different but related statuses and roles in the governmental hierarchy, would function in harmony in the public interest.
2. In Guyana, prior to its Independence, the transplanting and receipt of political institutions from Britain, was not always successful due to environmental differences. As has been stated:

“... (B)oth the colonial rulers and their successors professed a commitment to the establishment and promotion of certain values, regarded as or even immutable, in the interest of the governed. However, the achievement of Independence has, in quite a few cases, witnessed the challenging and changing of some of these values and institutions, ostensibly, with the intention of placing them with others considered superior and/or more relevant to the societies which they were intended to serve. Indeed, it is, in many cases, represented that the inherited institutions and values are both a hindrance and irrelevance to the achievement of progress and development.”¹
3. In this regard, institutions were viewed from two vantage points; firstly in their static position, that is, as they were at rest or on paper; and secondly in their dynamic position—that is as they were in action or functioning.
4. An examination of the differences inherent in these two situations is invariably useful in explicating difficulties regularly experienced in arriving at conclusions about the efficacy of major constitutional formations in Guyana even at the present juncture of its development. Thus, there is on record statements that the current National Constitution of Guyana is among the best in the Commonwealth Caribbean, if not in the world. Among the reasons for such a claim is the impressive number of articles of the Constitution, ostensibly, dedicated to safeguarding the rights, freedoms and liberties of citizens. On the other hand, many respected observers are either hesitant to be effusive in praise of the Constitution, or reserve or qualify their evaluation until results from actual governance processes are positively associated and identified with objectives inherent in the provisions of the Constitution. An identified related problem, “...is that of striking a balance between the rights and freedoms of the individual and the considerable state power to which the dominant political elite become heirs. While in formal terms the political, in the promulgation of

¹ James, R. and Lutchman, H. (1994) *Law and the Political Environment in Guyana*, Institute of Development Studies, University of Guyana

new constitutional instruments, profess the acceptance of certain limits on their power, there is, in practice, a discernible tendency to push such power to its ultimate limits under the guise of promoting development in the interest of the community at large."²

5. Often emphasized are differences in elements, if not peculiarities of receiving states when compared with those emanating from sending states. In this context, it is established that the environment in which Public Administration has its being and functions is generally influential in determining its nature and form. Hence, the need to recognize that socio-cultural, economic and political factors, *inter alia*, could be accompanied by solutions, or fresh challenges and problems in their wake. In consequence, there is always a need for proper understanding and appreciation of the elements constituting the ecology of the sending society and the extent to which innovations and values inhering in them are compatible with those of receiving societies.
6. In Guyana, the fact that its public administration and related theoretical and practical underpinnings still exert tremendous influence and impact on its contemporary issues and problems is undoubted. In this respect, major influence has to be assigned to demographic and ethnic factors. At certain levels, distinctions and separation between political and administrative roles and functions were blurred or non-existent with senior political bureaucrats occupying dominant roles in regard to both types of activity. This generally involved the Governor and a number of expatriate officers serving at the pleasure of the British Crown.
7. Notably absent was a concept of a legal right of appointment to even senior posts in the Civil Service, although aggrieved persons ultimately had access to the Secretary of States for the Colonies in the pursuit of justice. Middle level functionaries within the bureaucracy were often favoured for appointments on the basis of mainly subjective criteria within the purview and jurisdiction of the Governor as advised, primarily by the local Colonial Secretary (later Chief Secretary). There was no idea of the need for an agency such as a Public Service Commission which only came later in the light of a felt desire to, *inter alia*, protect civil servants from consequences anticipated as likely to arise from constitutional reform and change.
8. Part of the anticipation was that, as elected politicians increasingly acceded to positions as ministers, it was likely that they would be pressured by both supporters and others to indulge in acts contrary to, and in conflict with their status and duties. In addition, there was concern that the fairness which once characterized the treatment of civil servants would dissipate as power passed from mainly expatriates to local functionaries. Eventually, Public Service Commissions, initially advisory to the Governor, were vested with executive functions and powers. They occupied the position of entrenched instruments in state constitutions charged with a protective role for public servants and their careers.

² *Ibid.*

9. At the same time, the tendency for constitutional change and advance to result in the subordination of Public Servants in their status *vis-à-vis* ministers cannot be overlooked. The new dispensation required that ministers be the political heads and permanent secretaries the administrative heads of ministries, the latter charged with functioning in support of the former in the formulation and implementation of policy with both functionaries working in harmony. Ministers were not necessarily to be experts in the subject matters of their ministries since they would draw on, and benefit from the advice and guidance of experts in their ministries. They could 'come and go', in response to changes in the portfolios with which they were charged, the shuffling of ministers, and the results of elections from which their party might not be returned to power.
10. Our examination of the reports of two previous Commissions of Inquiry on the Public Service – one by Burgess and Hunn (1966); and the other by Collins, *et al.* (1969) - was instructive and informative in our enquiry. They clearly identified problems and issues which, at the time of their appointment, needed to be addressed, and are, in our view, important enough to be treated as templates in regard to the structure, functioning and future development of the Public Service, of course, with such adjustments and adaptations as might have been required to render it more relevant and in consonance with the requirements of present day society. This is so because the second of the two aforementioned reports was published over a period approaching fifty (50) years in which time political and constitutional changes and configurations in Guyana were being portrayed by some as unprecedented in the context of the Commonwealth Caribbean.
11. At any rate, the appointment of each of the two commissions was timely in that it was contemporaneous with important landmarks in the country's history; the first as Guyana acceded to its Independence, and the second on its change to Republicanism. It is not surprising to us that both commissions evidently treated as of equal importance, matters pertaining to the structure of the Public Service as well as those of relevance to Personnel (now more appropriately and functionally referred to as Human Resources). In this regard, it is widely accepted that the true test of the effectiveness of structures may reside not so much in the appropriateness of their physical configurations but in the capacity of their human resources to eke out results from even less than perfectly engineered entities. Generally, there is need to reiterate that structures, as important as they are, are essentially static phenomena; it is inputs from persons resulting from the quality of their training, skills and experience which tend to impact production and productivity, positively or negatively.
12. The importance of identifying and emphasizing the effects of human factors in public administration processes and management in the Guyanese context lies in the fact that, during the course of its transition, and subsequently, reliance was often placed on persons who, in addition to pride in formal affiliation to their organizations, were also credited with possessing other values such as high levels of morals, morale, commitment and loyalty to organization. This has resulted in current pleas for the restoration of the values of the past.

13. Many of the foregoing values and forms of behavior were intimately related to, if not consequences of the prevailing relationship between employer and employee in the Public Service. Strictly speaking, legal principles and regulations of collective bargaining in which trade unions and their leaders featured prominently in related processes, such as negotiation, conciliation and arbitration were nonexistent. Even the now named Guyana Public Service Union was initially established with the consent and favour of Government and not as a matter of legal right. In time, though, both trade unionists and politicians emerged as correlates of constitutional and political change to the extent that political leaders dominated both political and trade union organizations and their activities.
14. The situation now exists in which employers and employees are legally required to act consistent with provisions of the Constitution, legislation, and international conventions which has undoubtedly altered the industrial relations system in significant ways since the advent of the Burgess-Hunn; and Collins Reports. Systems, primarily based on principles of voluntarism and good faith, have of necessity been forced to yield to others in which legal provisions and principles are intended to be dominant.
15. The Public Service has not escaped this development as is evidenced by the difficult relationships existing between the Government and its employees on basic industrial relations issues, such as recognition; negotiation; remuneration and conditions of service, all of which have negatively impacted the attitudes, morale and productivity of employees and are of serious concern to them and their trade union. These matters and issues are therefore rightly required to be the subject of focus in our enquiry and report.
16. We do not wish to convey the impression that our predecessor commissions of inquiry were unaware of the importance of addressing deficiencies in the performance of employees which are often described as characteristic of public servants. The latter tend to suffer in comparison with their private sector counterparts in matters of attitude and performance. The Collins Report contains expressions of the need for the public to be served by persons, especially those located at higher levels of the bureaucracy, being associated with outstanding levels of educational and intellectual achievement. In present day circumstances that prescription may be countered by criticisms of elitism, at odds with current emphasis on egalitarian values protected by constitutional and legal prescription, whether directly or by inference. Recruitment into the Public Service, it is now advocated, should be on merit and open to all sectors of the population, especially in a society ethnically configured as is Guyana. Adequate and appropriate training is increasingly recognized as an effective means and tool to equip persons with the skills and values required to perform Public Service jobs.
17. Relatedly, is our recognition of a need, as mentioned above, for special attention to be paid to the set of management functions ubiquitous in the Public Service and aggregated under the rubric "Personnel". In our view, this nomenclature is time warped and inappropriate in the context of current global knowledge and practices, usually described

as Best Practices. Its very use would appear to convey limited connotations and restrictions on its importance in the management structure. Thus, our view that it be supplanted by the more appropriate term "Human Resource Management". In this light, our Report contains recommendations born of our recognition of the importance of Guyana benefiting from these recent global approaches and developments in the Human Resource Management area, of both theory and practice. This is an area with which we have become acquainted that Guyana is significantly lagging in major respects, in comparison with many of its Commonwealth Caribbean counterparts.

18. We have been informed that over time, discovered and perceived problems, weaknesses and challenges, had led to aid and assistance from both external bilateral and multilateral sources to address those matters. Basically, our inquiry reveals that even in cases where there were strong feelings that such interventions possessed the potential of achieving positive results, they fell victim to lack of effective implementation, were aborted on grounds of their unsuitability, and for other political reasons. We, of course, have identified other reasons for this state of affairs which are considered in our Report. However, to the extent that we deem some of these salvageable, we recommend that this course of action be pursued.
19. Given the origins of Guyanese political development and related public administration system, and that the State is not singular in the Commonwealth Caribbean in respect of attempts to transplant elements of the British Westminster model to former colonies, we thought it wise to direct attention to a number of Commonwealth Caribbean states with a view to determining the extent, if any, to which they might have experienced significant divergences of status, role, and function with specific reference to anticipated outcomes at the time of their transplantation and with what degree of success. Also, the extent to which Guyana could learn from their experiences.
20. It is clear to us that other Commonwealth Caribbean states have generally recognized that even though they have embraced the essence of the model, there was still a need for them to introduce into their public administration systems, aspects of changes and innovations culled from other sources. We believe that similar changes and adaptations in Guyana could, in some instances, contribute to its Public Service being a more effective and viable contributor to the development of Guyana. This issue and others are addressed in the following.

1.1: THE STATUS, ROLE AND FUNCTIONS OF THE PUBLIC SERVICE

21. We interpret our mandate under this rubric as to enquire into matters which, by their very nature, are of importance to the citizens of the State. They include providing services such as education, housing, law and order; and infrastructure - a major responsibility with which the Public Service and its personnel are expected to deliver with efficiency and dispatch. Thus, the description of the Public Service, the administrative arm of government (also referred to as the public bureaucracy), as the engine of the executive

required to work in close collaboration with the political arm (also described as the political directorate) consisting of Ministers and the Cabinet of the Government.

22. We understand our charge as, to probe the existing functional relationship and balance between officials located at all, but in particular, higher levels of the public bureaucracy and ministers of government, specifically in the formulation and implementation of public policy. This subject has assumed prominence in the face of a wide perception that, currently, the Guyana Public Service does not occupy the status, or function at the level desired of it as a major public institution. It is, for a number of reasons, ill-equipped to, and is diverted from fulfilling the true purpose of its existence and cannot be described as professional, particularly as is reflected in its relationship with the political directorate and the public at large.
23. In our view, attempts to explicate relationships between social groups should start with the knowledge that elements within their environment of location, usually, significantly impact and influence their behavior patterns. In this context, we have determined that enquiry into the role and functions of the Public Service of Guyana should focus primarily on the dominant influences in its evolution to independence which was arrived at in 1966 - that is five decades ago.
24. The "in between" period of these polar dates (1966 and 2016) was marked by the emergence of a number of unprecedented social, economic and political challenges and problems, accompanied by important scientific and technological changes and developments, in part as responses to them. The functions of the State were transformed in many respects, in consequence, by the impact of both local and global developments. Statecraft and political governance were also affected, both positively and negatively. In the process, the disciplines of Public Administration and Public Management were definitely not immunized from such influence, exemplified in the now common reference by practitioners to such terms as "International Best Practices", which signals the need for currency in knowledge and developments with any given discipline.
25. The demise of colonialism and the replacement of expatriate functionaries, and their ultimate supersession by local persons, an aspect of the change process described in the foregoing, was not always smooth and uncomplicated or devoid of conflict and controversy. Even now, after a period of fifty (50) years of Independence, issues and problems which featured in the country's evolutionary journey are replicated in acute form in constitutional, legal, and managerial matters. The situation may, then, be summed up by stating that the problem is one of identifying, addressing and eliminating, or mitigating such problems, a key but challenging role for the Public Service.
26. The Westminster model which had occupied pride of place during this period has been subjected to close and critical scrutiny regarding its suitability in the governmental processes. There are many who believe that there is nothing sacrosanct about it since, it should be appreciated, that, *inter alia*, there is no single pure type possessing all the

elements usually identified as distinctive of the model. Therefore, we adopt the approach that it is more useful to conceptualize it in terms of there being states with varying degrees of inclusions of features, forms and practices culled from the land of its birth and, indeed, also from other public administration systems.

27. This approach is not merely a theoretical or philosophical issue with little or no relevance for Guyana's public administration structures and practices since there have been many points of departure, and borrowings from other sources, some of which have proved dysfunctional, that its case may well be described as hybrid, if not *sui generis* (of its own kind, the only one of its kind). There is undoubtedly, at times in evidence, a problem with synchronizing and harmonizing elements drawn from different sources.
28. Since the ability and capacity to function successfully after injections of installments of principles and practices, ostensibly, of Westminster origin was, to some extent, also of concern in the Commonwealth Caribbean, and elsewhere, we believe that the following brief description, should be both educative and helpful in identifying main features of the model:

*"In the Westminster model of government the permanent secretary is the administrative head of a department or ministry. They are "permanent" in the sense that they are normally career civil servants who have tenure beyond the life of any particular government. This system, in which the permanent public service extends to topmost levels of public administration, is one of the defining characteristics of the Westminster model. It answers the need to balance administrative continuity, without which governing is unpredictable and difficult, against political sensitivity, which is the basis of democracy."*³

29. Early in the Commonwealth Caribbean, elements stated in the immediate foregoing, with additional formulations, were treated as providing the foundation of the future development of public administration processes in the Region. The additional elements included the following guiding principles for the status of civil servants, in regard to politics, to which the Federation of British Civil Service Associations in the Caribbean Area subscribed:

- 1) No civil servant ought as a result of political interference to be menaced in the security of tenure of his post in the Public Service.
- 2) The political independence of the Civil Service should be apparent as well as real.
- 3) No political or other influence ought to operate so as to hamper the freedom of judgment and initiative of civil servants.
- 4) The loyalty and alliance of all civil servants is to Government as a whole. Political interference should not operate so as to weaken this impartial loyalty.

³ Larson, P. E. and Coe, A. (1999) *Managing Change - The Evolving Role of Top Public Servants*, Managing the Public Service Strategies for Improvement Series: No.7, Commonwealth Secretariat

- 5) Political interference ought not to militate against the exercise of objectivity of interests on the part of the civil servant.
- 6) In the appointment, promotion, or dismissal of civil servants political interference should be allowed only if it can be clearly proved that such appointment, promotion, directly concerning dismissal or other action directly concerning the conditions of service of a civil servant could not be accomplished without the intervention of the political elements of Government.⁴

30. We have secured adequate information on thinking, articulation and practice in Guyana, the Commonwealth Caribbean and elsewhere, to enable us to present examples of this model as its features were manifested in these places. We have learned that, notwithstanding examples of marked differences and points of departure with this model, there are nevertheless cases of healthy relationships between public servants, and politicians and ministers under its influence. Thus, although the model has, in some cases, been identified with certain problems and difficulties, primarily due to cultural and other environmental factors, it has been persisted with to the point where criticisms of it do not necessarily lead to calls for its total replacement. On this point, a recent statement of comparative evaluation of the working of the model in Guyana and its Commonwealth Caribbean counterparts is instructive. In this respect, the following statement by former President Ramotar is worth quoting in full:

"Modern democratic societies are based on the independence of three major institutions in society - The Executive, Legislative, and Judicial branches of the government. These institutions are all very important because they act as checks and balances in the system and are a safeguard against excessiveness.... (T)hose who always talk about doing away with the Westminster system should note that this is at the heart of the system. This is the system that is used in most countries in the world, with some modification. Under the PPP/Civic administration, the independence of these fundamental institutions was strictly adhered to. The PPP/C never attempted to subvert any of these institutions...."⁵

31. Obviously, whether intentionally or otherwise, there is in the former President's submission and interpretation of the Westminster model, the marrying of the doctrine of the Separation of Powers as formulated by Montesquieu, *et al.*, and prominent in states such as the United States of America. We interpret his statement as an expression of support for and validation of the Westminster model.

32. Our research also reveals that in 1966, then Prime Minister Burnham, had previously issued the following statement on the role and functions of the public servant which also contains elements consistent with the model:

"Governments, and their Ministers, come and go at the will of the electorate, but under the present system there needs to continue in being an experienced civil service which can

⁴ Lutchman, H. A. (1973) *Interest Representation in the Public Service – A History of the Guyana Public Service Association*, Guyana Public Service Association, pp. 122-123

⁵ *Democracy being determined* (March 14, 2016), Guyana Times

carry on the routine of administration and constitute the skilled instrument for implementing the policy of the Government of the day. To bring appointments to public office under the aegis of ministers would create the danger of such appointments being subject to political considerations, with serious disruption of the administration with each change of the elected Government. The Constitution seeks therefore to ensure that a newly appointed Government finds at its disposal an efficient, impartial and experienced permanent staff, owing particular allegiance to neither the outgoing nor the incoming administration, and imbued solely with the aim of using its abilities in the service of the Government.”⁶

33. Definition and guidance to similar effect were also issued by then President Hoyte in 1989. His concern was to communicate to Permanent Secretaries, “...the exercise of their responsibilities and the management of their Ministries”.⁷ He explained that Permanent Secretaries are the ranking officers in the Public Service. Under the Constitution, unlike most other public officers, they are appointed by the President, who alone has power to dismiss them.
34. He stated in clear terms his perception of the relative roles of the Permanent Secretary and the Minister as follows:

“While the Minister exercises general direction and control over his Ministry, it is the Permanent Secretary who is charged with the responsibility for supervising the Ministry (in that connection his reference was to Article 115 of the Constitution). Therefore, “the Permanent Secretary is accountable for the actual day-to-day management of the Ministry”. He is not a clerk but has a three-fold responsibility: (1) to manage his Ministry; (2) to advise his Minister; (3) to help the Minister in the formulation of policy.”⁸

“In regard to the first function, the Permanent Secretary is expected to ensure that his Ministry has ‘a suitable organization structure to enable it to administer its area of responsibility, to execute Government policy with respect to those areas, to implement specific projects and programmes assigned to it, and to achieve the sectoral objectives set by the government’. As a consequence, there is a need for the Permanent Secretary to be familiar with Government policy.”⁹

35. The Hoyte statement also emphasized the need for recognition of the importance to be paid by the Permanent Secretary to the effective development of the then described Personnel function and its associated elements having regard to their potential to contribute to the achievement of Government objectives. As was argued:

“The Permanent Secretary must ensure that the work of junior officers is methodically supervised. He must not hesitate to censure where censure is due and, equally, to praise where praise is due. Above all he must constantly think about the welfare and well-being of his staff (including staff development) and seek to maintain their morale at a high level.

⁶ Collins, B.A.N. (1969) *The Public Service of Guyana – Report of the Commission of Inquiry*, p. 106

⁷ Circular re *Permanent Secretaries exercise of their responsibilities and the management of their Ministries* (May 05, 1989)

⁸ Ibid.

⁹ Ibid.

The maintenance of high morale among staff is a basic requirement for the successful functioning of a Ministry".¹⁰

36. The Hoyte statement also adverted to the need for proper financial management. While we do not consider it necessary in our Report to repeat the details thereof, because of present day concerns with this subject, we deem it wise to at least direct attention to one statement which should obviously be of direct interest to present day Permanent Secretaries, other Public Service functionaries, and, of course, members of the public. It is as follows:

"The Permanent Secretary must make himself thoroughly familiar with all laws and other rules regulating the administration of finances. He must also ensure that all subordinate staff whose job requires them to receive, record, report or otherwise deal with money transactions, are also familiar with these laws and rules."¹¹

37. On the importance of the relationship between the Permanent Secretary and the Minister, a subject on which we received an abundance of information, we believe that the articulations of President Hoyte are of particular importance if only because of the bases which are offered, for there to be comparisons with what was presented to us as characteristic of present day practices. Also some of the President's statements are so profound that they need to be known in full as they point to the direction in which reform should proceed if only for the protection of the public interest and its functionaries. Thus as stated:

"No Minister has the authority to direct a Permanent Secretary to ignore or break the law or to breach regulations and directives governing the administration of finances, the use of government property, etc. Indeed, no Minister has the power to direct a Permanent Secretary to commit any other Act that is unlawful or otherwise irregular."¹²

38. Clearly, on principle the presumption of innocence has always to be respected and upheld, but not to the point where allegations are dismissed without any, or any proper investigation, to the extent that the allegations persist. We are told that there is too great a tendency in such circumstances for governments to resort to what is often referred to as "cover up" activities, and sweeping matters under the carpet in protection of violating functionaries and the image of the Government. The question was posed as follows:

39. How should a Permanent Secretary, under pressure to act contrary to those principles behave? The response of President Hoyte which could be construed as relevant to this question was as follows:

"If it so happens...that the Minister insists that his instructions be carried out, notwithstanding, then the Permanent Secretary should, under personal and confidential cover, tender his advice in writing. If he has not already done so, setting out clearly why it would be illegal or otherwise irregular for him to comply with such instruction. This minutes,

¹⁰ ibid.

¹¹ ibid.

¹² ibid.

should be copied, also under confidential cover, to the Head of the Presidential Secretariat, who, as Head of the Public Service, would promptly bring it to the attention of the President for his resolution of the problem".¹³

40. We note in the immediate foregoing the concern with public finance, assets and other physical public property. In this light it was emphasized that, "... a *Permanent Secretary* was expected and required to act strictly within the scope of law and the relevant and other rules governing the management of those finances and other resources".¹⁴
41. In passing, we repeat our caution of the need to always bear in mind the difference between what is stated orally or even in writing, and what obtains in practice. The real test is always what results at the execution or implementation stage, an issue on which we dilate, on more contemporary times in light of information which we have received. Thus, one of the issues which we consistently raised and sought to have addressed was: What action would/should be taken were a President to be identified as the source of illegal or questionable orders? Often, rationality and principle are overwhelmed by politics and expediency.
42. The force and effects of these statements, clear and unequivocal as they appear to be, have undoubtedly been eroded, undermined or not adhered to with the passage of time, and the adoption and practice of ideologies with elements in conflict with Westminster principles, resulting in rethinking about the efficacy of the model and how much of it is still operational or should be restored in Guyana. Approaches of other Commonwealth Caribbean States in functioning with the model, should, in our view, be of interest if only to determine whether there are aspects of experience in these states worthy of emulation in Guyana.
43. As recently as in year 2013 an empirical study contained in its title, elements similar to the terms of reference of our Commission, that, in our view, is worthy of serious consideration. Entitled: *The Role, Responsibilities and Management of Permanent Secretaries and Chief Executive Officers*, its focus was on the independent states of Jamaica, Belize, St Lucia, and the twin island state of St Kitts and Nevis. It contains a number of what may be referred to as innovations on the functionary who was invariably named "Permanent Secretary".
44. We do not intend to embark on a detailed exposition on the content of this study and its findings. Instead, we direct attention to measures which could be interpreted as points of departure when compared with practice in Guyana. Thus, as reported:

"The studies revealed a variegated approach to developing institutions, as well as, different attempts at capacity development of this group. Though the role of the Permanent Secretary as Administrative Head of the Ministry was common across all four states the

¹³ Ibid.

¹⁴ Ibid.

*nomenclature itself was not universally applied. Belize had, from 2000, discontinued the use of the term Permanent Secretary in favour of Chief Executive Officer (CEO) while in Jamaica, the Administrative Heads of Executive Agencies are called CEOs and have, for the most part, full delegated authority to manage their entities which are Departments of Government.*¹⁵

45. Noteworthy, attention is drawn to the constitutional position, which should be of particular interest to Guyana:

*"In all instances, the source of authority of the PSs/CEOs has however remained in the Constitution of the respective CARICOM member states. The role of the CEO in Belize therefore, was not altered or redesigned to be different from the PS elsewhere ... except that their political neutrality was compromised. They faced the same contextual issues that confronted the PS from other countries, including shortage of human and financial resources, harsh global financial crisis, and all the challenges of small vulnerable island states".*¹⁶

46. In general as reported, evidently the relative roles of PSs were maintained and respected and good working relations between the two public functionaries prevailed at an interpersonal level but there were still problem areas. For example, complaints of, "...the blurring of lines on the part of some Ministers who were inclined to interfere with the operations of the Ministry and Agencies"¹⁷; "...the tendency for some Ministers to become directly involved in the Ministry's administrative functions and implementation of programmes"¹⁸. Thus, the resort in some instances to legislative enactments and regulations in prescribing, "...clearly the roles of Permanent Secretaries/CEO and Ministers and make the former Accounting Officers of the Ministry."¹⁹
47. We feel obliged to, and do pose the question: Where is Guyana collectively positioned in all of this, both in theory and in practice, and what changes could or should be recommended in this regard? But more is necessary to be known about the influence of political factors before the latter stage is reached.
48. We direct attention to at least one important political phenomenon in Guyana that is more likely than not to impact the role and functions of the Permanent Secretary differently when compared with that which obtains in the Commonwealth Caribbean. Implicitly or explicitly, the efficacy of the status and rationale for the role and functions prescribed for the Permanent Secretary under the Westminster model, as presented above, is premised on frequent changes of governments. It is, therefore, at least arguable that where this is not a feature in a state, as in Guyana, the points so emphatically stated in favour of the Permanent Secretary and all that they connote, may have to be subjected

¹⁵ Osei, P. D., et al. (2014) *The Role, Responsibilities and Management of Permanent Secretaries and Chief Executive Officers – Case studies of Jamaica, Belize, St. Lucia and St. Kitts and Nevis*

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

to further examination and expectation. In this respect, it is common knowledge that over a period of in excess of fifty (50) years, there have only been two changes of Government, party-wise; twenty-eight (28) continuous or unbroken years of the PNC and affiliates, followed by twenty-three (23) continuous and unbroken years of the PPP.

49. We believe that such trends are incompatible with the Westminster model since they are unlikely to induce and encourage public servants and, indeed, wider sections of the population, to adopt postures of independence, impartiality, and political neutrality *vis-à-vis* a government in the expectation that its tenure is likely to end soon and it would be replaced by a different one. Rather, there is more likely to be gravitation towards an incumbent government which would be in a stronger position than its rivals to dispense the usual patronage and use other forms of inducement to maintain its position even to the point of politicizing the Public Service.
50. There were, however, the counter arguments put to us that the posture of a Permanent Secretary *vis-à-vis* a Government will ultimately be a matter of the professionalism, honesty and integrity of the public servant; qualities that should be evident regardless of the longevity of the government that is being served. Because Permanent Secretaries and other Public Servants are supposed to be trained professionals, the argument goes, they should be prepared to serve any government with equanimity, especially where roles and functions are clearly predefined, delimited and known. In support of this position, our attention was directed to experience in states such as the United Kingdom and the United States of America where one's political ideology or posture does not necessarily prevent one from serving, or serving with others of contrary views and/or inclination.
51. We are convinced that despite the cogency of the arguments in conflict, there are certain hard realities which would cause significant divergences in a state such as Guyana in comparison with the situation in countries such as the UK and the USA. We became aware of instances of reluctance to expose irregularities out of concern for the welfare of families should persons be penalized and lose their jobs. Some Permanent Secretaries were even apologetic and, retrospectively, expressed regret and embarrassment for their failure to act in conformity with rules and regulations and to insist that instructions to them be given in writing. On the other hand, there were those who stated that they would resign their positions rather than condone or go along with irregularities, regardless of their source or origin.

1.2: PRACTICE - POINTS OF DEPARTURE

52. The theoretical principles are relatively straightforward regarding what should be the ideal relationship between Minister and Permanent Secretary but, as in so many matters, in practice, there may be marked divergences between the two functionaries in the perception of their relative roles and functions, as well as their social relationships. A

number of these became apparent during the course of our enquiry. Included were vexed issues regarding the relative merits of those appointed to the topmost position of the public administrative hierarchy of the Ministry. Matters of incompatibility could, and did emerge in such cases. Their resolution should be within the province of the President who, according to relevant articles of the Constitution, is the person charged with the appointment of Permanent Secretaries but, in practice, it is not always clear as was the case of the appointment of those employed on contract, an issue which is considered later in our Report. Currently, it appears as if there is a policy of vesting such appointment in the Public Service Commission.

53. Divergences in the role and functions of Permanent Secretaries and Ministers were also evident in the allocation of functions in terms of a realistic difference between policy making and the implementation of policy. In practice, both theorists and practitioners appreciate that it is not unusual for those charged with the policy making function to intrude into the realm of policy making and politics, and for those whose function is described as mainly administrative and non-political, to intrude into the area of policy making. Factors which may influence a situation may be personality, size, balance and personal relationship.
54. There are a number of other problem areas that were brought to our attention, but even at this point we believe that many of these issues could be resolved by interaction between the two functionaries at joint intellectual exercises, such as training exercises and conferences which we have discerned is not systematically planned and executed to address specifically identified problems.
55. There are other factors which, we perceive, should be of interest as they relate to Public Servants and the Public Service in general in the Guyanese context and culture. To us the evidence is persuasive that, notwithstanding articulation to the contrary of rights and freedoms intended to inure to the benefit of individual citizens, governments have tended, quite naturally some say, to prefer to have in place their supporters in key positions of their administration and even set out positively to exclude or minimize the presence of others among them. This tendency is often compounded by the acknowledged presence and influence of ethnic, demographic and cultural factors with roots reaching back to even before Independence.
56. The effects of constitutional provisions designed to guarantee rights and liberties have also impacted both membership and participation in political organizations and their activities to the extent that some manifestations in Guyana would undoubtedly be a source of surprise, and concern to practitioners of the Westminster model, in many other parts of the world. Even in the presence of apparent constraints on political participation, detailed above, in Guyana it is not unusual for Public Servants to be both conspicuous and active in the affairs of political parties. Even persons occupying the post of Permanent Secretary, and other high public officials, have been known to be politically active as executive members of their party. Further, it is not unknown for Permanent

Secretaries, on the advent of an election, to resign their posts in the Public Service, join the election campaign on the side of the party of the incumbent Government, and at the conclusion of the election at which their party was not returned to power, seek to withdraw their resignation and reoccupy their previous positions in the Public Service.

57. Issues have also arisen over the dismissal or non-renewal of the contracts of persons after the change of government with leaders of the replaced government alleging, *inter alia*, discrimination against, and "witch hunting" of its supporters and others. There are denials of such allegations some of which are in court awaiting adjudication. But even in a preliminary way none of this, in our view, could be advanced as in consonance with traditions and values urged for the Public Service and its functionaries. It is as a result of such developments that it is felt that politics has trumped all in the course of which the Public Service has suffered a severe loss of status which needs to be rehabilitated.

1.3: TOWARDS REHABILITATION: REMEDIES AND SOLUTIONS

58. The issues and problems presented in the foregoing are both challenging and difficult to address and resolve to satisfaction, especially in a state such as Guyana where there is the absence of consensus on even what are described as mundane matters and in which the State and its institutions are in perpetual turmoil. However, we once again direct attention to approaches in Commonwealth Caribbean and other states where alternative arrangements, pregnant with approaches which, we believe, are relevant to Guyana in the attempt to assuage actual or potential problematic relationships between the public bureaucracy and the political directorate. Some of these measures were recommended by two of our predecessor Commissions of Inquiry but, for various reasons, were either overlooked or not acted upon in Guyana.
59. The Burgess-Hunn Commission had, as early as 1966, recommended that the constitutionally established Public Service Commission and a Public Service Ministry should function under, "...a Public Service law in which the governing principles are laid down. The basic tenets would be embodied in a Public Service Act."²⁰ More pointedly, that Commission had recommended a strong well-structured and capable Public Service Ministry, buttressed by a Public Service Act which clearly defined the functions of a Public Service Ministry as the premier Ministry responsible for public management and administration. The Act was to define the status and duties of the Permanent Secretary of the Public Service Ministry with powers, duties and responsibilities for the effective organization of the departmental and ministerial machinery of Government and human resource management, outside the constitutional remit of the Public Service Commission. In addition, the Commission specifically recommended, "That the Permanent Secretary of the Public Service Ministry, as *primus inter pares*, be the convener of the Permanent

²⁰ Burgess, G. and Hunn, J.H. (1966) *Report on Public Administration in Guyana*, Government Printery

*Secretaries' Committee to discuss and implement ways and means of improving efficiency and economy."*²¹

60. The Collins Commission also supported the enactment of a **Public Service Act**.
61. It is our finding that a **Public Service Act** is a common instrument in the search for effective public management and public administration in CARICOM countries. Such enactments exist in the twin island state of Trinidad and Tobago, Barbados, Jamaica, Belize and the Cayman Islands, and, further afield, in Canada, New Zealand and South Africa.
62. In illustration of the likelihood of the relevance of such legislation in Guyana we submit the following summaries on its use in other countries:
 - The **Trinidad and Tobago Civil Service Act**, Chapter 23:01 makes provision for the establishment, structure and classification of the Civil Service, the Personnel Department, procedures for collective bargaining negotiations, and for the settlement of disputes to finality by Special Tribunal of its Industrial Court.
 - The **Barbados Public Service Act**, 2007 revises and consolidates the law relating to the management and administration of the Public Service for the purpose of achieving greater efficiency and effectiveness. The Act stipulates that the Public Service shall be managed by the Service Commissions in accordance with their functions under the Constitution, and by the Head of the Public Service who is a Permanent Secretary, and for the establishment of a Committee of Permanent Secretaries. The Act defines the functions and the special powers of the Head Permanent Secretary, and the functions of committee of Permanent Secretaries which is chaired by the Head (Permanent Secretary) of the Public Service.
 - In **Jamaica the Public Service Regulations**, 1961, made under the Constitution, provide the legal framework for the functions – powers and duties of the Public Service Commission, and duties of the Chief Personnel Officer along with detail process and procedures on all aspects of the staffing and human resource management and administration in the Jamaican Civil Service.
 - The **Belize Constitution (Public Service) Regulations**, No. 59 of 2014 provides for the appointment of a Chief Executive Officer (formerly Permanent Secretary) charged with the supervision of a department of Government in accordance with these Regulations in the performance his/her duties. The law establishes a Ministry of the Public Service "to administer and direct the Public Service and to sustain the integrity of the system by which the Public Service is governed." Among other provisions, the law includes a Code of Conduct for Public Officers. Performance

²¹ Ibid.

Management System, Discipline of Public Officers, and the conduct of Industrial Relations, and in particular states that: "The Ministry shall have the Authority to engage in collective bargaining or any other form of employer and employee relations."

- In the **Cayman Islands, the Public Management Law** (2011 Revision) stipulates that the Deputy Governor shall be "the Head of the Civil Service who is responsible for overseeing all matters relating to the operations of the Civil Service", and the human resource management and administration in the Civil Service. This law defines the duties, responsibilities and powers of the Head of the Civil Service, the appointment of Chief Officers of Ministries (Permanent Secretaries) and their responsibilities and powers. The law also establishes an independent Civil Service Appeal Commission which "shall not be subject to the direction or control of any other person or authority". This Appeals Commission considers appeals from Civil Servants applying to be Chief Officers of Ministries and Portfolios against the Head of the Civil Service. It also considers appeals on remuneration for Chief Officers of the Ministries and Portfolios, their dismissals and early retirement, and annual performance assessment awards. The law further provides for civil servants to appeal against a decision of the Head of Department to the Chief Officer or against the decision of the Chief Officer to the Civil Service Appeals Commission.
- In **Canada, its Public Service Employment Act** (current to January 2016) provides for a "Public Service that is based on merit and non-partisanship and in which these values are independently safeguarded" by its Independent Public Service Commission which has exclusive authority on Public Service appointments.

Recommendation # 1

1. After mature consideration, we recommend the enactment and promulgation of a Public Service Law along the lines described in the foregoing, with related Regulations which could well promote the effective management and administration of the Public Service and insulate and protect it from irregular and undesirable influences, thereby enhancing its status and productive capacity.

63. There are also other likely forms of safeguard and protection for the public interest and the role of public officials in it. These are at the proposal stage, or exist in the form of draft legislation, but, in our view, have not been treated with the urgency and seriousness they deserve, especially in light of recent developments in the country. As is known, increasingly, there are expressions of concern about aspects of the management of public assets and resources to the point where questions are raised about the role and involvement of public officials in government with perceptions of a shift from "public service" to "self-service" in the course of which the interest of the public has allegedly

fallen victim and, "... in a number of cases, some of the officials in defending their questionable decisions said they were following instructions from the Government." ²²

64. It was with such problems in mind that the Government elected to office in May 2015 had stated its intention to introduce measures, including a Code of Conduct, designed to spell out how officers should behave while in office to ensure transparency and reduce corruption.
65. However, the Government had announced an intention to allow for more public input into the draft code before it is taken to the Cabinet of Ministers for approval. From there it will go to the National Assembly for adoption.
66. The Bar Association, which represents lawyers in Guyana, has argued for urgency in the introduction and activation of the Code. In addition, its position is that any Code of Conduct for officials should be one that is legally enforceable.
67. Our enquiry has revealed that there is strong public support for the Code and its underlying objectives. Since we believe that such a measure could have a salutary effect on corruption and other malpractices.

Recommendation # 2

2. We recommend that urgent action be taken to enact a Code, along the lines proposed by Government.

68. In this connection, we are reminded that in the cockpit of political rivalry, and of charges and counter-charges, which are dominant features of the Guyanese political culture, it is crucial that matters of this nature not be left to languish in a state of uncertainty and procrastination, thereby leading to the conclusion among the populace that addressing such matters does not rank very high on the list of national priorities.
69. Further, on the question of protection for the public interest and public officials, we also note the announcement of the intention to enact a law entitled the Protected Disclosures (Whistleblower) Act in Guyana. This proposal, introduced in year 2015, is also designed, "...to combat corruption and other wrongs in the public and private sectors by encouraging and facilitating disclosures by employees...in good faith and the public interest". The Bill, "...also seeks to regulate the receiving, investigating or otherwise dealing with disclosures of 'improper conduct' in good faith and the public interest."²³

²² Hearings of the Commission

²³ Draft Whistleblower Bill Published (December 28, 2015), Stabroek News

70. Elements of this proposed legislation are of interest since they appear to be directly related to the problems of unacceptable conduct among public functionaries. Thus, by way of illustration, we reference the following statement:

*"Improper conduct" is defined as "...conduct that tends to show that a criminal offence has been committed, is being committed or is likely to be committed; that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject; that a miscarriage of justice has occurred, is occurring or is likely to occur; that the health or safety of any individual has been, is being or is likely to be endangered; or that the environment has been, is being or is likely to be damaged."*²⁴

71. Also caught within this definition of improper conduct is, "conduct that tends to show that gross mismanagement, impropriety or misconduct in the carrying out of any activity that involves the use of public funds or any financial resources has occurred, of reprisal or victimization of an employee has occurred, is occurring or is likely to occur; that unfair discrimination on the grounds set out in section 4(2) of the Prevention of Discrimination Act has occurred, is occurring or is likely to occur...."²⁵

Recommendation # 3

3. We strongly recommend that the Protected Disclosures (Whistleblower) Bill 2015 be enacted and promulgated as a matter of urgency.

72. However, we wish to point out that we were frequently admonished and reminded that the enactment of even the most brilliantly crafted legislative instruments would not necessarily achieve the desired result as there always seems to be ways and means of frustrating the realization of even clearly stated objectives in programmes. We believe that this is often the result of failure to secure public support on such matters.

Recommendation # 4

4. We also recommend that public support in the form of appropriate programmes of public education be prominently part of these two measures.

73. In passing we advert to the relative roles and functions of the Minister and the Permanent Secretary pertaining to the promotion and protection of the public interest. In essence there is a difference of view as to whom of the two has the better claim as the protector and promoter of the public interest. There is the argument that since politicians generally gain their positions and status through the process of election that obliges them to be responsive, answerable, and accountable to those electing them, the superiority of their claim should be accorded respect. On the other hand, this position is contested by those who assert that there are many individuals from this group who, while in official positions, are involved in activities detrimental to those of the public.

²⁴ Ibid.

²⁵ Ibid.

74. It is generally known that there are public functionaries such as judges and, of course, Permanent Secretaries, for example, who although not elected are charged under the law, with supervising and controlling the activities of elected functionaries and, in the process, serve as bulwarks in the protection and safeguarding of the public interest.
75. Therefore, as the issues have been presented to us, the public interest for its effective promotion and protection needs positive and honest inputs from both types of functionaries. Ultimately, the ideal situation is to have both groups operating in harmony. In quest of this there is also the obvious requirement that there be proper definition and understanding of the relative roles of the two types of public functionaries and, of course, an effective monitoring role in other institutions, and important contributions from civic society.

1.4: THE PUBLIC SERVICE COMMISSION IN PERSPECTIVE

76. The role and functions of the Public Service Commission and reasons for its founding were referred to in broad terms above. However, an account on its origin and evolution, both in Guyana and the rest of the Commonwealth Caribbean, published as early as 1967 by Dr. B. A. N. Collins²⁶, is important in placing this key public administration institution in proper perspective.
77. A Public Service Commission in Guyana was not the only service commission charged with, *inter alia*, responsibility for promoting and safeguarding the professional interest, integrity and prospects of groups of public functionaries. The others, namely the Judicial Service Commission; the Police Service Commission; and the Teaching Service Commission, have all, not unlike experience with the Public Service Commission, to varying degrees, were under similar types of pressure and questioning regarding their composition, role, method of appointment, functions and relationship with politicians and political influence.
78. In the case of the Public Service Commission, the major factor influencing its founding was concern that, as the State evolved constitutionally through different levels of government to ultimate Independence, it became increasingly necessary to place the then civil service, hitherto safely ensconced in the hands of the British Governor and other senior expatriate civil servants, in the safety of the Public Service Commission. The role of the latter, too, was consequentially adjusted from an advisory body to the Governor to one of executive status. In the process, various changes were effected in its composition, functions and role with an overriding objective of protecting Public Servants and their careers from politicians and undue political influences. However, all of these elements were to undergo further major changes and adjustments with constitutional upgrading and development, with the passage of time.

²⁶ Collins, B.A.N. (1967) *Some Notes on Public Service Commissions in The Commonwealth Caribbean*, Social and Economic Studies

79. Currently, the Public Service Commission (PSC) and its role and functions are set out in Article 200 and other provisions of the Constitution of Guyana. We expect that, like other provisions of the Constitution and/or law, the meanings and effect of any article or provision or section, as the case might be, the meaning to be attached to them would be subjected to judicial interpretation that could well be a source of surprise to interested parties. Should this be the case we, as Commissioners, would be obliged to follow the law as judicially interpreted; but that would not prevent our expression of disagreement with the judicial interpretation and affect our duty to recommend change in the law in accordance with our findings and perception.
80. Be that as it may, we are aware that under the Constitution, the PSC has, "...the power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or in such offices." It is our opinion that even a cursory glance at this power and others residing in the PSC is sufficient to lead to the conclusion that they are associated with elements that should be of concern to those with knowledge and interest in Human Resource Management principles and practice. In other words, there are certain actions that could reasonably flow from even the clear words of this article, in the execution of power.
81. This issue was raised during our enquiry, with specific focus on the composition of the membership of the PSC and whether it was conducive to the proper performance of its assigned duties. In this respect it has always been a matter of concern as to whether the PSC is composed of the best collection of persons qualified to successfully and meaningfully give effect to the role assigned to it in the Constitution. The following are the relevant provisions usually under scrutiny and criticism:
- "200(1) The Public Service Commission shall consist of six members who shall be appointed as follows, that is to say_*
- a) Three members appointed by the President acting after consultation with the Leader of the Opposition*
 - b) Two members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent public officers or classes of public officers ;and*
 - c) If the President deems fit, one other member appointed by the President acting in accordance with his own deliberate judgment".*
82. Time and space do not permit a detailed exposition of the effects of the dynamics of these provisions in operation. However, we directed focus and attention to the existing configuration of the PSC with a view to determining whether or not there should be change in its composition and personnel.
83. At present the PSC has the President of the Federation of Independent Trade Unions (FITUG) as its Chairman. He, as a member of the Commission, was elected to its chairmanship by other of its members. Among the latter are the President of the GPSU

which is the certified recognized union representing Public Servants; an Executive member of the GPSU; and three other members.

84. Queries were raised about the *bona fides* and tenability of the PSC as constituted. These included whether or not there was the possibility of the Commission being contaminated by bias and conflict of interest.
85. For his part the response of the Chairman of the PSC to this was unequivocal that there was no such danger with his position since no member of unions to which he was affiliated or had association was employed in the Public Service, or likely to make representations before the PSC.
86. Similar questions were put to the President of the GPSU, too, regarding the likelihood of conflict of interest and bias arising from, say, a member of the GPSU appearing before the GPSU with a grievance while he and the Executive member of his union, were members of the PSC. The grievance before the Commission may well have originated from the GPSU where he and the Executive member had previously participated in the preparation of the case of the aggrieved member.
87. This query also attracted the response that it was all about the integrity of the persons sitting in judgment. He would personally experience no difficulty in sitting in judgment of a member of his union at the level of the PSC. However, contrary to this position we are aware that in such circumstances it is the usual practice for persons to recuse themselves.
88. The view is prevalent that it would be unfortunate and unacceptable were the PSC, as now constituted in terms of its membership, to be associated with and acceptable of such situations. No doubt, the present members of the PSC gained their positions on it through the operation of existing legal rules and procedures. However, as demonstrated in the immediate foregoing, questionable situations may result on occasion from the operation of the law resulting in the need for its review in order to effect such change as may be deemed necessary. But legal amendment may not be the only option. Additionally, the development of conventions which, although not law, enforceable by the judiciary, may well be respected as if they are laws, especially where morality issues may be involved.
89. The evidence before us revealed that relationships and interactions between and among the members of the PSC were not as cohesive, cordial and productive of positive results as would be expected of a professional group involved in the execution of such vital functions which the Commission is charged with executing. This situation was in part the result of limitations of knowledge, understanding and training in regard to the proper role and status required of members of the PSC. This is in contrast with the situation existing in many other states, where there is usually keen interest among members of such entities to function co-operatively on the basis of shared professional values and ethics. Political influences are minimized or eschewed, in particular when they emanate

from persons or organizations (nominators) responsible for their nomination (nominees) gaining membership of the Commission, especially where the values of nominators, or requests made are in conflict with, or in violation of professional norms and standards. In brief, acceptance of nomination or appointment does not necessarily connote or lead to subservience.

90. It is necessary for us to illustrate the bases on which views in the immediate foregoing are usually grounded. It was presented to us, that there is a tendency among persons of high political and social standing to favour persons for certain appointments on the understanding that they would in turn be responsive to requests and demands as might subsequently be made of them.
91. Among the main elements that should be taken into account in response to requests for nominations to a body such as the PSC, we believe, should be the suitability of the nominee based on his/her knowledge of the Commission and its role, and functions and, of course, experience with similar matters.
92. Having said that, we do not pretend to be able to produce an exhaustive or definitive list of desirable attributes that would meet the needs of each and every case. This would obviously depend on the nature of the agency and the skills that would be required for effective participation in its activities. But from our point of vantage some appointments appeared to be so inappropriate as to raise questions about whether they were done in good faith with the interest of the public in mind, with ulterior motives, or as a matter of course.
93. In summary, then, concerns raised with us portrayed the PSC as an agency that is ill-equipped to discharge its responsibilities. We believe that given its intended independent constitutional status, the PSC should be preserved and protected as in other Commonwealth states, including Canada whose Public Service Employment Act provides for an Independent Public Service Commission which has exclusive authority to appoint persons to or from within the Public Service in keeping with the law.
94. From the evidence before us it is imperative that appointment to membership of the Public Service be based on merit and made by a Commission that is credible and adequately qualified to do so, and which enjoys the respect of the general public. We believe that there is justification in the call for its reform with specific reference to its membership. In doing so we take cognizance of the fact that the PSC's constitutional status would require that the requisite procedure be followed in effecting amendment or change.

Recommendations # 5 - 6

We therefore strongly recommend:

- 5. That as far as possible all efforts be made to effect the required change.***

6. That the PSC should at all times be constituted with suitably qualified and competent persons of unquestioned integrity who would strive to be fair and impartial in the execution of their duty in consonance with the constitutional prescription that they exercise independent judgment and not be influenced by political and other external or extraneous considerations.

95. We acknowledge that these would be challenging conditions and criteria to meet and satisfy especially given the shortage of persons possessing the relevant qualifications for appointment, as we understand them. However, it is noted that the constitutional provisions under which the PSC falls do not stipulate that nominees possess any specific or special qualifications in order to be members of the PSC, such as membership of trade unions or other organizations. Therefore, it is open to those authorized with making nominations and appointments to extend their choices to any source of persons who, in their estimation, possess the requisite attributes to serve on behalf of their organization. It is therefore a question of prudence in the selection of their choices.

96. We are also aware that even though there is apparently no legal requirement that members of a given organisation employing workers who are represented by a given union, not be in interactive relationships, it is not unusual in some states for both union and employer to jointly plan and execute educational, training and other programmes and activities designed to deal with problems and issues with which they are faced. In this context, the following brief statement on approaches in Jamaica is illustrative of this point:

"... (D)evelopments in Jamaica, where it is claimed that the Commission in carrying out its functions has had no disputes with the Jamaica Civil Service Association (JCSA), are instructive because the usual pattern in other jurisdictions is one of conflict. Interestingly, the harmony claimed in Jamaica is attributed to constant dialogue on matters of concern and mutual interest with the President and Executive of the Association both at the Commission and Office level. In addition, the involvement of the JCSA is always sought in the planning process for any change or modification of the modus operandi, and the inclusion of a member of the JCSA or the Public Service Commission."²⁷

97. Here, the importance of dialogue and agreement on procedures in resolving and settling differences is emphasized - qualities which are generally noticed by their absence, or are infrequent, or irregular in practice in Guyana. It is obvious that dialogue and consultation can contribute to improving relationships as illustrated in the case of Jamaica.

²⁷ Lutchman, H. (2006) "Industrial Relations in the Civil Service in the Caribbean – The Jamaica Experience" in Goolsarran ed., *Industrial Relations in the Caribbean – Issues and Perspectives*, International Labour Organisation, p. 151

Recommendation # 7

7. We therefore recommend that the case and approach in Jamaica be the subject of a careful study with a view to determining its relevance and likely contribution to improving relationships between the PSC and GPSU in Guyana.

98. With an eye specifically on the functions of the Commission, its members should at least have appreciation of the elements to be taken into account to ensure that all applicants for posts are treated fairly as required by the law and are not the victims of subjective influences and factors. Similarly, in matters pertaining to discipline it should be the expectation that Commissioners possess a basic understanding of the importance of the Rules of Natural Justice with emphasis on such elements as the right to be heard, fair treatment and exclusion of bias in any hearing in which they may be involved. In this context, it is not advocated that, for example, only those who are specialists in the field of Human Resource Management or lawyers should be appointed to membership of the Commission. We were, however, concerned at allegations of arbitrary treatment being meted out to persons appearing before the Commission on disciplinary matters, and impressed by the disclosure from the University of Guyana that its Law Department was planning to offer courses in para-legal training which would be available to interested members of the public and others. Participation in such courses could be helpful in countering negatives in the field of Public Service.
99. But such efforts apart, it is quite common for professional bodies to organize regular meetings, seminars and conferences at which experiences and knowledge are exchanged, all in the name of improving their effectiveness in the fields in which they are required to function. We strongly recommend that such practices be adopted *vis-à-vis* the Public Service Commission (PSC). We urge the importance of developments in this direction since cases were brought to our attention which indicated gross unfairness in the manner in which persons with allegations made against them were treated by the Commission. There were other cases of missteps on the part of newly appointed functionaries on account of their limited appreciation of the scope of their authority and function, all of which could be avoided or mitigated with proper orientation and training from which even the members of the PSC should not be exempted.

1.4.1: Recruitment and Selection in the Public Service

100. In the recruitment and employment of Public Officers, the PSC must exercise its duties without breaching the laws of the land – the Constitution and the Labour Laws on employment relations.
101. Testimonies also support the recruitment of Public Officers by open internal and external competition for all senior positions including Permanent Secretaries and Regional Executive Officers, whether as new employees or on promotion.

102. Permanent Secretaries and Regional Executive Officers, whose duties and responsibilities are comparable, are currently, under the Constitution and Local Government Laws, appointed by the President and the Minister of Communities, respectively. Many who testified before us advocated that these appointments should be made by the PSC in support of the advocacy for a more integrated Public Service and greater synergies with the administrative Regions. We concur with the view that the PSC should make these appointments. This change may well require amendments to the Constitution and other relevant laws.

Recommendations # 8 – 11

We accordingly recommend:

- 8. That the PSC be constituted with suitably qualified and competent persons of high integrity to exercise their duties in strict fairness, impartiality, and on the basis of merit. It is desirable, as with the case of the Public Service Appellate Tribunal that members of the Commission should possess experience and show capacity in matters relating to administration, human resource management or public affairs.***
- 9. That the Constitution and other applicable laws be appropriately amended to empower the Public Service Commission (PSC) to appoint Permanent Secretaries and Regional Executive Officers.***
- 10. That all appointments to Public Service positions be by open internal and external competitions to obtain the best from the labour market.***
- 11. That all appointments by the PSC be on the basis of merit and be free from political influences, and meet the essential qualifications and requirements for the jobs to be performed.***

1.4.2: PSC Recruitment for the Judicial Service Commission

103. We have been informed that the Public Service Commission recruits support staff who work for the Judiciary, such as the staff of the Deeds Registry, although there is a Judicial Service Commission (JSC). It is proposed that the employing authority should be the Judicial Service Commission as being more appropriately placed to select suitably qualified staff, given its own independent identity. Current employees who serve the Judiciary should be transferred with their pensions and other benefits to serve under the authority and control of the JSC. All new staff to serve the Judiciary should be recruited by the JSC which should also be responsible for their promotion, transfer, discipline including dismissals as is the case with other Service Commissions.

Recommendation # 12

12. We therefore recommend that the Judicial Service Commission, like other Service Commissions, be empowered to make appointments to positions of support staff under the JSC and to remove and to exercise disciplinary control over such staff.

CHAPTER 2: CONTRACT EMPLOYMENT IN THE PUBLIC SERVICE

104. Among the issues brought to our notice during our enquiry as needing to be addressed, was the significant number of persons occupying positions in the Public Service, who were not recruited through the established processes and procedures of the Public Service Commission. These "contract employees" are estimated to be sizable percentages of the workforce of Ministries and Departments at all levels of their operations to the extent that their presence is at times represented as constituting a parallel public service in conflict with the official Public Service. However, contrary to this claim there is the assertion that contract employees are usually needed to both supplement, complement and augment skills deficits in the public bureaucracy.
105. The concept and existence of a category of contract employee in the Public Service is relatively new in Guyana and should be differentiated from the situation in which, in the normal course of relationships among citizens and other legal personalities, various types of relationships, mainly commercial in nature, exist. According to our understanding, the reference to contract employees is to recruitment and appointment of persons to established posts in the Public Service to serve for fixed and limited periods of time at the end of which their contracts are either renewed (extended) or ended, which is unlike the situation that obtains when persons are appointed to permanent positions in the traditional Public Service. An additional distinguishing feature of persons on contracts (also referred to as contracted persons), especially of those appointed to higher level positions in the public bureaucracy, is the payment to them of gratuities as a percentage of their remuneration after a period of service, usually six months. This is in contrast with Public Servants on pensionable positions in the traditional Public Service.
106. Contract employees may also be located at lower levels of the Public Service where posts junior to those addressed in the immediate foregoing are discussed. In this light, they are usually placed into two broad categories: those that exist and are authorised, and those that are creatures of convenience specifically functioning behind facades intended to conceal the questionable nature of both their status and appointment.
107. Conflict between the two types of Public Servants (traditional and contracted) tends to be based on the processes and procedures by which each type is recruited and accede to their positions, especially to senior levels of the public bureaucracy. The traditional Public Servant, it is felt, is in an advantageous position over his/her contract counterpart in his/her relatively long association with the Public Service during which he/she would be exposed to different facets of working and functioning, values, rules and nuances of the Public Service. On the other hand, the contract Public Servant is at times disparaged by references to the absence of these experience factors in their records. However, these relative positions are often placed in balance by the known fact that experience, to be of value, should relate to the possession of elements of knowledge and skills necessary in order to function effectively in given jobs, which is not always guaranteed by long service in a given position or organization. Discerned inadequacies and deficiencies could be

corrected or attenuated by appropriate orientation and training programmes. In addition, personality and personal factors should always feature highly in recruitment and appointment processes.

108. We are convinced that in this contest of views, the weight of opinion is in favour of the traditional Public Servant as in fact is the strong and unrelenting position of the Guyana Public Service Union exemplified in their portrayal of contract Public Servants as almost interlopers who are keen to invade turf which should be reserved for traditional Public Servants.
109. There were other views and facts for us to investigate and explore pursuant to our search for relevant recommendations on this issue. As we have stated above the active involvement and participation of contract employees in the Public Service is of recent vintage. This is due to the purported acceptance of the essence of the Westminster model with its emphasis on such values as impartiality and neutrality of Public Servants in their relations with incumbent governments and in the political arena at large.
110. But, in practice, it has proved exceedingly difficult to adhere to this posture in the presence of dominant political elements in Guyana and the resulting reality that governments tend to prefer to have in place not neutral or neutered public servants but those who are among their enthusiastic and active supporters. Once this pattern is established it is, in practice, difficult to eradicate, modify or change.
111. In this context the ongoing dialogue (some prefer the word quarrel as more reflective of this reality) is interesting. Differences between Government and Opposition tend to turn not as much on the presence of contract employees but their numbers and distorting effects on governance. Relevant rules and regulations are not obeyed, honoured or respected, as they should, because ways and means are easily found to avoid or neutralize their influence, such as not fully constituting, (or inordinate delays in doing so), agencies charged with overseeing functions (such as various commissions) in relation to such bodies; appointing supporters and even relatives to such bodies thereby making it difficult for them to execute their responsibility with objectivity, with the result that terms such as transparency and integrity are ineffectual. At base, it represents a marked failure to act consistently with the law which is often quite clear. The obvious conclusion is that it is not so much the law that is at fault, but practices and divergent patterns of behaviour not in keeping with the law and its spirit.
112. By way of illustration, activities and testimonies which were received have disclosed facts which are in vindication of this conclusion. The first is that contract employees tend to be appointed outside of the jurisdiction of the Public Service Commission thereby avoiding the inputs of the latter in making appointments to the Public Service. However, information available to us revealed that, at any rate, it is often possible for the predetermined choices of the Executive to prevail because the role of the Commission

may be one akin to that of a post office with the former automatically attaching its approval to the names presented to it.

113. We were also informed that there were cases where senior retired public servants were rehired on contract on lucrative terms, much to the chagrin of serving traditional public servants still in service and in receipt of remuneration and benefits in no way close to those received by the newly reappointed on contract, with adverse effects on the morale and motivation of the former.
114. Then, there is the issue of the arbitrary use of public resources by the political directorate to win political support, and indulge in other practices which are generally described as illegal and/or corrupt because they involve breaches of the law in the process of accessing public funds for such purposes. We are aware that this is an issue currently under discussion in Guyana. One of the emerging concerns is that those in control of public resources and assets are allowed too much leverage in their management, resulting in serious losses to the public, and clear indications that there is a dire need for tighter scrutiny and control in such matters.
115. The foregoing notwithstanding, it is obvious that it is possible for cases to exist where certain skills may be needed in the Public Service which are not possessed by persons employed within its ranks. Then, it is understandable that there may have to resort to persons outside of the Public Service possessing those skills who could then be employed on contracts with specific terms by the PSC. But even in such circumstances clear rules would be needed to ensure that interested persons who possess the requisite qualifications are provided with fair chances to compete with others for appointment. It is for such reasons that there is advocacy for such vacancies to be adequately advertised and filled in a professional manner. These requests should by no means be regarded as unreasonable or disproportionate as, according to the Constitution of Guyana, persons are entitled to fair and equal treatment.
116. During our enquiry there were expressions of concern that, in too many matters applicable laws, rules and regulations were treated with disdain and contempt and were susceptible to being ignored and bypassed by those who possess political power which is at times treated as supreme. Hence, the frequently articulated desire for a return to the rule of law.
117. Viewed in the quest to build a career and professionally driven Public Service with the optimum levels of staff, it is obvious that there must of necessity be a requirement that all employment for Public Service positions be done by the PSC or under its aegis. The optimum complement of suitably qualified staff for each ministry, office, division, department, etc. with the right organizational needs to be evaluated and determined through human resource and organizational reviews and audits. This would identify the number of suitably qualified, experienced and skilled person for each position and

identify organizational structures and lacunae in human resources thereby helping to eliminate arbitrary resort to the employment of contract employees.

Recommendations # 13 – 16

We accordingly recommend:

- 13. That contract workers on all grades holding Public Service positions be absorbed into the pensionable Public Service establishment provided that they are suitably qualified to fill established positions.***
- 14. That contracted employees/workers should be restricted to high level professional skills not available in the Public Service, and should be recruited and selected through open competition to obtain the best available candidates in the job market.***
- 15. That no Public Servant who retires before attaining the age of 65 years should be employed on contract in view of the proposed age of retirement on attaining 65 years of age.***
- 16. That the optimum complement of suitably qualified staff for each ministry, office, division, department, and unit, etc. with the right organizational structure, needs to be evaluated and determined by human resource and organizational audits.***

CHAPTER 3: TRAINING AND STAFF DEVELOPMENT

118. As the aforementioned evolution from colonialism through Self Government to Independence occurred in countries such as then British Guiana, there was increasing concern that a greater number of their citizens be available to ultimately supplant and replace senior public servants who were mainly educated and trained in the United Kingdom at its foremost recognized universities. Their experience was, for the most part, acquired from their itinerant service in colonies. However, with the passing of time and constitutional advance serious questions were raised about the adequacy of this source of staff to satisfy the needs of colonial territories from both a technical and fairness point of view. This ultimately led in Guyana to the articulation of a policy of Guianisation which effectively meant that preference was to be extended to Guianese where they were qualified along with non-Guyanese in the filling of posts in the Public Service. This policy was not always faithfully adhered to as was exemplified in the Deane issue regarding the filling of the post of Post Master General.
119. However, there was also the clear connotation from that policy that in order to be meaningful and effective, requisite training opportunities had to be available to qualified Guianese to enable them to contest appointments especially in the light of the expanding and changing role of the State, which postulated the need for new approaches and skills to cope with elements of the new dispensation.
120. In this context, over time arrangements were proffered and executed to address the problem of establishing the most appropriate arrangement for the training of Public Servants. Historically, the Training Division of the Ministry of Education was once charged with this function. There was also the Mills' Report (1953) which had advised that the PSC should be responsible for Public Service training; to similar effect was also the Linsell Report (1966). However, the most comprehensive and well-structured proposals regarding the training of Public Servants came from the Burgess-Hunn Report. Its content in our view, is in large measure still relevant to the present day Public Service but has, in general, been ignored or overlooked, to the detriment of the Public Service, Public Servants and their career.
121. In the following, we offer our understanding of the elements that should be emphasized in any training programme in order for it to be effective and productive of result. These have emerged from evidence proffered by persons who interacted with us, our personal experience, during our enquiry, and from other sources.

3.1: TRAINING PRIORITIES

122. Training for staff development is an essential requirement in public management and administration to provide a competent cadre of public servants to deliver timely, quality, efficient, and professional service to the public. In Guyana, it is the responsibility of the Public Service Commission and Senior Management at various levels in Ministries and Departments of Government to ensure that the Public Service is comprised of persons,

recruited and selected on the basis of merit, who are suitably qualified and have access to necessary training. They should receive initial training and further training at levels suitable for their work. There should also be permanent arrangements for training and development throughout their career. These require the establishment of effective training systems at Government Departments, Ministries, and Agencies.

123. It is widely recognized that the Public Service, the economy, and industry require adequately trained professionals with ability for independent thought and creativity, analytical and problem-solving skills and initiative. Middle and upper level public administrators require broader training and knowledge in several fields and in political and economic trends, national, regional and international developments impacting and influencing public management.
124. Staff development and training interventions in the Public Service should therefore be geared to:
- ensure that the Public Service has competent, well-trained staff;
 - have a shorter, focused learning time so that new staff can be trained as quickly as possible;
 - develop staff capabilities to meet future challenges in Public Administration; and
 - provide opportunities for personal growth and career development in the Public Service.
125. It is recognised that successful maintenance of a strong Public Service administration depends upon:
- the transference of knowledge, skills, and attitude of currently serving employees to future ones at all levels;
 - acquisition of new knowledge, skills and attitude as changes in employment relations, technology and other conditions demand; and
 - positive changes in work ethic and job behaviour of Public Servants.
126. It is to be emphasized that training is the systematic development of:
- Knowledge: what the public servants need to know;
 - Skills: the expertise that the public servants need and use to achieve results with the effective use of knowledge; and
 - Attitudes: the disposition of public servants to behave or to perform in accordance with the requirements of their work.
127. Systematic training in the Public Service should be training which is specifically intended to meet defined needs. It calls for a systematic approach in:
- defining the training needs of the Departments and Ministries of Government;

- deciding on the kind of training necessary;
- planning and delivering appropriate training;
- using suitable resource persons and facilitators to plan and conduct training; and
- reviewing and evaluating training at periodic intervals to ensure that it is effective and achieving set objectives.

3.2: TYPES OF TRAINING IN PUBLIC ADMINISTRATION

128. Training generally falls under one of two headings: training for immediate needs, and training for development. Training for immediate needs includes – introducing new staff to the Department and Ministry; introducing new staff to work procedures, processes, relevant legislation, regulations and rules of the Public Service environment; providing staff with the knowledge they need to make decisions and do their work competently; training in particular skills; and training in the fundamental principles of an academic discipline. The training types are as indicated following:
- *Induction and orientation* - a broad orientation in all the elements in Public Administration;
 - *Basic job-related training* - thorough grounding for the job to be performed;
 - *Performance improvement* - refresher courses to keep staff up-to-date; and
 - *Staff development* - for improvement of supervisory and managerial skills, preparation for greater responsibility, and developing top leadership skills.
129. Training for development includes – preparing able young public administrators for senior positions; introducing new techniques and skills; preparing senior public servants, whose management responsibilities are increasing, in managerial techniques and, leadership skills; and improving technical training for specialist groups.
130. It is not enough to leave staff development to chance or to trial and error. Public Servants are no longer simply tending the Department; they are involved in a continuous process of change – change in the working environment, in the fields of public administration and in specialist fields. Leaving staff development to random events or to the staff themselves is simply not done in well-run Departments and Ministries.
131. It is important to affirm that learning is a lifelong process which never ceases. Learning takes place through the environment, colleagues, supervisors, subordinates; and all acquire some kind of exposure that is educational. The question is whether it is organized, deliberate, well thought out, purposeful, and skillfully executed. The Public Service job itself is a powerful instrument for training. It provides for growth through job rotation in the various aspects of the Public Service. It calls for taking every opportunity to sharpen the interest of staff members by exposing them periodically to a fresh set of responsibilities. Another instrument of training is located in the very process of administration. This refers to the degree of delegation and confidence reposed in staff. Employees learn as they bear responsibilities, and they learn more when colleagues give

them some feeling of confidence. In the end, the objective of any training exercise is to strengthen the capability and effectiveness of staff.

132. Training involves learning of various kinds, and can take place in various situations: on the job, off the job, in ministry/department, out of ministry/department. It can involve the use of many techniques: demonstrations, practice, coaching, guided reading, role playing, assignments, discussions, case studies, lectures, talks, projects, group exercises, programmed learning, and discovery method. These techniques can be used by Public Service Trainers.

3.3: PRINCIPLES AND CONCEPTS IN TRAINING

133. There are certain essential concepts and principles on which all training should be based. The first is *learning theory*, because all training is or should be based on an understanding of how people learn, adult learning in particular, as training will be conducted for adults.
134. The second is the *essential component of the sequence of training*:
- i) identification and analysis of training needs, for all training must be directed towards the satisfaction of defined needs;
 - ii) the definition of training objectives – training to be directed to achieve measurable achievements;
 - iii) the preparation of programmes of training courses – including an overall scheme of training and its costs and benefits;
 - iv) the delivery of training courses;
 - v) the measurement and analysis of results, validation of achievements of each course against its objectives, and the evaluation of the effect of the whole training programme;
 - vi) feedback of the results of validation and evaluation; and
 - vii) the maintenance of training records.

3.4: MANAGING TRAINING INTERVENTIONS

135. The need for good management of the training and development functions in Public Administration should be advocated and emphasized. Activities which demand planning, direction, evaluation and auditing, in addition to their actual execution, need to be managed effectively by Heads of Departments, Permanent Secretaries, and the Department of the Public Service.
136. In the Caribbean, Public Service Ministries are responsible for the training of Public Administration staff. The trainers in Public Service Ministries are required to be versed in administrative practices and in public service personnel work, and are somewhat remote from the technical work of Departments and Ministries. One of training functions

in the Public Service Ministries is the concentration on training administration, external scholarships and fellowships awards.

137. Ministries and Departments ought not to depend entirely on the Department of the Public Service to provide adequately for specialized training needs. The officials in the Department of the Public Service should generally be concerned with common functional areas in Government Ministries, and not specifically with internal specialized training and staff development. For this reason then, attention has to be paid to the management of training and human resources within Departments and Ministries to complement general training in the development of a cadre of suitably qualified and competent staff in all branches in the Public Service.
138. There should be greater emphasis on the role of training and development functions within Departments and Ministries. At the Department level, there is the need to recognize the relationship between training and other functions and activities in Public Administration. The need for an internal training capability within Departments and Ministries is important for more focused training and development of specialist staff.
139. In terms of managing the training and development functions, the aim is to provide the bridge between the general skills and theories in public management and their special use in training and development of public servants. The focus therefore should be on two aspects:
 - the management of training - job-related training interventions and activities; and
 - the management of staff development initiatives - developing the potential of staff for higher leadership, and managerial responsibilities internal and external training interventions for the development of critically needed high level skills.
140. We became aware of the dissatisfaction with the way the process is managed, the abandonment of the Selection Committee, and the lack of transparency and fairness in the selection of awardees. We are convinced that a suitable Committee of high level public servants should be established to consider and select candidates for overseas fellowships and scholarships to insulate the process from political pressure and influence. The Barbados *Public Service Act, 2007* which provides for a Committee of Permanent Secretaries from the key ministries under the Chair of the Head of the Public Service who is the Permanent Secretary of the Public Service Ministry, to consider candidates for such fellowship, is a best practice example.
141. We are convinced that the establishment of a Committee at the level of the of Permanent Secretaries under the Chair of the Head Permanent Secretary of the Public Service would provide for a fairer selection process for overseas fellowships and scholarships.

Recommendation # 17

17. We accordingly recommend the establishment of a Committee of Permanent Secretaries from the key ministries under the Chair of the Head of the Public Service who is the Permanent Secretary of the Department of the Public Service, to identify candidates to be awarded such fellowships and scholarships.

3.5: IDENTIFICATION OF TRAINING NEEDS

142. It was brought to our attention that in many Ministries, the training function is concerned with courses, seminars, training programmes, on and off-the-job training at all levels in the organization. This is a matter of routine and good housekeeping – one aspect of the management of every Department - that at any one moment, all these tasks should be successfully planned and implemented.
143. The identification of training needs in Public Administration should be the prime responsibility of the Heads of Departments and Ministries and the internal specialist trainer. It is a prerequisite also of good training management. The identification of training needs provides the basis for further planning decisions, and the setting of objectives.
144. The proper management of those training activities which were already launched, based on decisions in the past, may merit approval for good performance, but not necessarily for the best contribution to the continuing well-being of the Ministries and Departments which lies in the future. This is important in the context of rapid changes impacting Public Administration in Ministries and Departments if they are to be responsive to changes in the internal and external environments. There are therefore two distinctions that should be made in managing training in any agency:
- the training which is performed today, for today's and tomorrow's requirements; and
 - the training, which is yet to be started to meet the requirements of the near, middle and long-term future.
145. In relation to the middle and long-term, the reference is to national, longer-term objectives and plans, *human resource planning*, and *career development*. It has to do with decisions and actions relative to management – the management of training activities and staff development.
146. One question which management in Public Administration must deal with, and which demands good training direction, is that of “change”. *Changes are imposed on organizations by environmental influences of an economic, social and political nature at the national, regional and international levels; and some are self-imposed by the organization itself for its own internal purposes. The processes of training can therefore never be static or regarded as meeting tomorrow's training requirements fully, even if today they seem very adequate. It is clearly unsatisfactory to have training in the Public*

Service which is insensitive to, or only partially aware of environmental changes which are actually taking place, and those predicted to happen in the future.

3.6: STATUS OF THE TRAINING FUNCTION

147. Keeping the training and development function sufficiently in the picture is a problem. It relates to the position and status of the training function in the Departments and Ministries, and access to resources and confidential information, or the absence of a training function. An integrated management view of training and development avoids this communication problem as top management places a high premium and priority on the training function, and places the training responsibility in the hands of heads of departments.

3.7: 'TRAINING' AND 'DEVELOPMENT'

148. These two words – *“training”* and *“development”* are frequently used side by side.
- The apprentice undergoing three or four year’s apprenticeship is, in fact, on a development programme.
 - The potential Permanent Secretary undergoing a long training programme will also be placed in a range of work situations and responsibilities. At the end of the programme, he/she will not only develop technical ability, but may have, in addition, gained in human and organizational sensitivity and judgement.
149. The training and development specialist and others have to acknowledge that the management development programme, like the apprentice programme, has a large ingredient which is training, and needs to be managed - not just placing a person on a programme without managing, monitoring and evaluating.
150. The question may well be posed as to who should be responsible for the management of training and staff development programmes in Departments. The management of training is something for senior public administrators’ consideration, not merely to enable them to call their training specialist to account, but to ensure that they can fully meet their responsibility for staff training with the same effort and dedication that they give to other activities. Senior staff have the inherent responsibility for training and development of those who they supervise as part of their human resource management responsibility, which also includes:
- introduction and orientation to the working environment; and
 - supervision, counselling, appraising, inculcating a responsible work ethic, and work discipline.

Recommendation # 18

18. We accordingly recommend that the Public Training Agencies take into account the guidelines outlined above in the organisation, in the conduct and management of the training and development function.

3.8: AUDITING THE TRAINING FUNCTION

151. There is a general demand for audit evaluation services in many private and public enterprises because of economic and social pressures for improving and attaining higher standards of performance and efficiency. This is also applicable to Public Administration training systems in Government Departments, Ministries, and in any other public agency.
152. Allan D. Pepper²⁸ notes that the word "*audit*", with its connotations of rigour and objectivity is a good one to study the human resource assets and training systems beyond the day-to-day work of the training function and activities. The actual word does not matter greatly. What matters, apart from the skill with which the audit is done, is what should be presented to public management.
153. Pepper then asked some questions in relation to an audit of any system. These are applicable to *Public Administration training* in an official evaluation and scrutiny. The questions may be adapted to include: Is an audit merely to present an accurate statement of the current public administration training by public agencies? Is it to evaluate current resources and compare them with present and future requirements? Should it point out strengths and weaknesses? Should it be indicating what and where changes should be made, and how those changes can be made? The answers to any one of the above could be in the affirmative, depending on who asks for the audit to be done and on other circumstances inside the public agency.
154. According to Pepper, the auditor might be anyone, provided that the person selected has functional knowledge, investigatory capability and analytical skills appropriate for the function or system to be audited.

3.8.1: Auditing Guidelines

155. An *audit* may be requested for a part of the activities of a Department, Ministry or for the training activities of an entire Public Administration system. The examination, for example, of induction and initial training would, generally entail a close study of the methods, contents and administration of existing induction and training courses, counselling, and on-the-job instruction. It would look at the quality of the supervisors, at the first job performance and effectiveness of the new employee after initial training, and the appropriateness of the induction and training procedures for both supervisors and new staff.

²⁸ Pepper, A. D. (1984) *Managing the Training and Development Function*, Gower Publishing Company, England

156. The auditing process applicable to Public Administration training would examine the staff complement, training and access to training, quality and capability, organizational structure, assignment of responsibility, current job description, access and availability of resources, management of resources including personnel, materials, equipment, information, and planning and management of work activities. In an analysis and audit of the Public Administration training system, attention could be focused on the following:
- the status of the ministry responsible for Public Administration training in the governmental structure, its influence and power, and the national priority assigned to the training function;
 - the organization and delivery of the Public Administration training;
 - the separation of policy and operational management responsibilities;
 - human resource issues;
 - information management; and
 - performance and impact of Public Administration training services.

3.8.2: Use of Auditors

157. Auditors should be used if there is a perceived or real need for changes leading to improvements. Directly or indirectly, all changes generated and implemented with the auditor's help should contribute to improving the quality of the delivery of trainers and training agencies. The training auditor could be useful on account of his/her technical expertise, knowledge, and skill in providing: - intensive professional reviews; an impartial external viewpoint (if recruited from outside); support for management decision for change; and a learning environment in which the department and staff could learn to manage better for themselves. The learning effect of training audit itself should be the most important one.
158. The Auditing process should be a joint activity between the auditor and the public training agencies aimed at implementing the desired changes for improvements in performance. It should consist of several activities including:
- i) briefing, preparatory work, and initial survey;
 - ii) fact finding, analysis, and examination;
 - iii) developing solutions, evaluating alternatives, and presenting proposals; and
 - iv) implementing recommendations by the training agencies upon review, feasibility, and acceptance.
159. It would be important that monitoring be used for feedback on performance achieved. Regular comparison has to be made between expected and actual achievements of plans, objectives, and targets. It would require preparing work programmes; setting performance targets; deciding what and how to measure; setting acceptable level for

target variation; measuring performance and comparing with target; and taking corrective actions for improvement.

160. We believe that periodic auditing of the training and development function is an essential exercise for improvement and efficiency in the Public Service.

Recommendation # 19

19. We accordingly recommend that the Department of the Public Service should undertake an audit of the training and development function at least every five years to assess and evaluate the organization and delivery of training, and to recommend measures for improvement and efficiencies.

3.9: PUBLIC SERVICE STAFF COLLEGE

161. While it is not part of our terms of reference, we have noted with interest the proposal for the establishment of a Staff College to provide training for public servants. We are not at present, in a position to conclusively advise or comment on this initiative. However, we have provided a number of principles of training that could be helpful in its development. We are aware that there are a number of agencies that provide training such as the University of Guyana and other external agencies. In our view, it would be prudent that collaborative arrangements be put in place to ensure that institutions are not operating at cross purposes.

Recommendation # 20

20. We accordingly recommend that the all public training agencies should have a consultative arrangement to ensure that all Public Service training objectives are successfully achieved.

3.10: OTHER TRAINING IMPERATIVES

162. We are aware of certain weaknesses especially in relation to Leadership and Management at the senior level. It is within this context, that we feel that appropriate training interventions on an ongoing basis for senior management of the Public Service be undertaken.
163. Especially, the Public Service needs to strengthen its leadership and management capabilities to achieve the results regarding the strategic objectives and goals that are set for every Ministry/Department/Region. Staff at these levels must learn how to lead and manage to achieve the goals and targets they set in collaboration with the subordinate levels.

Recommendations # 21 – 22

We strongly recommend:

21. That leading and managing to achieve results must start with an understanding of the basic practices that enable work groups to face challenges and achieve results.

22. That the Public Service Management levels adopt and apply the Leading and Managing for Results Model as shown below:

Leading	Managing
<p>Leading means enabling others to face challenges and achieve results under complex conditions. It consists of:</p> <ul style="list-style-type: none"> • Scanning – <i>Organisational Outcome:</i> Managers have up-to-date, valid knowledge of the organisation and its context; they know how their behaviour affects others. • Focusing – <i>Organisational Outcome:</i> Organisation's work is directed by well-defined mission, strategy and priorities. • Aligning/Mobilising – <i>Organisational Outcome:</i> Internal and external stakeholders understand and support the organisation's goals and have mobilised resources to reach these goals. • Inspiring – <i>Organisational Outcome:</i> Organisation displays a climate of continuous learning and staff show commitment, even when setbacks occur. 	<p>Managing means organising the internal parts of the organisation to implement systems and coordinate resources to produce reliable performance. It consists of:</p> <ul style="list-style-type: none"> • Planning – <i>Organisational Outcome:</i> Organisation has defined results, assigned resources, and an operational plan. • Organising – <i>Organisational Outcome:</i> Organisation has functional structures, systems, and processes for efficient operations; staff are organised and aware of job responsibilities and expectations. • Implementing – <i>Organisational Outcome:</i> Activities are carried out efficiently, effectively, and responsively. • Monitoring and Evaluating – <i>Organisational Outcome:</i> Organisation continuously updates information about the status of achievements and results, and applies ongoing learning and knowledge.

164. This requires first of all an understanding of the difference between *leadership* and *management practices* and then the experience of applying leadership and management processes to address workplace challenges and questions.

165. Each Minister, Permanent Secretary, Manager, Head of Department and Supervisor must be able to blend effective leadership with good management and provide a systematic approach to helping their 'teams' identify challenges and desired measurable results. So that they can plan and implement priority actions to address the root causes and eliminate obstacles that can hinder their progress. The process should start however with reflections on leadership values such as:

- Integrity and commitment
- Respect and trust
- Courage to take risks
- Continuous learning
- Listening
- Involving and delegating
- Consistency with the Mission
- Consistency between Leaders

CHAPTER 4: THE COMPENSATION SYSTEM OF THE GUYANA PUBLIC SERVICE

166. We have been tasked with responsibility to examine the principles on which **Wages and Salaries** of Public Servants should be fixed, especially –
- i. The mechanism for the determination of wages and salaries;
 - ii. The level of consistency between the salaries and the various levels of public servants as may be determined;
 - iii. The basis on which the levels of remuneration for various levels of Public Servants is determined;
167. In addressing the foregoing, the Commission presents a synopsis of the full range of issues relating to the current compensation system and offers solutions based on *current compensation management practices*. These elements could be helpful in arriving at decisions to be taken in addressing specific problems that have been identified.
168. The most recent Human Resources Reform Initiative in Guyana dates back to 1991/92 states:
- “A job evaluation panel was selected by the Public Service Management, Office of the President, comprising Senior Officers from several Agencies. Union officials were also invited to participate as panel members (only the Guyana Public Service Union took up the invitation). The chairman was selected from the Public Service Management, and a Consultant from Peat Marwick McLintock supported the programme for part of the time (i.e. with effect from September, 1991 to November, 1991).”²⁹*
169. The existing compensation system, comprised of both *points rating* and *whole job ranking* and it was this initiative that saw the then sixteen (16) Grade Salary Structure reduced to fourteen (14), which is still used today.
170. The Consultants used the *Office of the President* as a pilot for comparing seventy-five (75) Key/Benchmark jobs. It was observed that this approach only looked at addressing the internal relativities while failing to establish external relativities with remuneration of employees in the Private Sector.
171. Six (6) *compensable factors* were used to match the contents of each Job Description with the appropriate factor levels, which were as follows:
- qualification, knowledge and experience
 - decision making and problem solving
 - impact on results
 - resources management
 - communication,
 - and working conditions

²⁹ McLintock, Peat Marwick, (September 1991 – June 1992) *Report on Job Evaluation Exercise*, KPMG Management Consulting

172. We are of the view that compensable factors which reflect measurable qualities, features, requirements and constructs, and that are common to many different kinds of jobs should be identified and used singularly to determine the various levels of application of these factors inherent in the job and in so doing, quantify and relate them to the amount of money to be paid to an incumbent in consistently measuring job worth.
173. It is critical to identify sub-factors that provide precise measurements where levels are well defined. This makes it easier for job differences, so as to evaluate jobs carefully, thereby ensuring the best fit between individual role profiles and Grades.
174. The Guyana Public Service's budget forecast of total expenditures for the year 2016 is approximately \$230 billion³⁰. Of that total, approximately 13 percent accounts for employment costs in the Public Service. The Public Service has a 14-grade salary structure used by all Ministries/Agencies/Regional Administrations. Pay ranges and incremental levels are determined centrally by the *Establishment Division* of the *Ministry of Finance*.
175. The Guyana Public Service Union (GPSU) is the only Union representing workers in the Public Service, appointed by the Public Service Commission. Over the last two decades, the Government of Guyana has violated its contractual and legal obligations to bargain in good faith with the Union and has instead unilaterally imposed across-the-board salary increases of 5-8 percent (%), provided for in the annual National Budgets, without regard to individual job performance.
176. As we mentioned above, there are two types of employment relationships in the Public Service. Employees are either appointed directly through the Public Service Commission and placed under the *pensionable establishment* or hired to perform services under contract, by the various Ministries/Departments/Regions with approval from Public Service Management and described in the Estimates. Persons employed on the *pensionable establishment* can enjoy a gratuity and a pension at the end of their service once they meet certain eligibility criteria. While contracted employees are not eligible for pension, they receive a gratuity allowance of 22.5% of their basic salary payable every six months ostensibly, subject to a successful performance review.
177. In addition to basic pay, certain categories of employees receive allowances that are directly or indirectly linked to the performance of their jobs such as:-
- meals
 - uniform
 - telephone
 - station allowance
 - traveling
 - passage assistance

³⁰ Cooperative Republic of Guyana, Public Sector 2016 Estimates – Volume 1

- vacation allowance
- entertainment
- duty
- responsibility

178. We have noted that apart from pay increases, allowances have not been adjusted to reflect current market rates for over 25 years. This appears to be most irregular and should be corrected.
179. We accept the commonly held view that *wages and salaries* in the Public Service are well below acceptable levels and the perceived growing number of contracted employees earning higher levels of pay relative to their counterparts has further exacerbated the situation, negatively affecting job performance and employee morale.
180. As stated elsewhere in this report, the Public Service faces ever-increasing pressure to adjust to changing global, political, economic, social and technological trends. It is, therefore, important that any restructuring and reform initiative undertaken, be treated as a matter of priority and urgency to ensure that it delivers services with high levels of efficiency and effectiveness that must meet the expectations of the general public, the national strategic objectives and international obligations.

4.1: THE MECHANISM FOR THE DETERMINATION OF WAGES AND SALARIES

4.1.1 PUBLIC SERVICE CURRENT JOB AND SALARY STRUCTURES

181. Grade structures provide a logical framework for which pay policies can be implemented and help to determine where jobs should be placed in a hierarchy. They define pay levels and the scope of pay progression, while providing the basis for which relativities can be managed. Equitability in pay can be achieved and the processes of monitoring and controlling the implementation of pay practices can take place. A grade and pay structure is also a medium through which the organisation can communicate the career and pay opportunities available to employees (Armstrong and Murlis, 2005, p. 196).
182. According to Circular No. 1/2015³¹ from the Department of the Public Service, effective from July 01, 2015, the Government approved an increase in the *minimum base salary* of GS1, representing the lowest grade in the 14 Grade Salary Structure, to \$50,000. In addition, all public servants employed in Ministries/Departments/Regions and those employees on contract were given 5% increases on their base pay with an additional \$5,000 monthly payment effective from the said date.
183. Of immediate concern is the eligibility of contracted employees receiving these pay increases on top of salaries mutually agreed upon in the terms of their engagement.

³¹ Circular No. 1/2015, Increase in Salaries/Wages for 2015, Department of the Public Service, 2015-08-31

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Ideally, any increases in salary should be negotiated at the start of a new specific contract.

184. In view of the recent salary increases, we embarked on a review of the current salary structure to determine its appropriateness. It is to be noted that the inclusion of Mid-Point values is not a feature of the Public Service Salary Structure, in the estimates.

Recommendations # 23 – 24

We accordingly recommend:

23. That an Organizational Restructuring be undertaken in two Phases. In the First Phase, emphasis should be placed on rationalizing the status of pensionable and contract employees and the 'de-bunching' of employees in the Salary Structure.

24. That the Second Phase continue the restructuring process by way of a thoroughly conducted job evaluation study.

185. **Table 1** following shows the Public Service Current Salary Structure for 2015 along with the Public Service Mid-Point that was derived from the above mentioned Circular No. 1/2015 and the Commission's imposed Salary Structure Parameters to examine its effectiveness and reliability. In addition, the Public Service *Job Classification* was embedded to show its relationship to the structure.

Table 1 - Public Service Current Job Classification and Salary Structure

PUBLIC SERVICE JOB CLASSIFICATION					SALARY GRADE	MIN	PUBLIC SERVICE MIO	IMPOSED MID	MAX	SALARY STRUCTURE PARAMETERS		
ADMINISTRATIVE	SENIOR TECHNICAL	OTHER TECHNICAL & CRAFT SKILLED	CLERICAL & OFFICE SUPPORT	SEMI-SKILLED OPERATIVES & UNSKILLED						PERCENT (OVERLAP)	MIN-MAX (SPREAD)	MID-POINT DIFFERENCE
		✓	✓	✓	1	50000	52500	52563	55125	100%	10.25%	0%
✓	✓	✓	✓	✓	2	50000	52801	53340	56683	57%	13.36%	1.48%
		✓	✓	✓	3	52876	55650	56376	59879	66%	13.24%	5.69%
✓	✓	✓	✓	✓	4	55289	58298	59068	62850	30%	13.67%	4.77%
✓	✓	✓	✓	✓	5	60565	68412	68414	76267	42%	25.92%	15.82%
✓	✓	✓	✓		6	69717	78791	78784	87853	42%	26.01%	15.16%
✓	✓	✓			7	80287	99516	99520	118754	54%	47.91%	26.32%
✓	✓	✓			8	97894	122320	122323	146755	58%	49.91%	22.91%
✓	✓	✓	✓		9	118502	151517	151523	184542	58%	55.73%	23.87%
✓	✓				10	146549	193220	193218	239887	60%	63.69%	27.52%
✓	✓		✓		11	184313	245396	245404	306495	65%	66.29%	27.01%
✓	✓				12	226892	313231	313224	399564	65%	76.10%	27.64%
✓	✓			✓	13	287196	396463	396474	505748	72%	76.10%	26.58%
✓	✓				14	349473	499149	499152	648823		85.66%	25.90%

4.1.1.1: PUBLIC SERVICE JOB STRUCTURE

186. The Public Service has a diverse workforce of approximately 14,466 employees inclusive of 4,471 employed on contract. These employees are spread over 1,037 different job titles and are classified in the following five (5) categories:

- Administrative,
- Senior Technical,
- Other Technical and Craft Skilled,
- Clerical and Office Support and
- Semi-skilled Operatives and Unskilled.

187. We draw attention to the following observations:

- Job Classifications cut across almost all Grades. The most alarming are grades under the respective classifications: 'Administrative' and 'Senior Technical', starting from GS2 and continuing to GS4 – GS 14.
- A Job Classification System cannot be used for positions which do not match in terms of their duties and responsibilities. Instead it is used to group positions that have similar duties and responsibilities, require same or similar qualifications, experience and training as relevant.

4.1.1.2: Model Adjusted Job Structure

188. We have maintained the current 14 Grades, but now reclassified under three headings that separate them in terms of the Grade hierarchy and the authority and responsibilities, relevant to each major group. These classifications are now:

- Non-Management: Grades 1 – 5
- Supervisory: Grades 6 – 9
- Management: Grades 10 – 14

These changes are reflected in the Table 2 following:

Table 2 - Current and Proposed Job Classification

SALARY GRADE	PUBLIC SERVICE JOB CLASSIFICATION					MAJOR JOB CLASSIFICATION
	ADMINISTRATIVE	SENIOR TECHNICAL	OTHER TECHNICAL & CRAFT SKILLED	CLERICAL & OFFICE SUPPORT	SEMI-SKILLED OPERATIVES & UNSKILLED	
1			✓	✓	✓	NON-MANAGEMENT
2	✓	✓	✓	✓	✓	
3			✓	✓	✓	
4	✓	✓	✓	✓	✓	
5	✓	✓	✓	✓	✓	
6	✓		✓	✓		SUPERVISORY
7	✓	✓	✓			
8	✓	✓	✓			
9	✓	✓	✓	✓		
10	✓	✓				MANAGEMENT
11	✓			✓		
12	✓	✓				
13	✓	✓			✓	
14	✓	✓			✓	

Recommendations # 25 – 26

We accordingly recommend:

- 25. That the Public Service Management use the adjusted Job Structure, with parameters intended to illustrate what a properly designed Job Classification system should represent.**
- 26. That personnel charged with the responsibility of maintaining the Job and Salary Structure receive the necessary training to correctly maintain the Structure.**

4.1.2: PUBLIC SERVICE SALARY STRUCTURE

4.1.2.1: Salary Structure Parameters

189. We draw attention to the following observations:

- GS1 and GS2 grades have the same Minimum but not the same corresponding Mid-Point and Maximum values.
- Mid-point values are calculated inaccurately (hence the imposed Mid-Point column).

4.1.2.2: Mid –Point Differentials

190. In the middle of the job structure the Mid-Point differentials between Grades 5 and 6 is 15.49%. Mid-Point Differentials indicate the value of increases applied at each successive grade within the structure. The current Public Service Structure should follow a consistent and logical pattern. The evidence uneven Mid-Point differences may not have occurred intentionally but may be due to lack of training in compensation management procedures.

Recommendation # 27

27. We recommend that Mid-Point differentials be appropriate to provide for rewarding additional responsibility. We also recommend that a Mid-Point differential of 20% between Grades 1 and 14 is sufficient for the slope of the salary line to show a curvilinear relationship that will allow for adequate increases between grades and to pull persons outside the ranges into the Structure. The proposed Mid-Point values have already been plotted as shown in Table 3.

4.1.2.3: Overlap

191. A big *overlap* cuts across the first four grades. Range overlap is the degree of overlap between two adjacent ranges. This acknowledges the fact that any experienced person doing a good job can be of more value than a newcomer to a job in the Grade above. It is determined by two variables: the Job Grade pay range, and the percentage differentials between mid-points. The greater the mid-point progression, the smaller the overlap will be.

Recommendation # 28

- 28. We accordingly recommend that the degree of overlap be significantly reduced between all grades so as to avoid double and triple overlaps in Grades allowing for people in one Grade being paid the same as, or more than, people in Grades two or more steps higher.**

4.1.2.4: Grade Widths

192. *Grade widths* vary from 10.25% at the bottom of the scales to 85.66% at Grade 14. The "range spread" is a characteristic of Salary Structures that describe the distance between the minimum and the maximum salary range values. The degree of 'spread' is dependent on a balance between the internal value a company places on the job and the range of salaries paid to comparable jobs in the relevant recruiting markets. Essentially, spread reflects the range of salary opportunity for the jobs that are assigned to the range, from minimum to maximum salary. In practice, spreads usually range from 20% to 50%. The current salary structure shows spreads for each grade increased in varying percentages throughout the structure.

Recommendation # 29

- 29. We therefore recommend that adjustments be made to the current structure to reflect an orderly and constant spread across all grades.**

4.1.2.5: Base Pay

193. We are of the view that Base pay must become a key factor in attracting and maintaining a skilled workforce. As such, a base pay program must be carefully constructed and maintained so that employees perceive that their pay is equitably relative to their counterparts in similar roles across the nation. If employees perceive that their base pay is inconsistent relative to effort and responsibility or they believe that it is less than market value, they quickly become disenchanted with their work situations and may seek employment elsewhere. Hence, it is important that Human Resources Specialists develop and maintain a sensible, consistent and competitive base pay structure.³²

³² Fortier, K., Fusco, C. J., *Salary Structures*, Salary.com Inc., 2002, http://www.salary.com/docs/resources/salarycom_wp_salary_structures.pdf

Recommendations # 30 - 33

30. We also recommend a well-constructed and managed base pay program to achieve the following objectives that are important in attracting and retaining qualified public servants. These are:

- **The program must establish fairness in pay among positions**
- **Ensure that pay rates are competitive**
- **Work is directed towards achieving Ministries/Departments/Regional Administrations strategic objectives**
- **Compliance with Guyana's Labour Laws and Regulations**
- **Contribute to ensuring efficiency and effectiveness**

31. We accordingly recommend that the Public Service Compensation System should be re-designed to achieve three overall objectives:

- **Assist in the attraction and hiring of the most qualified persons and professionals by offering attractive salaries**
- **Direct employee performance towards the achievement of Ministries/Departments strategic objectives**
- **Ensure the development and retention of a qualified workforce.**

32. We also recommend that a compensation programme capable of achieving the abovementioned objectives be essentially premised on setting and agreeing base pay for all levels of employees.

33. Further, we recommend that personnel charged with this responsibility receive the necessary training in order to correct the existing Salary Structure and properly maintain it now and in the future.

4.2 THE LEVEL OF CONSISTENCY BETWEEN THE SALARIES AND THE VARIOUS LEVELS OF PUBLIC SERVANTS AS MAY BE DETERMINED:

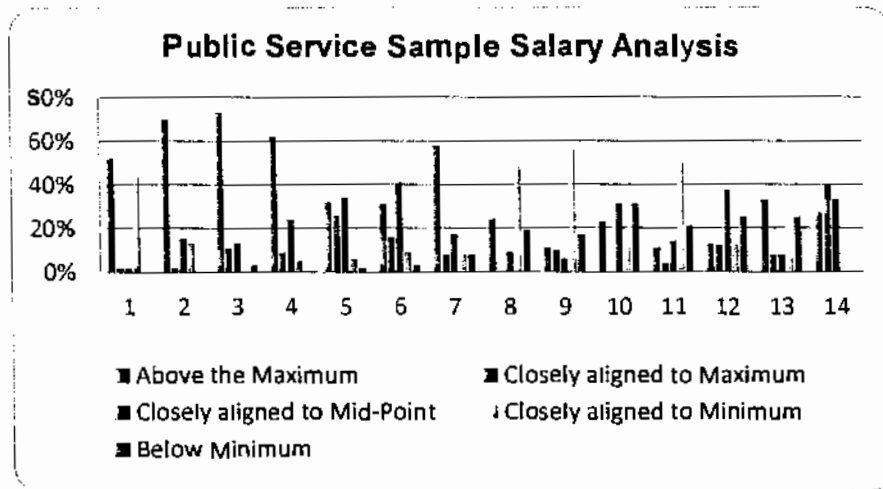
4.2.1 PUBLIC SERVICE SALARY ANALYSIS

4.2.1.1: Bunching in Grades

194. It has been brought to our attention that *Bunching* of salaries is a common feature in the Public Service. The perception is that the imposed across-the-board increases every year, without regard to merit movements, has brought persons with years of service to be closely aligned with new recruits coming into the Service; thus, creating a feeling of disenchantment among employees of long service whose performance and years of service are not considered.

195. In an effort to establish the validity of these concerns, we conducted a *Salary Analysis* to examine and determine how staff were placed within the Structure.
196. A sample of ten positions was analyzed based on all fourteen (14) Grades from all Ministries/Regions. Shown following is a bar graph depicting the percentage of persons placed at different points in the pay grades, shown in **Figure 1**.

Figure 1 - Salary Analysis of the Public Service (based on a sample)



197. The results of this analysis are as follows:
- Bunching occurs at various points in the *Salary Structure* in all Grades
 - 37% of persons throughout the Grades are paid above the Maximum while 11% are paid below the Minimum
 - 27% of persons in GS 14 are not paid at the Minimum of the Grade but above the Maximum; 40% are closely aligned to the Maximum; and 33% are aligned to the Mid-Point.
 - 50% of persons in GS13 are paid below the Minimum and/or at the Minimum
 - 64% of positions between GS1 to GS4 are above the Maximum of the scale of their grades
198. A significant number of persons are paid below the Minimum of each Grade. In compensation terms, persons who are paid below the Minimum are 'green-circled', which means that the employees are paid less than the determined worth of the job.
199. Paying below the Minimum of the pay range impairs equity among employees and eventually leads to high turnover.
200. These instances were found between positions classified under: **Other Technical and Craft Skilled and Senior Technical** levels.

201. On the other hand, there is a large number of persons paid higher than the Maximum of their Grades. This means that they have become 'red-circled'. Based on the Public Service's perception of the value for the job, persons paid beyond the *Maximum* are considered overpaid for the duties and responsibilities they undertake.
202. Red-circling is cause for concern since this is a random sample and may well present a case where most persons are *bunched* at the **Maximum**. This puts a heavy cost on the Government's Salaries Budget. These anomalies were evident throughout all Grades in the Salary Structure.

Recommendation # 34: Model Adjusted Salary Structure

34. We recommend the following Salary Structure for consideration in relation to adjustments as follows:

- a. *For the model, we have maintained the Minimum of \$50,000 in GS1 to demonstrate the approved minimum of the July 2015 Salary Structure.*
- b. *Parameters have been introduced as follows:*
 - i. *Mid-Point Differences are recommended to be set at 20% between all grades.*
 - ii. *The spread of the Grades has been set at 50% to allow for movement between the Minimum and the Maximum, to accommodate those employees at and above the present Maximum.*

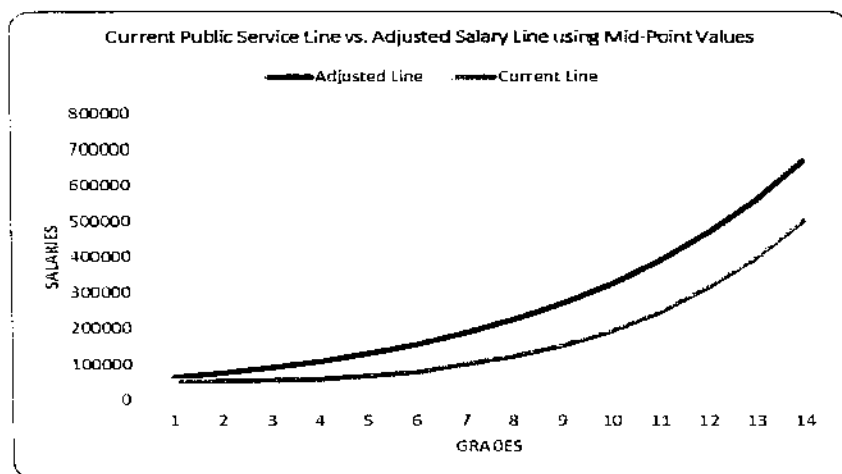
203. These are shown in **Table 3** and **Figure 2** following: **Table 3** shows the adjusted Salary Structure with parameters as explained above and which have been adjusted to complement the current realities against the adjusted salary line.

Table 3 - Model of Adjusted Salary Structure

MAJOR JOB CLASSIFICATION	SALARY GRADE	MIN	MID	MAX	SALARY STRUCTURE PARAMETERS		
					PERCENT (OVERLAP)	MIN-MAX (SPREAD)	MID-POINT DIFFERENCE
NON-MANAGEMENT	1	50000	62500	75000	60%	50%	20%
	2	60000	75000	90000	60%	50%	20%
	3	72000	90000	108000	60%	50%	20%
	4	86400	108000	129600	60%	50%	20%
SUPERVISORY	5	103680	129600	155520	60%	50%	20%
	6	124416	155520	186624	60%	50%	20%
	7	149299	186624	223949	60%	50%	20%
	8	179159	223949	268739	60%	50%	20%
MANAGEMENT	9	214991	268739	322487	60%	50%	20%
	10	257990	322487	386984	60%	50%	20%
	11	309587	386984	464381	60%	50%	20%
	12	371505	464381	557257	60%	50%	20%
	13	445806	557257	668708	60%	50%	20%
	14	534966	668708	802450		50%	

204. Figure 2 represents the comparison between the current salary line and the adjusted salary line both on the basis of Mid-Point values. The current line represented in green depicts a flat structure (where Grades 1, 2, 3 and 4 are similar); while the adjusted line in red shows a curvilinear pay line with the increase in value at the Mid-Points addressing increased levels of responsibility and accountability with respect to job worth.

Figure 2 – Current Public Service Salary Line vs. Adjusted (Proposed)



Recommendations # 35 – 36

We accordingly recommend:

35. That placement of existing staff should be on a step reflective of trends in service years in highest Grade in the Public Service, to correct Bunching at various points between the Minimum and Mid-Point of the general Grades. The steps should be determined on the basis of a 'Years of Service' profile in highest Grade.

The number of 'Steps' can be agreed with the Wages and Salaries Committee and should reflect service from less than one (1) year to thirty-three plus (33+) years. The intervals between these two (2) points can be broken up by virtue of trends shown of persons in a grade.

36. In addition, that the Public Service use a Curvilinear Salary Line with salary ranges that will provide for appropriate differentials to reward additional levels of responsibility.

A sample conversion table is shown following:

Table 4: 'Years of Service' Profile

YEARS OF SERVICE	STEP
< 1	Min
1 + - 5	Step 1
5 + - 10	Step 2
10 + - 15	Step 3
15 + - 20	Step 4
20 + - 25	Step 5
25+	Mid

Recommendations # 37 - 38

We accordingly recommend:

37. That Compensation Management be accepted as a key Human Resource Management function overseeing the full range of Compensation Management practices such as grading of jobs, and computation of salary structures.

38. That the Department of the Public Service should be solely responsible for Wages and Salaries Administration in the Public Service. Therefore, the responsibilities undertaken by the Establishment Division of the Ministry of Finance relating to fixing salaries should be assigned to Public Service Management.

Recommendation # 39: Audit of Employee Salaries

39. We recommend that the restructuring of the Public Service be undertaken in two phases. In the First Phase of the restructuring process, the Public Service Management should be responsible for conducting an audit of current employees' pay arrangements and undertake the de-bunching exercise and adjust the current structure that will result in adjustment to the salaries for all employees.

Recommendation # 40: Staffing for the Compensation Review and Advisory Committee

40. We accordingly recommend that a small select group of Human Resources Specialists comprise the Compensation Review and Advisory Committee. The Committee may consist of Permanent Secretaries, Heads of Departments and Public Service Management Staff objectives of the exercise and their individual and collective roles. It will also include the responsibility for analysis,

evaluation, job structure development and the design of the Salary Structure. In addition, the Terms of Reference and the collective responsibilities of the Compensation Review Committee should include:

- *Training*
- *Review general policies and procedures relating to total compensation for all employees*
- *Review and approve proposed increases in compensation for all employees*
- *Ensure compatibility of the long term strategic objectives and the performance goals*
- *Review Human Resources related budgets*

The foregoing responsibilities should be undertaken in conjunction with the Union wherever appropriate, the philosophy of management, the supply and demand of the workforce, employee tenure and performance and the total compensation package.

4.3 THE BASIS ON WHICH THE LEVELS OF REMUNERATION FOR VARIOUS LEVELS OF PUBLIC SERVANTS IS DETERMINED

205. Over the past two decades, the practice of awarding wages and salary increases for public servants was done by a process of across-the-board increases on an annual basis in violation of the law. The cumulatively negative effect prevented merit payment on the basis of performance which resulted in low morale; people receiving the same increases for varying levels of work for example. This was contrary to the principles of Collective Bargaining as outlined in Chapter 5 on Industrial Relations.
206. There was no evidence relating to efforts to determine external relativities with any Agency to exercise "fair comparison" between "levels of remuneration in the Public and Private Sectors based on "comparable work". However, the Public Service Ministry, now Department, continued since the last Job Evaluation exercise undertaken by Peat Marwick McLintock in 1991/92 to apply the same Methodology to jobs as requested by the various Ministries/Departments/Regions before passing these on to the Public Service Commission for the hiring of new staff on the *pensionable scales*.
207. On the other hand, those positions requested by Ministries/Departments/Regions for positions under contract arrangements were also described and passed on to the Public Service Commission for recruitment albeit as '*Contractors*'.
208. Undoubtedly, no opportunity was taken to relate these positions to jobs in the Private Sector so that comparisons were only made within the Public Sector arena.

Recommendations # 41 - 43

- 41. In the circumstances, we believe and recommend that external and internal relativities should apply to the negotiations between the parties.**
- 42. We also recommend the wages and salaries agreement should exist for a period of three to five years.**
- 43. In addition, the parties should urgently survey the local Private Sector and Public Sector organisations in the Caricom Region in its effort to gain fair comparabilities. This should include Private Sector Organizations and Public Corporations such as the Georgetown Public Hospital Corporation and Public Agencies.**

Recommendation # 44

- 44. We therefore also recommend that the Second Phase of the restructuring process be conducted using the following steps:**
 - 1. Establish a Job Evaluation Committee that can be used to identify and select key jobs across the Public Service for a Salary Survey. This is particularly important since these jobs should represent jobs that are common across the Public Service with responsibilities and duties that are recognized and understood.**
 - 2. The Committee, at the beginning of the process, should be subjected to a well-designed training programme with the following behavioural objectives:**
 - a. Ability to review job data, completed questionnaires, job descriptions, manning level tables and career ladders and successions plans.**
 - b. An understanding and acceptance of the definitions of the selected Compensable Factors and their related Degree Statements.**
 - 3. The Development of a Job Analysis programme to identify the content of the jobs, the knowledge and skills to perform and the conditions under which the jobs are performed.**
 - 4. The outcome would be a Job Evaluation Manual that defines the process and that can be used as a guide by the Committee Members and later on as a tool for the maintenance of Job Descriptions by Public Service Human Resource Staff.**

5. *Review and revise job facts by way of questionnaires, interviews and use of focal point groups; and use outputs from the job analysis to develop the Job Descriptions with responsibilities, duty statements and qualitative substantiating data; develop work-unit function charts to aid in the development of other descriptive instruments such as organisation charts, manning level charts; and design a pay system to capture market data so as to determine internally equitable and externally competitive data. The Job Evaluation Committee should also be required to review questionnaires completed by incumbents and reviewed and approved by the incumbents' immediate Supervisors.*
6. *That the Job Evaluation Committee select and rank Compensable Factors from a list considered to be important to the operations of the Public Service, and apply the weighted average technique to the selection and generate a final list and ranking for the Universal Factors and Sub-Factors to be used.*
7. *Identify the physical and behavioural job specifications of the Job Evaluation System/Compensable Factor Evaluation System to be used and, that would be related to employment standards, conditions of employment and environmental conditions.*
8. *Describe, evaluate and place key Jobs using the Factor Comparison Method. Key Jobs represent jobs that have common qualities and have responsibilities and duties that are well recognized and understood. Job Evaluation based on Key Jobs provides a valuable database for Job Evaluation.*
9. *Conduct Statistical Analysis of Local and Regional Survey Data: The Survey Process must be subject to statistical validation. In this regard, 'weighting' is the most important of the techniques used. .*
10. *Design a Base Pay Structure and relate same to Salary Structure. The division of the total compensation d*
11. *Describe, Evaluate and Place all other Jobs in the Job Structure.*

Recommendation # 45

45. *We recommend that a Wage and Salary Administration Policy be given consideration for implementation in the Public Service to provide a reasonable and workable framework within which employees can be paid fair and equitable wages and salaries, in order to promote productivity and overall performance. The administration of wages and salaries however, must be tied to National laws and market considerations and decisions related to negotiating the Collective Bargaining Agreement with the GPSU.*

The Wage and Salary Administration Policy shall be consistent with the guidelines expressed in all employment policies of the Public Service Department.

Recommendation # 46

46. Maintain the Graded Salary Structure

209. The sequence of salary ranges in a graded structure assumes that all jobs placed in a range are of similar value. Each salary range or grade is defined by minimum and maximum rates of pay, with points allocated to the range.
210. All jobs allocated into the range, by way of a Job Structure are broadly of similar or equal value within the range, even as salaries earned by individuals in the range will depend on their performance or length of service.
211. Pay Comparisons: The method of conducting market rate surveys. This includes the following:
1. Deciding which jobs, associated benefits and employment conditions are to be covered.
 2. Compiling a list of companies who compete in the same salary market.
 3. Invite the companies to participate and offer assurances of confidentiality and sharing of results.
 4. Prepare and distribute the Survey Package.
 5. Analyse all returns and summarize the results for internal salary planning and distribution to survey participants.
212. Salary Structure: A Graded Salary Structure consisting of a sequence of Salary Grades, with each Grade defined by a Minimum and Maximum into which employees will be placed by the application of the Job Evaluation System will be developed. The Job Evaluation System will determine the relative value of the job, and compare one job to another, against defined standards and the degree to which common factors are present in different jobs.
213. Among the principal advantages to be gained are these:
- The Salary Structure is appropriate to the Public Service needs in that it allows for one structure to cover all grades of staff with a consistent approach to gradings, differentials and salary control from top to bottom.
 - The Graded Salary Structure with its sequence of salary ranges/ grades where jobs allocated to a particular range are broadly of the same value although the actual

salary earned by Staff in the range depends on their performance as well as length of service

Recommendation # 47

47. Describe, Evaluate and Place all other Jobs in the Job Structure

Recommendation # 48

48. Develop a Performance Driven System to Measure and Pay for Performance

4.3.1: The Public Service Staff Performance Review Scheme

214. *In November 1997 a Circular emanating from the Office of the President – No. 11/1997, Reference No. PS31/0, directed to all Permanent Secretaries, Heads of Departments, and Regional Executive Officers, under the signature of the Permanent Secretary, Public Service Management, Office of the President, stated as follows:*

- 1) *The introduction of the new Staff Performance Review Scheme has resulted in the necessity for the preparation of annual performance reviews so as to ensure that employees know what is expected of them and to what standards they have to perform.*
- 2) *The Annual Review covers the period January to December and the minimum period of assessment of employees will be six (6) months. For the year 1997, employees should not be assessed against predetermined objectives and therefore, Section 1 of the form (already distributed with Guidelines to Ministries/Departments/Regions) should not be completed for this year. However, the Performance Requirements at Section 2 should be used by the Reporting Officer to determine the level of performance achieved by the job holder against each requirement over the reporting.*
- 3) *From 1998 and onwards, Reporting Officers should ensure that employees are absolutely clear with respect to what are their responsibilities and what objectives they would be required to achieve. There should be opportunity for joint discussions between Reporting Officers and employees to agree on the annual objectives and performance standards which need to be achieved, and also the training and development needs to enhance their future performance. Quarterly Reviews should be done to ensure that employees know how they are performing against agreed objectives so they can take steps to improve performance as may be necessary.*
- 4) *It is opportune to remind you that Staff Performance Reviews are intended to improve job performance and determine salary adjustments which would vary*

according to how well employees are deemed to have performed. They would also be used in 1997 and 1998 to determine continued eligibility for the payment of the supplement to holders of posts which were approved to receive this payment.

- 5) *Further guidelines on the Staff Performance Review Scheme and the criteria for linking the results of appraisals to a pay increase would be communicated to you at a later date. If there is need for any clarification or further information, please contact the Chief Personnel Officer on telephone No. 07-72292."*

215. In spite of the authority to resuscitate Performance Appraisal in the Service it was never attempted.

Recommendation # 49

49. We recommend the review of the new Staff Performance Review Scheme as a single integrated process of: Performance Planning; Performance Support and Performance Review. This process will provide information for a number of human resource functions, which are now recommended to be included in the process. Chief among these being training, a Results Orientation Management System and the rewarding of performance.

Recommendation # 50: Results Oriented Management Systems

50. We recommend also that the Public Service adopt a Results Oriented Management Systems based on a number of premises:

- 1) **Development of the Employee to meet the requirements of the present job and later on the adjusted job where necessary, and to develop beyond the requirements of this current position.**
- 2) **Task Accomplishment and Related Factors related to the number of occasions on which an employee meets his/her standards; the impediments to the achievement of the agreed standards; and the concrete measures which are required to help him/her accomplish the objectives which have been agreed upon.**
- 3) **Job Performance Standards that motivate staff into renewed action to enable the Staff Member to differentiate between acceptable and unacceptable results of the tasks assigned; present a challenge to the employee and in so doing utilise even latent skills; be realistic in terms of utilising skills and resources; be able to measure the work activity qualitatively and quantitatively; be attainable in specified timeframes as agreed between incumbent and Supervisor/Manager; be observable to avoid the labels of**

nepotism or favouritism; and be useful in identifying skill gaps to be filled by training.

4) Management/Supervisory Support

Supervision where the Supervisor monitors the attainment of standards and becomes accountable for providing the needed psychological and physical support.

216. This System will also require Performance Planning to allow for and involve the more general processes of:

- identifying the specific objectives of the Public Service Ministries/ Departments/Regions in the context of the overall Mission and Objectives;
- the implementation of the Strategic Plan within the Public Service to achieve this objective;
- the sharing of the Mission and Objectives with all employees;
- employees who must contribute to overall outcomes, must be able to see the big picture at all times and to continuously monitor their individual efforts in the achievement of those outcomes.

217. Performance Planning also involves the more specific tasks of:

- creating Job/Position Descriptions for all employees. These Job/Position Descriptions will serve the Mission and Objectives of the Ministries/Departments/Regions;
- translating responsibilities, duties and tasks of each Job/Position Description into standards of performance which represent specific measurable outcomes to be achieved;
- conducting face to face discussions with staff members to clarify doubts and respond to concerns.

218. The Manager or Supervisor is required to provide support to team members. This involves:

- The provision of tools and work aids as identified on the Descriptions
- Monitoring the attainment of standards
- Creative problem solving
- Giving and receiving supportive feedback among the leadership and other team members
- Placing emphasis on the development of the employee

219. This task of monitoring and facilitating, of creative problem solving, of coaching and receiving feedback constitute the “support” which is so important to the attainment of desired results.

4.3.1.1: Continuous Assessment

220. The Manager or Supervisor must not only assign work, but should be able to offer the support and guidance to facilitate the achievement of objectives. This means that they must:

- (a) know how the subordinate is actually working, and
- (b) provide feedback and any help needed.

221. Information is obtained in a number of ways:

- by direct observation of the work being done;
- by the results of work completed;
- by reports (oral and written);
- by holding regular meetings to review work and achievements; and
- by a combination of all of these.

222. The performance is assessed in the light of the agreed standards, and praised or corrected as needed, informally. In accordance with relevant regulations, staff being supervised should be informed as soon as shortcomings are observed. This should first be done orally, and if there is no improvement, this oral advice should be followed by a written notice to the staff member, with a copy placed in the **personal file**.

223. Outstandingly good or bad performances must also be recorded to assist in the overall assessment of the employee. **It should be noted that a single incident by itself, should not be the basis on which the employee is assessed.**

4.3.1.2: Employee Performance Management

224. Substantively enlightened human resource management regards performance management as embracing: ways to improve workforce productivity by hiring the right people; evaluating individual competencies and values; making sure that compensation is in line with market rates, and; providing opportunities for advancement through training and other developmental interventions.

4.3.2: Performance Management and Human Resource Development: Aspects for Public Service Approaches

4.3.2.1: Operational Review

225. The objectives to be achieved by the new **Performance Appraisal System** are as follows:

- i) To monitor on-the-job performance while encouraging an "understanding of the Vision, Mission and Core Values of the **Public Service** to support the fundamental principles at the Ministerial/Departmental/Regional levels" in order to achieve the goals and objectives of the **Public Service**.
- ii) To improve the employee's understanding of the requirements of his/her job; to develop the employee's potential for more responsible positions; and to help the employee to symbiotically relate his/her career plans to the needs and realities of the **Public Service**.
- iii) To provide fair and accurate justifications for salary increases and a mechanism to enhance career development through the proper placement of employees by way of promotions, transfers, career path and succession planning.
- iv) To clearly define indicators and targets for strategic objectives as well as SMART (Specific, Measurable, Attainable, Relevant and Time-bound) operational targets where needed.
- v) To communicate more clearly with staff and stakeholders on desired results through on-going feedback.
- vi) To identify real training needs, in terms of knowledge and skill deficiency, by providing for greater awareness of specific areas which require improvements and the establishment of a supportive Action Plan to effect the required changes.
- vii) To develop Action Plans, following reviews, integrating lessons learnt and documenting and implementing same.
- viii) Optimum utilisation of Human Resources that is a better match between organisation and individual needs.
- ix) Ensuring effective and efficient management, and a systematic approach to work planning and setting of objectives.
- x) Training and other work-related problems are identified and addressed early, resulting in better qualified people who are of more value to the organisation.

4.3.2.2: Managerial Responsibility for People Development

226. "There are lucky breaks and bad calls in any season, but the team with the best players usually does win. And that is why, very simply, you need to invest the vast majority of your time and energy as a leader in three activities.
- You have to evaluate – making sure the right people are in the right jobs, supporting and advancing those who are, and moving out those who are not.
 - You have to coach – guiding, critiquing, and helping people to improve their performance in every way.
 - And finally, you have to build self-confidence – pouring out encouragement, caring, and recognition.
227. Self-confidence energizes, and it gives your people the courage to stretch, take risks, and achieve beyond their dreams. It is the fuel of winning teams.
228. Too often, Managers think that people development occurs once a year in performance reviews. That's not even close.
229. People development should be a daily event, integrated into every aspect of your regular goings-on."³³
230. Other substantive issues which include the following:
- i) "The absence of Job Descriptions for 'new' positions.
 - ii) New tasks being added not necessarily taking into account the relevance of the qualification requirements.
 - iii) Multi-tasking causing a blurring of functions and consequently 'uncertainty and insecurity about roles'.
 - iv) Possible cumulative effects of the foregoing, including:
 - a) Some staff being 'overwhelmed' by certain tasks and situations but unwilling to admit their inadequacies
 - b) Staff appearing to be busy but producing less than 'desired results'."

³³ Welch, J. and Welch, S. (2005) *Winning*, Harper Business

4.3.2.3: Advantages and Benefits of the New System

231. The benefits to be derived would be highly beneficial to the **Public Service** when viewed against the shortcomings previously alluded to and the analysis of the existing Agency Strategic and Operational Planning, Performance Monitoring, Measurement, Analysis and Reporting Evaluation.
232. We therefore recommend the new approach to **Performance Management** to support the **Public Service's** management imperatives.
233. The performance factors used in relation to the different levels of staff have a direct bearing on the **Quality Focused Management System** as described in the **Performance Improvement Plan**. The factors proposed are more easily distinguishable than those currently in use.
234. The ranking and weighting of factors in a systematic manner has a two-fold advantage: First, the quantitative approach is objective since assigning a rating from the spectrum ranging from "unacceptable" to "outstanding" would no longer be a matter of conjecture. Second, the relative importance of the factors to the **Public Service** would be determined from within.

Recommendation # 51

51. Upgrade of Rules and Regulations of the Public Service

235. The current Public Service Rules of 1987 is the guiding document through which the Public Service Management dictates and operates. In reality, these rules were only partially revised.
236. The Public Service Management informed the Commission that through the regular issue of Memoranda and Circulars these form the basis of policy directives and guidance in implementation of the rules and, can be taken as an amendment to the rules.
237. Currently, the Public Service Management does not have in its possession a copy of the consolidated rules with amendments to those new Circulars/Memoranda.
238. The Commission became acquainted with a report prepared by the firm, Fraser and Housty where a review of the Public Service Rules was conducted. We recommend that the Public Service Management consider and examine the merits therein with a view to incorporating them. It should be updated regularly.
239. Finally, if and when the Public Service Act becomes a reality the abovementioned review and recommendations may form part of the Regulations to the Act.

4.3.3: Performance Indexed Increments

240. The introduction of *performance indexed increments* would be useful in establishing a performance reward culture in the Public Service.
241. This form of assessment reward is particularly suited to knowledge-oriented organizations.
242. Each employee's contribution to the organisation falls within the domain of the *Performance Appraisal System*. The *Manager/Supervisor* is therefore responsible for objectively measuring the employee's overall performance and relating the performance to a qualitative *salary increment matrix* as shown at **Table 5**.
243. The following salient features pertain to this matrix:
1. An employee is not rewarded for performance that is assessed as unacceptable.
 2. The earned increment/performance increases with higher levels of performance.
 3. The earned increment/performance decreases as the maximum limit is approached, since it is applied on an increasingly higher base salary.
244. The *Commission's Salary Structure* will be composed of scales each with a *minimum* and *maximum* limit to provide the room to reward employees for meritorious effort and output. *Merit pay* should therefore adjust an employee's base pay in direct relation to his/her performance.

Table 5: PERFORMANCE MATRIX FOR DYNAMIC PAY SYSTEM

PERFORMANCE INCREMENT MATRIX				
6.5%	4%		REVIEW WITH	
7%	5%	4%	SALARY	
			ADMINISTRATION	
7.5%	5.5%	4.5%	2.5%	
8%	5.5%	4.5%	2.5%	
9%	6%	5%	3%	
10%	7%	5%	3%	
Out-stand-ing	Very Good	Good	Marginal	Un-acceptable
P E R F O R M A N C E				

CHAPTER 5: INDUSTRIAL RELATIONS AND THE PUBLIC SERVICE

245. In pursuance of the fulfillment of our mandate within the terms of our appointment and our recognition of the importance of having in place adequate systems grounded both in the law and relevant orders or regulations, as the case might be, we deem it necessary to examine the features of the industrial relations system as it obtains in the Public Service. In our view, there is no need to justify our focus given the fact that as may be concluded from aspects of our report, there should always be due recognition of the importance of the human factor in any enterprise, if its goals and objectives are to be achieved. In this context, during the course of our enquiry it was repeatedly drawn to our attention that the treatment of workers employed in the Public Service was far from reaching that which was desirable and in some instances below the situation existing in certain sections of the private sector.
246. There is recognition that the once elevated and treasured status and recognition has over the years undergone significant deterioration and deflation when compared with many of its private sector counterparts. We are, of course, aware that attempts to explain social change invariably require that numerous elements in the social system be examined relative to their contribution to the emergence of new social phenomena. But we have received evidence that significant changes in the decline in the status of the public sector employee could be attributed to progressive changes in the nature of the industrial relations patterns and systems in Guyana, and as influenced by developments in other parts of the world.
247. It has been argued that during the heyday of colonialism and its system of administration, it was not accurate, strictly speaking, to describe the relationship between the Public employer and the Public worker as constituting a system of industrial relations. That was only because any concept of rights and duties in their relationship was at best questionable, since in effect dominant power as to how workers were to be treated remained in the hands of the employer, with the overriding concept of dismissal at pleasure. But even in the absence of a regulatory framework, there was still a measure of protection and rights enjoyed by the public employee which points to the fact that such matters should not always be dependent on the existence or non-existence of constitutional and other legal provisions. Indeed, it is not unusual that the surfeit of legal provisions and regulations, far from increasing the rights and protection of the worker could, for various reasons, have an opposite effect. It is in this context that the existing industrial relations system in the Public Service is placed under scrutiny with a view to determining its strengths and weaknesses in order to recommend measures for its improvement.

5.1: FUNDAMENTAL FREEDOMS

248. Guyana as a colony of the British, not unlike other CARICOM countries, inherited a "tradition of voluntarism" in industrial and labour relations, a tradition which enabled trade

unions and employers to regulate their own relations, and one which was premised on fundamental freedoms. These were based on applicable International Labour Conventions on *freedom of association and the right to collective bargaining*, in particular Conventions No. 87 and No. 98, and legal abstention on industrial and labour relations matters. There were however, in the post political independence era, significant deviations from the voluntary system through legislative interventions resulting in a mixture of voluntary and compulsory systems.

249. The Caribbean Community's (CARICOM) labour policies commit member states to observe the labour policies of CARICOM as set out in its *Revised Treaty of Chaguaramas Establishing the Caribbean Community, 2001; its Charter of Civil Society, 1997; and its Declaration of Labour and Industrial Relations Principles, 1998.*
250. Article 73 on Industrial Relations of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy, requires the Council on Human and Social Development (CHSD) in consultation with the Council for Trade and Economic Development (COTED) to promote the objectives of: *full employment; adequate social security; cross-border mobility of labour; non-discrimination in the pursuit of employment; sound industrial relations through collective bargaining; the importance of international competitiveness for economic development; and consultations among governments and the social partners.*
251. Article XIX of the *Charter of Civil Society* provides for the right and protection of every worker: to freely belong to and participate in trade Union activities; to negotiate and bargain collectively; to be treated fairly at the workplace, and to enjoy a safe, hygienic and healthy working environment; to be entitled to reasonable remuneration, working conditions, and social security; and, to utilize established machinery for the effective conduct of labour relations.
252. CARICOM's Declaration of Labour and Industrial Relations Principles outlines the general labour and industrial relations policies to which the CARICOM states aspire. The Declaration is informed by ILO International Labour Code comprising of its Conventions and Recommendations. The Declaration reinforces the international standards relating to: *consultation and tripartism, freedom of association, collective bargaining, non-discrimination in employment and occupation, employment policy, labour administration, and industrial dispute settlement.*

5.2: ILO - FUNDAMENTAL PRINCIPLES AND RIGHTS

253. ILO's Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in 1998, marked a recommitment and a re-affirmation of the obligations of member states to respect, realize and promote in good faith the principles concerning:

- the right of freedom of association and effective recognition of the right to collective bargaining – ILO Conventions No.87 and No.98;
- the elimination of all forms of forced or compulsory labour- ILO Conventions No.29 and No.105;
- the effective abolition of child labour - ILO Conventions No.138 and No.182; and
- the elimination of discrimination in respect of employment and occupation - ILO Conventions No.100 and No.111.

254. The foregoing principles and rights outlined in instruments of the ILO and CARICOM influence the enactment of legislation for the conduct of industrial relations in the Caribbean Region, and place binding obligations on Guyana as a signatory member of the International Organizations, and having ratified the referenced Conventions, to apply these principles in law and practice in the conduct of industrial relations.

255. We agree that the system of industrial relations in the Public Service must be informed, influenced and function within the norms of national legislation, international labour standards of the ILO as set out above, and regional labour policy of CARICOM. The national Constitution of Guyana, the labour laws, and international labour conventions of the ILO, ratified by Guyana as treaty and international law, provide the legal basis, foundation and framework for the conduct of labour relations by the Government, its agencies, and the social partners represented by trade unions and employers and their organizations. Together, these instruments constitute the Labour Code of Guyana.

Recommendation # 52

52. Accordingly, we recommend that these principles outlined above should be stringently applied to all Public bodies charged with the conduct of Industrial Relations.

5.2.1: Challenges in the Public Service Industrial Relations

256. It is evident that good faith encounters in the collective bargaining process in the Public Service between the state authorities and the Guyana Public Service Union (GPSU) to resolve disputes to finality have failed over many years. Since the 1999 Armstrong Arbitration Award, the State, has in violation of the Collective Bargaining Agreement imposed annual salary and wage increases to the Public Service Staff. This consistent approach has serious consequences for the salary structure, differential in *wages and salaries*, and merit incremental awards based on effective staff performance appraisals, a subject that is discussed in an earlier chapter in our report.
257. Industrial relations issues in the Public Sector are politically sensitive given the historically strained relationship, lack of trust between the parties and failure to bargain in good faith. In reality labour issues in the public sector have a political dimension by

the very nature of the relationship. Experience has shown that if an issue is perceived, deemed, or interpreted by Governments as having political motives, or if it is seen as a challenge to the Government, or if it would impact the national interest as defined by Government, then the avoidance approach in good faith bargaining is adopted by the relevant public authorities. In the given political context, major issues in the public sector are not without their political dimensions and motives, and can be understood in terms of the history of labour relations in the Public Service. In spite of genuine industrial issues which could be represented, their industrial nature may be overshadowed by political motives or interests.

258. Government is responsible for the way the Public Service is managed, and that may influence its determination to maintain control and retain decision-making powers, in particular those relating to *wages and salaries administration*. Collective bargaining, which places the Government negotiating team and GPSU on an equal basis at the bargaining table, may be considered as incompatible with governmental powers of decision making, for ultimate accountability rests with the government and the National Assembly to provide funds through budgetary allocations. To achieve other economic policy objectives, Government may consider that it is necessary to intervene in industrial relations matters.
259. The Government is the dominant actor in the Public Service; it is the only actor in the dual role of both Government and Public Service employer who can change the rules of the system; the Unions are sometimes forced to take a passively defensive position, and accept the priorities and rules determined by Government. Pay in the Public Service is subject to restraint since it is argued that Government has an overriding responsibility for the state of the economy and Unions' collective bargaining activities have implications for the economy. The arbitration process as contained in the 1976 Recognition and Procedure Agreement between the Public Service Ministry (Department) and the GPSU as the current, final method of *wages and salaries* determination, was abandoned since the 1999 Armstrong Award.
260. The climate of labour and industrial relations has a direct impact on national socio-economic development, and on public management and administration. Sound labour relations practices require an enabling environment in which labour relations can be conducted in an orderly and responsible manner. This means that industrial relations must be conducted within the norms of applicable labour legislation, International Labour Standards, regional labour standards, and agreed, established procedures in good faith encounters, along with adequate resources to enable the system of industrial relations to function effectively.

5.3: COLLECTIVE BARGAINING IN THE PUBLIC SERVICE

261. It is apparent to us that Article 147 (3) of the Constitution protects the right to collective bargaining. It states that, "*neither an employer nor a trade union shall be deprived of the*

right to enter into collective bargaining." Notwithstanding that protective article, industrial relations and collective bargaining in the Public Service, has been more regulated and restricted in practice than in the Private Sector despite the active intervention of the Guyana Public Service Union (GPSU), a Trade Union registered under the Trade Unions Act: Chapter 98:03. The GPSU is the legally recognized majority Trade Union by the statutory Trade Union Recognition and Certification Board under Section 32 of the Trade Union Recognition Act – No. 33 of 1997. The Certificate of Recognition issued on 16 May 2000: "*certifies the Guyana Public Service Union as the recognized majority Union in respect of workers employed by the Government of Guyana Public Service Management, comprised in a bargaining unit described as workers in the Public Service appointed by the Public Service Commission*".

262. We note that Section 23 of the Trade Union Recognition Act imposes compulsory recognition and the duty to treat. It states that, "*Where the Board certifies a Trade Union as the recognized majority Union, the employer shall recognize the Union, and the Union and the employer are obligated to bargain in good faith and enter into negotiations with each other for the purpose of collective bargaining. Failure or refusal on the part of either the Trade Union or the employer to comply with any of the above requirements constitutes an offence and liable on summary conviction to the payment of fines.*"
263. Deviations from the Collective Bargaining process and new practices by State Authorities challenged the long established collective bargaining by the GPSU through greater state intervention in regulating the movement of wages and salaries. In this context, the Government as employer of a large portion of the national workforce exercises a dominant influence and direction in industrial relations in the Public Service, under the notion of balancing the national community interest. Government as employer, imposed wage and salary increases and avoided bargaining in good faith with the GPSU to resolve substantive issues of interest through the collective bargaining process, including final determination of wages and salaries disputes, much to the dissatisfaction and disquiet of GPSU and public servants.
264. With the responsibility of the Government to manage the economy and expenditure on the Public Service, industrial relations drifted from the legally established system of collective bargaining to one of unilateral imposition of annual across-the-board increases in *wages and salaries*. This approach resorted to for more than a decade has had consequences such as: massive bunching of salaries, destruction of pay differentials within the salary grades, the abandonment of an effective performance appraisal system, merit increments and performance-based pay increases as discussed earlier. This has resulted in a serious distortion if not chaos, of the wages and salary arrangements in the Public Service.
265. Despite rising costs, there have been no comparable increases in the various allowances over in excess of two decades to current, realistic levels. These are matters which should

be subject to a process of regular review between the parties and settled at the level of the Department of the Public Service and GPSU at agreed intervals.

266. In these circumstances, the right to bargain collectively in good faith as defined by the Trade Union Recognition Act and ratified *ILO Conventions No. 151 – Labour Relations (Public Service) Convention* raises several questions in connection with the attitude of public authorities. For example, it is our understanding that an administrative direction whereby the conclusion of an agreement is subject to prior approval of a Government authority, or modifying conditions agreed and written in collective labour agreements, or preventing negotiations of such conditions as may be considered desirable, or an imposition of unilateral wage increases, or failure to bargain in good faith, and or avoidance of bargaining, constitute infringements of the right to bargain collectively. *ILO Convention No. 151* recognizes that restrictive measures, rendering it extremely difficult for wages to be settled freely through collective bargaining, can only be justified on the grounds of exceptional circumstances of a serious economic nature. However, this could be justified only for a limited period and kept to a minimum.
267. We fully accept that, in keeping with the Constitution and labour laws, international and regional treaty obligations, the restoration of collective bargaining in the Public Service must be accepted as an obligation to be honoured by the State.

Recommendations # 53 – 56

We accordingly recommend:

- 53. That Collective Bargaining with the GPSU and the relevant Public Authorities be restored in keeping with the Union's legally recognized status under the Trade Union Recognition Act Chapter 98:07 (No. 33 of 1997), and ratified ILO Conventions No. 87, and 151;**
- 54. That the Public Authorities and the GPSU return to collective bargaining through the established, institutional and procedural arrangements in keeping with the principles of good faith in collective bargaining, and consistent with provisions of ratified ILO Convention No. 151 on Labour Relations in the Public Service.**
- 55. That Wages and Salaries and allowances be agreed to by collective bargaining negotiations, ideally for agreements of a mutually agreeable period, taking into account the need to pay competitive, attractive, and comparable wages and salaries, having regard to worth of the job, ability to pay, and the impact on the national economy.**
- 56. That the parties negotiate allowances which should be based on realistic costs and settled at the level of the Department of the Public Service.**

5.3.1: Dispute Resolution in the Public Service and International Standards

268. We believe that the labour relations policy of the State for the Public Service should not only be concerned with the settlement of labour disputes through established dispute resolution machinery, but also with the prevention of disputes. Frequent and prolonged labour disputes, however manifested, could have a negative impact on industrial growth, economic development and the overall socio-political stability of any country. Effective and improved dispute settlement procedures and machinery are crucially important for the national economy and the general good of the population. Public authorities should be actively involved not only in the promotion of improved relations but also in the development of social partnership with the Union and its representatives at individual Ministries and for the entire Public Service.
269. Both Government, as employer, and the GPSU need to be equally convinced of such objectives and commit themselves to make procedures work. Otherwise, confidence in the existing systems will continue to be eroded and upheavals on public pay and public employment issues will occur without final resolution.
270. In the field of industrial relations, effective means of settling labour disputes exist in labour laws, and established machinery through consultation, negotiations, and with third party assistance through conciliation in the collective bargaining process. In the national system, when the statutory Trade Union Recognition and Certification Board certifies a trade union as the recognized majority union, the employer is required to treat with the trade union as the sole bargaining agent for the workers in any enterprise or industry. The parties would accede to a *collective procedural agreement for recognition and the avoidance and settlement of disputes* as was done by the GPSU in 1976 with the then Public Service Ministry. Embodied in that Recognition Agreement is the process for collective bargaining through a grievance or representation procedure, which sets out the various stages through which a grievance or dispute, including wages dispute, can be processed to finality.
271. This Agreement between the Guyana Public Service Union and the then Public Service Ministry for the Avoidance and Settlement of Disputes in the Public Service provides for six (6) time-bound, progressive stages of representation at the level of:
- i) The Supervisor/Sectional Head;
 - ii) Head of Personnel of the particular Ministry or Department;
 - iii) Permanent Secretary or Head of Department;
 - iv) Permanent Secretary of the then Public Service Ministry;
 - v) Ministry (Department) of Labour for Conciliation; and finally

- vi) Arbitration as outlined in the Procedure Agreement between the parties as follows:

"Failing settlement at Stage V, the matter may be referred by either side within fourteen (14) days to Arbitration. The Arbitration Panel shall consist of one member nominated by the Public Service Ministry, one member nominated by the Union and a Chairman agreed upon by the Public Service Ministry and Union. In the event of the parties failing to reach agreement, the Chairman shall be nominated by the Minister of Labour. Any award by The Tribunal shall be final and binding."

272. This Agreement further affirms established principles and norms in the practice of industrial and labour relations during the stages of negotiations set out above, *"that there shall be no lock-out by the Ministry concerned nor any strike, stoppage of work whether of a partial or a general character by the Union, refusal to work, slow down or retarding of production on the part of the Union, nor shall there be a reduction of the normal level of output by any member of the Union"*.
273. Industrial relations interest disputes must be resolved by the utilization of the foregoing processes and procedures for the dispute settlement of all industrial relations disputes in the Public Service. These, *"should aim at peaceful and orderly settlement of disputes so as to make it unnecessary to resort to strikes and lockouts"* or other forms of industrial action.
274. Matters which may be represented by the GPSU or on behalf of any member or collectively the membership in the bargaining unit of the Union are issues of rights or interests relating to conditions of service, including *wages and salaries*, which may give rise to a dispute.
275. However, the final dispute resolution process of Arbitration was consistently avoided by the public authorities since 1999. The Commission is of the view that there is need for a review of this final dispute resolution process for new and agreed procedure through consultation and negotiation by the parties. Such new procedure should take account of the interest of the parties and the national interest determined by the National Assembly which provides the money for *wages and salaries* in the Public Service bearing in mind the responsibility of the National Assembly as against award of a tribunal of three persons.
276. The 1976 procedure agreement between the Union and the Government also provides for other existing statutory machinery for arbitration or other legal machinery which may be established by the National Assembly as set out in the words of the Agreement, i.e., *"none of the above clauses shall be interpreted to preclude the right of either the Ministry or the Union to make use of any existing or future national or other industrial machinery that may be legally established from time to time"*. (Clause 7)

277. Collective Agreements under the Labour Act Chapter 98:01– Part VIIA states that, “Every *Collective Agreement which does not contain a provision which (however expressed) states that the agreement or part of it is intended not to be legally enforceable, shall be conclusively presumed to be intended by the parties to it to be a legally enforceable contract.*”
278. C.151 on Labour Relations (Public Service), 1978, Settlement of Disputes, states:
“Measures appropriate to national condition shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employers’ organizations, or, of such other methods as will allow representatives of public employees to participate in the determination of these matters.” (Article 7)

“The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought as may be appropriate to national conditions, through negotiation between the parties, or, through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.” (Article 8)
279. ILO Convention No. 154: Collective Bargaining Article 1(3) states: “As regards the Public Service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice.”

5.3.2: New Procedure for Final Settlement of Wages and Salaries Disputes

280. It is recognized that the State as a major employer, assumes an interventionist role in industrial relations in the Public Service. This approach is motivated by the historical and the political development of the State, easily accessible to Ministers and the highly politicized posture of some trade unions. This sometimes makes it difficult for the parties to distinguish between the role of the State, as employer, and its role as sovereign and political authority in its management of industrial relations and the human resource functions in the Public Service.
281. It is our view, based on testimonies received, that there is a clear and obvious requirement for a more effective, final dispute resolution process within the Public Service. The issue of negotiating matters of pay to finality calls for serious attention to be devoted to creating and gaining acceptance of a nationally agreed system, outside of arbitration for the final independent determination of pay disputes in the Public Service. Government has often taken the position of protecting the “national interest” or “national finances” but there are options; one of which is reference to the National Assembly for approval of a pay award based on the recommendations of an independent Public Service Pay Review Commission should there be an impasse or no agreement at the conciliation level.

282. It is recognized that since the Government is the major employer in the context of Public Service pay there are important concerns on its part regarding the national interest and the viability of the state at any given budgetary period. However, there are legal obligations upon the Public Service authorities to allow pay claims to be finally settled while, at the same time, recognizing the role of the National Assembly having the final determination of public expenditure flowing from the national budget.
283. On the GPSU side, there is a requirement to commit it to negotiating pay claims through the representation procedure and equally to ensure that the process itself operates to a level of finality on a timely basis. There must be a commitment on both sides to adopt a new approach. In the end, such a process is essentially about working together to achieve a consensus for better service for all in the national interest.
284. Trinidad and Tobago provides an example in the management of human resources and industrial relations in the public sector, worthy of consideration. Its Public Service is governed by the Civil Service Act of 1966 and a constitutionally established Salaries Review Commission (SRC - Section 141 of its Constitution). The law states that the Commission "with the approval of the President", is mandated to "review the salaries and other conditions of service" of the holders of public offices. These include the Office of President of the Country, political offices - being those of the national parliament and of local government bodies; offices of the management of the Public Service; and Offices of the management of statutory agencies.
285. The holders of the offices above are those defined by Article 1.2 of the Labour Relations (Public Service) Convention, 1978, ILO Convention No. 151, which states that, "*high level employees whose functions are normally considered as policy-making or managerial and who can be regarded as having the status of exceptions from the guarantees provided for in the said Convention*".
286. After consideration, analyses and comparisons, the SRC presents a report to the President with its recommendations on the salaries and other terms and conditions of service to be applicable to the respective office holders. The report, after consideration by the Cabinet, is laid on the table of both Houses of Parliament, in accordance with the provisions of Section 141 (2) of the Trinidad and Tobago Constitution. This would appear to be reasonable as a means of setting the remuneration for high level Public Officials and worthy of consideration for implementation in Guyana.

Recommendation # 57

57. We accordingly recommend that consideration be given to the suitability of establishing such a model in Guyana for the determination of remuneration for high level Political and Public Service Offices, including President, Vice-Presidents, Prime Minister, Ministers, Leader of the Opposition, Members of

the National Assembly, Permanent Secretaries, Regional Executive Officers, and Regional Chairpersons.

287. In Trinidad and Tobago, disputes in relation to other public employees are determined by a special tribunal established under its Civil Service Act Cap. 23:01. The membership of the Tribunal is drawn from the Industrial Court. The Tribunal is empowered to "hear and determine any dispute" referred to it under the Act which states in part: "An award made by the Special Tribunal shall be final." The Tribunal is also required to take into consideration certain economic criteria included in the Industrial Relations Act (IRA) relating to expanding the level of employment, the well-being of relevant employees and the need for sustained development.
288. In Belize, Statutory Instrument No. 59 of 2014 under the Belize Constitution charges its Ministry for the Public Service, headed by a Chief Executive Officer, to establish procedures for dealing with the recognized representatives or with public officers as required by the Belize Constitution in respect of classification of posts, grievances, salaries and allowances, and terms and conditions of employment.
289. On collective bargaining, Article 73 (1) of the Statutory Instrument states, "the Ministry shall be the authority to engage in collective bargaining or any other form of employer and employee relations." Article 78 provides for procedures for the resolution of disputes through the process of consultation, negotiations, including recourse to the Ministry of Labour for Conciliation or arbitration services.
290. We are of the view that with the foregoing examples of CARICOM countries, a final measure for a speedy wages dispute resolution in the Public Service should be devised by law, taking into account the role of the National Assembly and the national interest.

Recommendations # 58 – 59

We accordingly recommend:

- 58. That disputes in wages and salaries resulting in an impasse at negotiations and at conciliation should be referred to a new final mechanism of a Public Service Wages and Salaries Commission which would be required to make recommendations to the National Assembly within a set time frame.***
- 59. That the Labour Act, Chapter 98:01, Section 4, be amended after consultation with the GPSU, to make such effective provisions for the establishment by the Minister of a Wages and Salaries Commission to review wages and salaries disputes upon an impasse at conciliation, and to make recommendations to the National Assembly.***

5.4: THE PUBLIC SERVICE APPELLATE TRIBUNAL

291. The issues of rights and interests are subject to negotiations between the Department of the Public Service and the GPSU excluding matters, which fall under the purview of the Public Service Commission. Such matters relate to appointments, transfers, promotions and discipline, including dismissal of officers by the Public Service Commission. Disputes arising out of matters falling under the purview of the Public Service are appealable to the constitutional Public Service Appellate Tribunal under Article 215 A (2) of the Constitution and under Act No. 17 of 1984.
292. The law concerning the Tribunal states: "*An appeal shall lie to the Tribunal from any decision of the Public Service Commission in respect of any matter concerning appointment by promotion of any person to a public office, the exercise of disciplinary control over any person holding, or acting in any public office*" (Article 9, and Schedule 9 (1) of Act No. 17 of 1984). The decision of the Tribunal shall be binding on the Public Service Commission (Article 21 (2)). Similarly in Barbados, its Public Service Act, 2007 Article 30 establishes a Public Service Appeals Board to determine appeals against decisions of a Service Commission.
293. Although it is a constitutional body, there has been a hiatus in the appointment of the Public Service Appellate Tribunal in Guyana since May 2005. Its existence and functioning are essential to ensure fairness and justice for Public Servants who may feel aggrieved over decisions of the Public Service Commission and wish to seek redress thereof.

Recommendation # 60

60. We accordingly recommend early re-appointment of the Public Service Appellate Tribunal in keeping with the Public Service Appellate Tribunal Act 17 of 1984.

5.5: EMPLOYMENT AND THE LAW

294. Employment relations are governed by law – the Constitution and labour laws of Guyana. In keeping with the rule of law, all employers in the private and public sector, the Public Service Commission and other Service Commissions are obliged to observe the laws on employment as outlined in the Constitution and labour legislation as they recruit and select persons for employment. The Constitution and labour laws specify essential requirements in the employment process, treatment of employees, and recognizing their collective and individual rights.
295. The general principles of Chapter Two of the Constitution of Guyana, encourage citizens and their organizations, and women to participate in the management and decision-making processes of the State, and particularly in the national, economic, social and cultural sectors of national life. This Chapter also declares the right to work; provides for

equality of opportunity and treatment in all aspects of employment, education, social and political life; and imposes a duty on the State to protect the just rights and interests of citizens, subject to the requirements of Article 39 which states, "...Parliament may provide for any of those principles to be enforceable in any court or tribunal."

296. The Constitution on Fundamental Rights states that Fundamental Rights and Freedoms of the individual entitle every citizen basic rights without distinction and discrimination including the right, regardless of his/her race, origin, political opinions, colour, creed or sex subject to the rights and freedoms of others and the public interest to freedom of conscience, of expression, assembly, and association, the right to enter into collective agreement, and protection from discrimination on the grounds of race (Articles 40, 145, 146, 147, 149).
297. The Termination of Employment and Severance Pay Act, No. 19 of 1997, Section 7 states that a contract of employment *without term limit* may at any time be terminated:
- *by mutual consent of the parties;*
 - *on any ground of redundancy which relates to operational requirements*
 - *by either party:*
 - *for good and sufficient cause; or*
 - *by notice to the other party.*
298. Section 8 protects against unfair dismissal by stating that the following reasons are *not valid or constitute good or sufficient cause* for dismissal or for disciplinary action against an employee:-
- ◆ *race, sex, religion, colour, ethnic origin, national extraction, social origin, political opinion, family responsibility or marital status;*
 - ◆ *pregnancy or reason connected with pregnancy or medically certified illness;*
 - ◆ *absence due to compulsory military service or any other civic obligations in accordance with any law;*
 - ◆ *participation in lawful or legitimate industrial action;*
 - ◆ *refusal to do any work normally done by an employee engaged in lawful or legitimate industrial action; and*
 - ◆ *complaint or participation in legal proceedings against an employer.*
299. A dismissal or disciplinary action is *unfair* if it is based on any of the above listed grounds or if the employer fails to give *written warning or suspension without pay* for misconduct that is not serious to warrant dismissal (Sections 11 and 18).
300. An employer is entitled to *dismiss an employee without notice or payment of any severance or redundancy allowance or terminal benefit for a serious misconduct* which relates to the employment relations and has a detrimental effect on the employer's

business (Section 10)

301. The Prevention of Discrimination Act No. 26 of 1997, provides for protection against unlawful discrimination under Part II (Section 4) of the Act which prohibits discrimination on the grounds of: *race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status, or age* except for the purpose of retirement and restriction on work and employment of minors.
302. The Act also prohibits discrimination against a person by distinction, exclusion or preference, the intent of which is to deny equality of opportunity or treatment in any employment or occupation.
303. It is unlawful for any employer or his/her agent to discriminate in relation to recruitment, selection, or employment on any grounds, except where genuine occupational qualifications exist. (Section 5).

Recommendation # 61

61. We accordingly recommend that Public Authorities, like the private sector, observe in practice, the laws on labour and employment relations in the Public Service.

5.6: PHYSICAL WORKING CONDITIONS

304. We are aware that there are a number of issues and problems which, although not specifically mentioned in the terms of reference of our appointment, are nevertheless important to Public Servants and their capacity to effectively render the services for which they are appointed. In this context, the concern with their levels of remuneration and benefits is well known and acknowledged. However, it is hardly necessary for us to draw attention to the fact that although financial and monetary matters feature prominently among the issues affecting and influencing the performance, motivation and morale of Public Servants, there are a number of other elements that do not receive the attention they deserve. Specifically, we advert to the physical and other conditions in which Public Servants are required to function. Apart from complaints received during our enquiry, we personally experienced examples of situations which could at best be described as unsatisfactory and in urgent need for remedying. It is our understanding that involved in some of these situations are not only breaches of laws designed to ensure that the conditions of work are both healthy and safe, but that, were they to exist in working situations in the private sector, would most likely be prosecutable.
305. Apart from the likely negative impact of such situations on Public Servants, there should be the overriding imperative that Government be located at the forefront of obedience of the law, and the treatment of its employees, if only to send positive signals to the

population at large.

306. We have detailed, hereunder, measures which should be taken to ensure compliance in the Public Service.
307. It is the responsibility of employers both in the private and public sectors to provide suitably conducive work places and work stations for employees. Public Service ministries and agencies, in keeping with the Occupational Safety and Health Act, No. 32 of 1997, are obligated to promote good occupational safety and health within its work places and offices. This is an essential responsibility and mutual objective of public service management and all employees in the Public Service.
308. It was brought to our attention that many unsatisfactory physical working conditions exist in the public service including overcrowded offices and work stations, uncomfortable temperature in offices, bad location of washroom facilities, some dilapidated buildings/offices, inadequate safety equipment and safety gears.
309. It should be public policy to do all that is reasonable to prevent personal injury and damage to property and to protect everyone from foreseeable work hazards and risks, including the public in so far as they come in contact with the Public Service. It is the responsibility of the Department of the Public Service to:
- provide and maintain safe and healthy working conditions at each of its locations in keeping with relevant statutory requirements;
 - provide integrated safety, job training and instructions for all employees and additional safety training where appropriate;
 - provide all safety devices and protective equipment required by statute and supervise their use;
 - ensure that articles and substances purchased for use at work have been so designed and constructed as to be safe and without risk to health, and that full information is made available by suppliers where additional precautions are required;
 - maintain continuing attention to all aspects of safety by regular internal safety inspections of all work locations by suitably qualified persons;
 - consult and keep employees informed on safety matters;
 - ensure that all entries and exits are known to all employees, customers and other persons using public premises;
 - establish and meet regularly with internal safety committees; and
 - provide and maintain work places that are safe, and without risks to health, and have adequate facilities for the welfare of all employees.

310. Equally, every employee has a responsibility to:

- exercise reasonable skill and care for the health and safety of self and of all other persons at the work place;
- co-operate with management in its statutory duties of maintaining high standards of safety and health at work places;
- report all accidents that have led, or may lead to injury; and
- co-operate in the investigation of accidents with the view to preventing a recurrence

Recommendations # 62 - 63

We accordingly recommend:

62. That Permanent Secretaries and Heads of Departments should be charged with the responsibility of ensuring workplaces and workstations are in keeping with the guidelines as stated above.

63. That the Department of the Public Service conduct inspections of all buildings, offices and workstations at least twice a year to ensure the standards referred to above are maintained, and if necessary improved.

CHAPTER 6: RETIREMENT AGE FOR PUBLIC SERVANTS

311. The retirement age in the Public Service is 55 years, and with approval 50 years. Public Sector organizations such as the Bank of Guyana, the National Insurance Scheme, the Guyana Revenue Authority, and staff of the Audit Office of Guyana have a retirement age of 60 years. The Private Sector also has higher than the Public Service retirement age based on pension schemes providing for retirement between 60 and 65 years, and with no fixed retirement age for top executives. Similarly, there is no retirement age for Parliamentarians and Ministers. The retirement age for staff at the University of Guyana is 65 years, and for the members of Judiciary and the Auditor General, the retirement age is 65 years.
312. It is argued that the age of 55 is too early an age for retirement for Public Servants. Testimonies to the Commission support and advocate for higher retirement age for Public Service staff. The contention is that at age 55, Public Servants would have acquired deep knowledge and wide experience in public management and in their professional and specialist fields. Therefore, it is a great loss of skills and expertise to the Public Service with a retirement age at 55. This is one of the arguments used to justify the re-employment of retired public servants on contract immediately upon retirement.
313. A survey of Human Resource Practitioners in the private sector recommends a retirement age of between 60 and 65 years. This is also in line with testimony to the Commission by public servants and private individuals. The advocacy is for retirement age of 65 years with an option of retirement at 60 in the Public Service to provide for the retention of valuable, experienced and skilled professionals.
314. While the age of retirement for civil servants is 60 years in the British Virgin Islands, Suriname, and Trinidad and Tobago, the current retirement age is 65 years in Bermuda, and 66.5 years in Barbados and in Dominica. Canada has abolished the retirement age on the grounds of non-discrimination, while International Organizations within the United Nations System retire International Civil Servants on attaining 62 of years. The current retirement age in the Republic of South Africa is 65 years. (Public Service Act, 1994)
315. The higher retirement age of 65 years would provide for higher pensions under the Pensions Act for public officers who would also continue to contribute to the National Insurance Scheme (NIS) until the age of 60 years when NIS pensions would be paid. This would further increase the finances of the NIS scheme by the extended contributions from the employer and the employees for an additional period of five years, thus contributing to the continuing viability of the National Insurance Scheme. We are convinced that a higher retirement age for Public Servants would be mutually beneficial to the State, the public employees, and the National Insurance Scheme.

Recommendations # 64 – 68

We accordingly recommend:

- 64. That the retirement age for new entrants into the Public Service, and those currently in the Public Service who are below 50 years of age, be retired on attaining 65 years of age, with the option of retiring on attaining 60 years;**
- 65. That pension entitlements be calculated at a maximum of 43 and one-third service years;**
- 66. That public servants who are currently below 55 years of age, be allowed the option to retire on attaining 60 years or any time before 65 or on attaining 65 years of age;**
- 67. That no person retiring from the Public Service before attaining the age of 65 years should be employed on contract in an established Public Service position.**
- 68. That the Pensions Act Chapter 27:02 be amended as may be required to provide for higher pensions as a result of the higher retirement age.**

6.1: Level of Pension for Retired Public Servants

316. Testimonies and representations to the Commission call for consideration to be given to enhancing the pensions of Public Servants who retired several years ago and are currently receiving the minimum pension. There are approximately 2,554 pensioners receiving the minimum pension out of a total of approximately 8,580 Public Service pensioners. It is argued that these long serving retired public servants who receive the minimum pension struggle to cope with the current cost of living and bills with such small pensions which deprive them of a modest life of comfort, independence, dignity and pride in the last years of their life. The Commission is convinced that the minimum pension should be enhanced.

Recommendation # 69

- 69. We accordingly recommend that consideration be given to increasing the monthly pensions of retired Public Officers, who are in receipt of the minimum pension, to a level which is equal to or closer to the Public Service minimum wage/salary.**

CHAPTER 7: THE PUBLIC SERVICE MINISTRY

317. As we previously reported, Burgess and Hunn had under a United Nations Programme of Technical Assistance in 1966, provided the framework for the establishment of the Public Service Ministry. This Ministry was then established in 1967, as a separate entity responsible for central coordination of personnel administration, and management of training and development in the Public Service of Guyana.
318. Three (3) years later, the Collins Commission of inquiry made recommendations for the classification, recruitment, and wages and salaries of Public Servants. These two major administrative reform initiatives, as previously mentioned, provided what could be considered the template for the Public Service.
319. In spite of these operational changes, in neither instance were the reform recommendations indicative of a radical departure from the basic norms, structural ordering and bureaucratic culture of the existing model, which was based on the Westminster system of governance. At best, they represented marginal changes to make it more appropriate to the expanding boundaries of state activities and the new environment of Independence.³⁴
320. Reform of the Public Service was considered an integral part of the Economic Recovery Programme (ERP) that the Government of Guyana embarked on in the late 1980s. In this regard, Public Service Reform was deemed necessary to implement and oversee the new and the modified functions that the Public Service was required to perform following the structural adjustments under the ERP and redefinition of the State's role in economic development.³⁵ The programme was intended to improve the efficiency of the Public Service but the last administration did not follow through with the Public Service reform effort.
321. In 1991, the Government of Guyana embarked on a programme of streamlining the grade structure of the then salary scale of the Public Service with the support of consultants from Peat Marwick McLintock, a British consulting firm, who developed a new job evaluation system, of both *points rating* and *whole job ranking*, as a recruitment and retention strategy for personnel. Prior to this system, the Public Service salary scales had been reduced from forty-two (42) to sixteen (16) and this consultancy condensed it to fourteen (14).³⁶ This system is still used in the Public Service.
322. The next major attempt at restructuring the Public Service of Guyana was the Public Sector Modernisation Project in 2002 with the intent to reshape strategies of the Ministries/Departments for the long-term renewal of Guyana's Public Sector. However, this project was aborted in 2004.

³⁴ The Governance Network, *The Public Service Modernization Design Plan*, Technical Appendices, Vol. 3, 2003

³⁵ *Ibid.*

³⁶ McLintock, Peat Marwick (September 1991 – June 1992) *Report on Job Evaluation Exercise*, KPMG Management Consulting,

323. The Public Management Modernisation Programme (PMMP) was launched in 2005, for a period of three (3) years. It was established to strengthen the management capacity of the Public Service Ministry (PSM) in order to enhance its competence to regulate and manage the Public Service system. Some of the activities scheduled for the period were as follows:

- Development of a Human Resources Strategy for the Public Service.
- Development of Human Resource Management policies and practices manual including workplace code of ethics, employee labour relations, performance management, and employment compensation etc.
- Development of an Information Technology (IT) Plan that included the establishment of an IT standards programme, protocols for sharing of information and for the access to Public Management data.
- Revision of Job Descriptions and Specifications for six (6) pilot Ministries.
- Training of Human Resources personnel.
- Revision of Public Service and Public Service Commission Rules.

324. However, the project was brought to a close in 2007 with most of the activities terminated. There has been no other similar interventions since.

7.1: DEPARTMENT OF THE PUBLIC SERVICE (Formerly Public Service Ministry)

325. Human Resources are the most valuable and costly component in the delivery of services to the public. Currently, its employment costs and other charges budgeted for 2016 is \$164 billion, representing 71% of the Government's total budget, for which the Public Service Ministry is charged with responsibility to manage.

326. The current administration has reorganised the governance structure to the extent that the Public Service Ministry (PSM) has now been re-designated a *Department* in the Ministry of the Presidency. It is our view that this change has in large measure devalued or diluted the importance of the Public Service as established by virtue of Burgess-Hunn's recommendations, and as supported by Collins Commission. Both of which had envisaged the PSM as *primus inter paris* (first among equals), i.e., of Ministries. At any rate, we were not provided with cogent reasons for the change.

327. The existing situation is that each Ministry is an independent authority, with management guided by the Department of the Public Service, which would apparently maintain this oversight through circulars, rules, and regulations in its role as a regulatory agency.

328. According to our interpretation, it is the Department of the Public Service which authorizes the strength of each Ministry managed through its Inventory of Authorized Positions of persons/staff on its pensionable establishment. Guided by the Estimates of the Public Sector 2016, we have noted that the Public Service has fourteen thousand, four hundred and sixty six (14,466) persons as authorized employees who are employed

through the Public Service Commission (PSC) of whom 4,471 employees account for persons employed on contract and placed in 1037 job titles. The table following shows the strength of the Public Service by grades.

Table 6: Strength of the Public Service

Salary Band	# of Job Titles	Staff Complement (By Gender)		Total (By Grade)
		Male	Female	
14	14	25	8	33
13	35	37	26	63
12	67	71	66	137
11	80	111	140	251
10	77	357	497	854
9	113	332	392	724
8	48	125	267	392
7	67	166	397	563
6	65	192	888	1080
5	73	200	692	892
4	56	342	1240	1582
3	97	577	500	1077
2	118	1567	2714	4281
1	41	725	1536	2261
00*	86	137	139	276
Total	1037	4964	9502	14466

00* it is unclear what categories of workers this grade represents

Preliminary results extracted from the IT Department of the Department of Public Service's HRMIS1 dated 2015-09-29

329. This development has resulted in the employment of contract employees which has been described as a "parallel" Public Service.

Recommendation # 70

70. We accordingly recommend that the Permanent Secretary of the Department of the Public Service be designated the Head of the Public Service. In our view, it appears incongruous for an agency designated a Department to exercise authority and oversight over other agencies that are designated Ministries.

7.1.1: Objective and Strategies

330. The objective of the Department of the Public Service as outlined in Volume 2 of the Estimates of the Public Sector of 2016 is: *"To manage the Public Service of Guyana through the provision of professional personnel, training, and consultancy services, to Ministries, Departments and Regional Administrations."*
331. Arising from the foregoing, the following strategies were developed as stated in the 2016 Estimates:
- Advise government on the personnel requirements of the Public Service.
 - Formulate training and development strategy for the Public Service.
 - Determine effective utilisation of scholarship awards to ensure sectoral and policy priorities are reflected.
 - Introduce new management practices using technological advancements to enhance operations and to improve the management information systems in the area of Human Resource Management.
 - Update the Public Service Commission Rules (Apparently, this is an error. The correct term is Public Service Rules)
 - Implement relevant initiatives to achieve modernization of the Public Service.
332. In light of the foregoing, we were informed that the Department does not have a strategic plan for which work plans for the various sections can be developed in pursuance of those objectives and strategies. It is our view that management of the Public Service should operate with professional values to support mission and strategic objectives. A strategic plan is necessary to guide the general directions of the Public Service.

Recommendation # 71: Strategic Plan

71. We accordingly recommend that every Ministry/Department/Region should have a Strategic Plan with its attendant strategies and actions to ensure that key objectives are achieved within defined time frames, in accordance with the budgeted annual estimates.

333. It is important that the plan be flexible enough to respond to unanticipated developments. The absence of key persons, constituting the strength of a Ministry/Department/Region may seriously affect what is achievable. Therefore, there is a need for careful selection of persons to fill the required positions.
334. In this regard, attention should be paid to the management skills of the human resources to meet every situation designed to actualize the Strategic Plan. The availability of necessary manpower resources will be the key determinant in the achievement of the Plan. Planning therefore becomes a prerequisite in order to achieve the various goals and objectives of the Public Service.

Recommendation # 72

72. In this context, we feel obliged to recommend a planning, monitoring and evaluation process for the Department to measure the outcomes of the Ministries/Departments/Regions. This should entail the following:

- **Planning – setting short term organisational goals and performance objectives; develop an annual plan; allocate adequate resources, money, people and materials and anticipate and reduce risk.**
- **Monitoring – reflecting on progress against plans and provide feedback.**
- **Evaluating – determining whether ‘doing the right things’ and not just ‘doing things right’ and identifying the need for changes.³⁷**

7.1.2: Relationship with the Public Service Commission

335. As we have pointed out, the Public Service Commission is a constitutional body concerned with recruitment, promotion, transfer and discipline, independent of the budget agencies; while the Department of the Public Service is a regulatory agency with direct oversight of the entire Public Service. However, the aforementioned activities overlap between both institutions.
336. The PSC and Department of the Public Service are intended to collaborate in the execution of relevant programmes of activities. However, it was previously mentioned that in practice, relationships between the two (2) institutions have not been as coordinated as intended, and necessary.
337. We received testimony that these institutions fell short in the following areas:
- Absence of adequately qualified employees in the Secretariat of the PSC
 - Political influence
 - Ethnic factors and influence in and for employment in the Public Service, and
 - Absence of the functioning of the Public Service Appellate Tribunal
338. The immediate foregoing, *inter alia*, we were informed, were responsible for the erosion of standards in the Public Service, resulting in the need for changes as previously mentioned.

³⁷ Galer, J. B. et al. (2005) *Managers Who Lead: A Handbook for Improving Health Services*, Management Sciences for Health, Cambridge

Recommendations # 73 - 74

73. We therefore reiterate our earlier recommendation that the Department of the Public Service and the Public Service Commission should be constituted with professional personnel with integrity to rebuild public trust and confidence in the Public Service.

74. The Department of the Public Service and the PSC should meet regularly with other senior officials of the various Ministries/Departments/Regions to discuss matters pertaining to human resources planning and development needs.

7.1.3: Proposed Human Resource Management and Development Department

339. The Department of the Public Service currently executes its mandate through the following functions:

- Training
- Management Services
- Personnel
- Appraisals
- Allowances
- Contracts
- Inventories
- Issuance of Circulars
- Review of Circulars
- Scholarships
- Retirement

340. Some of these services are provided in conjunction with the Public Service Commission (PSC), which is critical to executing the recruitment services.

341. The Authorised Inventory of the Department of the Public Service consists of seventy-nine (79) staff members. There is presently a staff complement of fifty (50) employees, thirty-eight (38) of whom are on contract. Included in that number are two (2) retirees and two (2) termed Consultants, previously on the last (PMMP) project which, as earlier stated, was terminated in 2007. **Annexe 5** shows the Current and Proposed Manning Level Chart of the Department of the Public Service; and **Annexe 6** shows the Current Organisation Chart of the Department of the Public Service, positions in green show posts presently encumbered, while positions in red relate to positions currently vacant and may have been for years.

Recommendation # 75

75. We recommend that the manpower figures be brought up to the requirements of the proposed organisation chart and its functions for the Department of the Public Service and the various Ministries/Departments/Regions.

342. Personnel Management was a traditional concept used to describe the management of routine functions such as processing leave passage, allowances and such matters. Over the last thirty years, Human Resource Management has emerged as an expansion of Personnel Management. Its primary purpose is to achieve the most effective use of

employees towards the achievement of organisational goals and objectives while at the same time maintaining high morale.

343. There have been several attempts through human resources reform initiatives, previously mentioned, to transform personnel management into modern human resource management. These were all aborted. It is our view that the Public Service should be more responsive to environmental changes and attendant advantage in embracing this relatively new concept.
344. In preceding chapters of this Report, we discussed issues affecting the operations of the Public Service such as recruitment, contract employment, training, compensation and industrial relations. We believe that the recommendations therein are necessary and should be executed in the context of structural changes to Human Resource Management.

Recommendations # 76 – 82

Accordingly, we recommend:

76. That the Department of the Public Service with its authority and oversight functions, should transition its 'Personnel' function to that of Human Resource Management and Development so as to facilitate the efficient and effective implementation of Government policies and programmes to discharge Government's responsibilities.

77. That the Department of the Public Service Human Resources Department, with responsibility as shown on the Function Chart at Annexe 7, be accepted for implementation. The functions of the proposed Department are comprised as follows:

- ***Human Resource Management***
 - ***Human Resources Services***
 - ***Employment Conditions***
 - ***Compensation and Benefits Administration***
 - ***Human Resources Information Systems***
 - ***Industrial Relations***

- ***Human Resources Development***
 - ***Resources Performance Management***
 - ***Coordination and Delivery of Training Programmes***
 - ***Communicating Products and Information Services***

- **Administration**

- **Coordination of Maintenance Services and Transport**

- 78. That Department of the Public Service accept the name change from the Personnel Department to Human Resources and Development Department.**
- 79. That the Function Chart be utilized to develop an Organization Chart that includes functions previously executed as shown in Annexe 8, and introduced for this strategic unit indicating the array of skills needed.**
- 80. That the current staff complement be increased to provide for the implementation of activities identified on the Proposed Linear Responsibility Matrix shown as Annexe 9. The Responsibility Matrix identifies tasks assigned to the position and decision making authority. Several key tasks associated with a 'Major Job Activity', ensure comprehensive coverage of all activities and eliminates duplication at different organizational levels.**
- 81. That the Manning Level Chart indicating the 'Current' and 'Proposed' staff complements required, is prepared for approval and implementation in the Public Service as shown in Annexe 5.**
- 82. That Job and Position Descriptions for the Human Resources Department be developed to reflect the responsibilities related to the Department of the Public Service's overall objectives and the provision of timely and accurate data to be used for decision-making.**

7.2: HUMAN RESOURCES INFORMATION SYSTEMS

- 345.** We have identified the absence of accessible information to guide strategic direction and policy decisions as one of the major weaknesses in the Public Service. Communication is heavily paper-based, leading to cases of incoherence and service delays affecting productivity and decision-making.
- 346.** We experienced this first hand during the course of this enquiry, when we sought information from the Department of the Public Service with a view to using the information to understand how the Department was executing its mandate. Unfortunately, this information was not forthcoming, and what was presented to us was well below expectation.
- 347.** It was communicated to us that the Department has a Human Resource Management Information System (HRMIS). This system is updated when information is received from the various Ministries/Departments/Regions. However, the technical staff were not

trained to use the system nor provided with *Desk Manuals*. Therefore, staff were unable to utilise the system at optimum thus making it difficult to provide information requested.

348. In addition, we were told that computers were outdated, components and accessories needed to be sent overseas to be fixed; software and computers were not budgeted for.

Recommendation # 83

83. We recognise that there is need for the E-Government Unit to stress the importance of information and communication technology (ICT) in the Guyana Public Service towards the improvement of service delivery.

349. We were informed that the payroll system is subjected to inordinate delays as exemplified by inconveniences which newly employed persons have to endure before their first salary after initial employment is paid. Such a delay can last up to three (3) months resulting in the imposition of special 'hardships', especially, on staff in outlying areas; and resulting 'low morale'. This situation needs to be remedied immediately.
350. Human Resources Information System is a software used for data entry, data tracking, and analysis, and information dissemination. There is enormous benefits to be gained such as employee profiles, attendance records, turnover rates, sick leave statistics, training profile of employees, succession plans of key employees, positions and pay grades and pension and benefits entitlement which can be captured in the system. Heads of the various Ministries and Departments may also require information on public servants for budgeting and planning activities.
351. The net effect of ICT makes it easier and is very often capable of checking on a person within seconds rather than paper-based letters.
352. Therefore, for the HRMIS to be effective, the Department of the Public Service must ensure that the Ministries/Departments/Regions start the process of gathering important information of their personnel in order to facilitate the transfer of information to the electronic database. To aid in this process, we initiated a manpower inventory exercise to determine the number of employees in the pensionable service and on contract by gender, age, placement in the 14 grade salary structure, status of incumbents in each grade, minimum requirements of qualifications by grade and the number of job titles etc. This exercise assisted us in providing statistical data outlined earlier in our Report.

Recommendation # 84: Phase 1 - Manpower Planning in the Public Service

84. We accordingly recommend that:

- 1. A template provided by us illustrating essential information required in undertaking a Manpower Inventory and Analysis be completed and updated prior to the Budget preparation on an annual basis so that the***

manpower requirements are included in the Proposed Staff levels for each Ministry/Department/Region. Once completed, this inventory will serve to identify specifically which members of its current pensionable workforce holding what kinds of jobs, will be given what kinds of training to occupy forecasted vacancies and when.

- 2. *Maintaining the Manpower Inventory becomes essential to providing continuity of efficient manning levels and use of manpower resources. As a corporate function it requires guidance from the highest to the lowest levels of management and input from every Ministry/Department/Region as well as dialogue since work-force requirements are linked to organizational mission and objectives.***

353. In addition, the inventory will identify how vacated positions will be filled with current employees or recruits brought into entry-level positions.

There are three structural elements in the manpower planning process that must be undertaken. These are:

- i) Forecast – projecting the total organizational head count;
- ii) Inventory – an assessment of the performance, skill, experience, and education in the current workforce;
- iii) Planning – the ways of meeting the gap between the forecast and the inventory.

354. The Plan should also identify positions for which no current employees are available, how they will be obtained and trained for such positions given sufficient time and planning.

355. We wish to advise that manpower resources include the intellectual property of the Public Service and the persons possessing its core competencies. Manpower Planning must therefore exist as part of the planning process of every Ministry/Department/Region and must be fully integrated in the overall planning process.

Recommendations # 85 - 86

85. *We recommend that the Department of the Public Service must therefore undertake sound preparatory work and comprehensive analysis of its personnel records, as well as those of all the Ministries/Departments/Regions to pull together the data on all employees. They must be able to garner up-to-date, accurate and complete data and develop inventories of the personnel for analysis. The following should also be undertaken:*

- ***Manning standards should be developed from analysis of essential work requirements. Opportunities should be sought to restructure and enrich jobs.***

- *Plans should be set out with schedules of associated manpower requirements, giving precise categories, skills and levels for every function.*
- *Modern technology should be utilized to expand the existing manpower information system to include recruitment and losses, data on appraisal of performance, promotions, transfers and discipline.*

Recommendations # 86 - 87: Development of Human Resource Management Information Systems

86. We recommend that the Department of the Public Service collaborate with the various Ministries/Departments/Regions to develop a service-wide information system that will serve to enhance service delivery across the Regions. In addition, the E-Government Unit should provide general oversight and guidance in this activity.

87. We also further recommend that the Department of the Public Service strengthen its HRMIS database system by connectivity with the Ministry of Finance payroll system. This will allow for on-line access to update HR information from HRMIS available to all Permanent Secretaries, Heads of Departments and Human Resources Offices.

7.3 SUCCESSION PLANNING

356. We agree that the overall objective of the Human Resources planning and development system is to ensure the availability of qualified persons to staff organisations, not merely on a one-time basis but on a continuing basis for the future. This requires a detailed Succession Plan.
357. Manpower Planning ensures the availability of a qualified labour force for development; while succession planning ensures the availability of trained staff for designated positions on schedule. Consequently, the elements of succession planning are:
- Qualified candidates with the requisite number of years of education, the relevant specialty, and essential prior training and experience.
 - A sufficient number of candidates being developed for each position to avoid unplanned outside recruitment.
 - Specific training programs and schedules for each candidate with estimates of time required for development.
 - A reporting system to track the readiness of each candidate and to predict whether or not the position will be staffed on time.
358. The mechanics of the process are simple, but the policy decisions defining the required number of candidates, inclusion or exclusion of candidates, and inclusion or exclusion of positions should be carefully determined by the Department of the Public Service.

7.3.1: Number of Candidates

359. The number of candidates is constrained by the time available for preparing a replacement. If time is ample then more candidates can be included. The only limitation on the number of candidates is their estimated period of development; candidates would be excluded whose period for development extends significantly beyond the replacement date. Theoretically, there could be as many candidates for a position as could meet this criterion; practically, the number is not usually more than five. Having more than five becomes expensive and time consuming, since each must have a development program, be regularly evaluated, and be given a periodic review session by management. The number varies in proportion to the complexity of required skills for professional and technical positions and to the policymaking responsibilities for management positions. There are likely to be fewer qualified candidates available for the more complex and demanding positions.

7.3.2: Inclusion or Exclusion of Candidates

360. Candidates in theory should be limited to jobs in their job ladder or, at the outside, their job family. These are the jobs for which they have aptitude, education and experience. They should be considered for all appropriate jobs for which they are qualified and have demonstrated potential. However, this should be tempered by the need for cross-functional and intercompany or divisional experience for professionals and managers. They may not be the best performers in various positions, but it is essential that they understand, if not master, the operating responsibilities of such jobs as part of their preparation for their targeted position.

7.3.3: Inclusion or Exclusion of Positions

361. At what level should succession planning start? To avoid the common accusation of elitism and to increase the statistical availability of qualified candidates, it is best to start at the performance level. The Succession Plan should start with the first level of supervision. There is no better advertisement for an organisation than a reputation for investing in and developing its own people. This also places positive pressure for more effective initial selection of personnel for entry-level jobs and involves performance-level employees in insuring organisational survival. Succession planning is even more critical because it:
- Ensures optimum use of the scarce qualified and experienced human resources. If insufficient candidates exist, it advertises the need for the planned provision of qualified candidates and the planned provision of a skilled workforce in the interim.
 - Demonstrates concrete interest in the planned development of an organisation's personnel. Continuous recruitment of inexperienced outside candidates with paper qualifications to staff professional, technical, administrative and managerial positions excludes use of those acculturated to

industry. It also negates their economic and social investment in organisational effectiveness.

- Establishes satisfactory performance in entry-level jobs as the requirement for further training. It is difficult to train anyone in measurement by results, and when the sole criteria for advancement and reward are qualifications then the task is clearly impossible.
- Requires organisational and functional definition and identification of job content. It precipitates the organisational introspection essential to the description of job roles, standards and ultimately long-term organisational mission.
- Precipitates policy decision on the long range role of the labour force in the management and operation of the organisation. Otherwise, there are no measures of staffing policy and no basis for the rational use of staff.
- Precipitates policy decisions on the long and short range role of management and operation of the organisation.

Recommendation # 88: Implementing Succession Planning within the Public Service

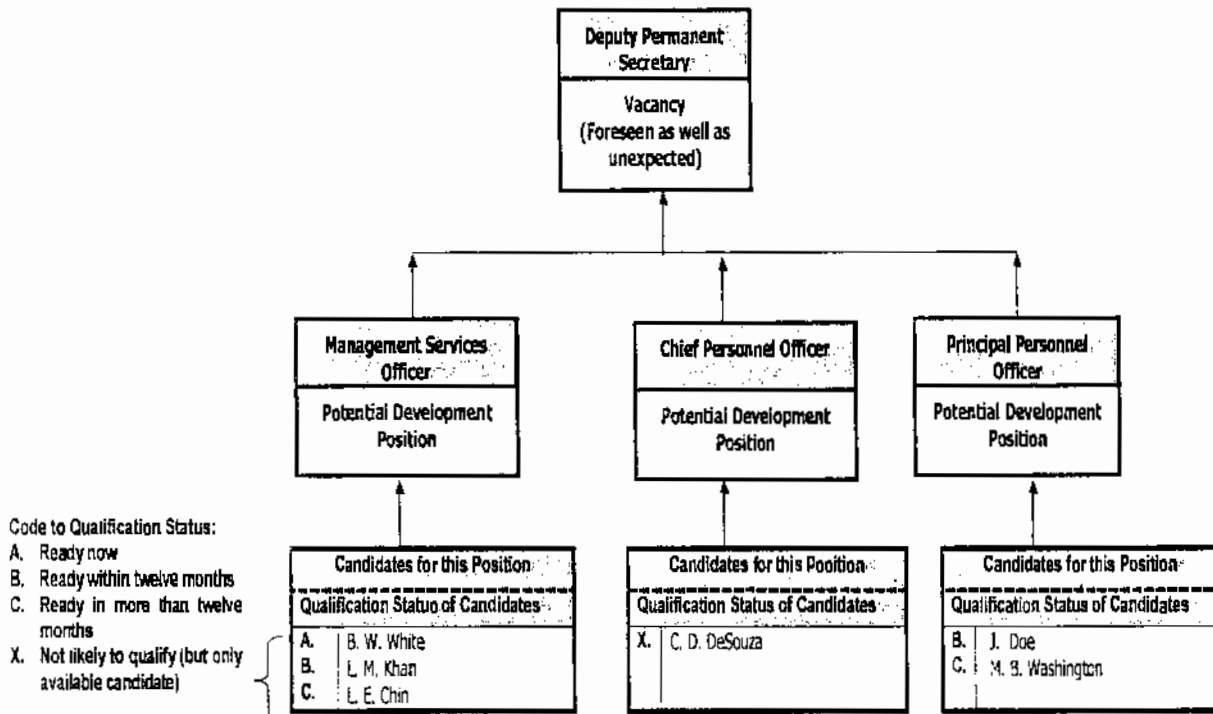
88. We accordingly recommend that Succession Planning be one of the means of preparing multiple candidates for foreseen as well as unexpected job openings in the Public Service. It allows for keeping track of the development and preparedness of staff and is principally based on the organization chart and covers both the candidates for the position and the potential developmental positions for the incumbents.

362. Each block of the organization chart has six lines, with the position title and job code number on the top line followed by the name of the incumbent on the second. The third line contains three blocks in which the potential developmental positions for the incumbent are recorded. Lines four through six are for recording the names and qualification status of up to three candidates for the position. Each candidate for the position is rated as follows:
- A, ready now
 - B, ready within twelve (12) months
 - C, ready in more than twelve (12) months
 - X, not likely to qualify, but only available candidate
363. The cut-off period would be determined in accordance with the need of the particular Ministry, the availability of personnel and the overall developmental climate.

Recommendation # 89

89. We also recommend that the Department of the Public Service develop and adjust the model Succession Planning Chart in Exhibit 1 for implementation.

Exhibit 1
Department of the Public Service
Model Succession Planning Chart



CONCLUSION

We are keenly aware that there is still a great deal to be done in order to raise the performance and the behavioural patterns of the Public Service to the level of professionalism envisaged and articulated for it in recent times. Successful Public Administration reform cannot be achieved in spurts but has to be sustained and ongoing.

We do not think of our Report as a *panacea* but as an instrument which contains proposals to continue the process of redemption of the Public Service. In this context, one of the issues which frequently occupied our thoughts was whether the Public Service as now constituted, with all of its limitations, has the capacity to successfully execute and implement programmes of reform and change related to it.

We recall an aspect of testimony before us to the effect that there tends to be an approach in Guyana which emphasizes inputs at the expense of outputs. We interpreted this as an admonition that many tend to believe that as long as resources are poured into a problem positive results, without more, would be realized. But as we have emphasized in our Report, reform and change have to be monitored on a continuous basis in which process there has to be frequent auditing of activities and results. We therefore, firmly believe that it should not be a period approaching half a century before action is next directed at effecting change and improvement in the Public Service.

In our view, missing in the Public Service is a culture embodying a set of core values and standards which are accepted and treated as sacrosanct to the extent that their breach would evoke responses of criticism and even condemnation of violators, and insistence that the "right" thing be done. Such a development would undoubtedly contribute to the establishment of a professional Public Service and represent a welcome departure from the state of affairs in which many tend to adopt and take positions on issues on grounds of expediency rather than principle. This to many is not altogether surprising since the latter is a marked characteristic of the society in which the Public Service is located. Thus, the argument that is frequently advanced that meaningful and successful change and improvement in the Public Service must of necessity be correlated with, if not preceded by similar developments in the society at large.

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LIST OF RECOMMENDATIONS

Chapter 1: Antecedents and Characteristics

Recommendations # 1 – 12

- 1) We recommend the enactment and promulgation of a Public Service Law with related Regulations to promote the effective management and administration of the Public Service and insulate and protect it from irregular and undesirable influences, thereby enhancing its status and productive capacity.
- 2) That urgent action be taken to enact a Code of Conduct, along the lines proposed by Government.
- 3) That the Protected Disclosures (Whistleblower) Bill 2015 be enacted and promulgated as a matter of urgency.
- 4) That public support in the form of appropriate programmes of public education be prominently part of these two measures.
- 5) That as far as possible all efforts be made to effect the required change.
- 6) That the PSC should at all times be constituted with suitably qualified and competent persons of unquestioned integrity who would strive to be fair and impartial in the execution of their duty in consonance with the constitutional prescription that they exercise independent judgment and not be influenced by political and other external or extraneous considerations.
- 7) That the case and approach in Jamaica be the subject of a careful study with a view to determining its relevance and likely contribution to improving relationships between the PSC and GPSU in Guyana.
- 8) That as with the case of the Public Service Appellate Tribunal that members of the Commission should possess experience and show capacity in matters relating to administration, human resource management or public affairs.
- 9) That the Constitution and other applicable laws be appropriately amended to empower the Public Service Commission (PSC) to appoint Permanent Secretaries and Regional Executive Officers.
- 10) That all appointments to Public Service positions be by open internal and external competitions to obtain the best from the labour market.

- 11) That all appointments by the PSC be on the basis of merit and be free from political influences, and meet the essential qualifications and requirements for the jobs to be performed.
- 12) That the Judicial Service Commission, like other Service Commissions, be empowered to make appointments to positions of support staff under the JSC and to remove and to exercise disciplinary control over such staff.

Chapter 2: Contract Employment in the Public Service

Recommendations # 13 - 16

- 13) That contract workers on all grades holding Public Service positions be absorbed into the pensionable Public Service establishment provided that they are suitably qualified to fill established positions.
- 14) That contracted employees/workers should be restricted to high level professional skills not available in the Public Service, and should be recruited and selected through open competition to obtain the best available candidates in the job market.
- 15) That no Public Servant who retires before attaining the age of 65 years should be employed on contract in view of the proposed age of retirement on attaining 65 years of age.
- 16) That the optimum complement of suitably qualified staff for each ministry, office, division, department, and unit, etc. with the right organizational structure, needs to be evaluated and determined by human resource and organizational audits.

Chapter 3: Training and Staff Development

Recommendations # 17 - 22

- 17) The establishment of a Committee of Permanent Secretaries from the key ministries under the Chair of the Head of the Public Service who is the Permanent Secretary of the Department of the Public Service, to identify candidates to be awarded such fellowships and scholarships.
- 18) That the Public Training Agencies take into account the guidelines outlined above in the organisation, in the conduct and management of the training and development function.
- 19) That the Department of the Public Service should undertake an audit of the training and development function at least every five years to assess and evaluate the

organization and delivery of training, and to recommend measures for improvement and efficiencies.

- 20) That the all public training agencies have a consultative arrangement to ensure that all Public Service training objectives are successfully achieved.
- 21) That leading and managing to achieve results must start with an understanding of the basic practices that enable work groups to face challenges and achieve results.
- 22) That the Public Service Management levels adopt and apply the Leading and Managing for Results Model as shown below:

Leading	Managing
<p>Leading means enabling others to face challenges and achieve results under complex conditions. It consists of:</p> <ul style="list-style-type: none"> • Scanning – Organisational Outcome: Managers have up-to-date, valid knowledge of the organisation and its context; they know how their behaviour affects others. • Focusing – Organisational Outcome: Organisation's work is directed by well-defined mission, strategy and priorities. • Aligning/Mobilising – Organisational Outcome: Internal and external stakeholders understand and support the organisation's goals and have mobilised resources to reach these goals. • Inspiring – Organisational Outcome: Organisation displays a climate of continuous learning and staff show commitment, even when setbacks occur. 	<p>Managing means organising the internal parts of the organisation to implement systems and coordinate resources to produce reliable performance. It consists of:</p> <ul style="list-style-type: none"> • Planning – Organisational Outcome: Organisation has defined results, assigned resources, and an operational plan. • Organising – Organisational Outcome: Organisation has functional structures, systems, and processes for efficient operations; staff are organised and aware of job responsibilities and expectations. • Implementing – Organisational Outcome: Activities are carried out efficiently, effectively, and responsively. • Monitoring and Evaluating – Organisational Outcome: Organisation continuously updates information about the status of achievements and results, and applies ongoing learning and knowledge.

Chapter 4: The Compensation System of the Guyana Public Service

Recommendations # 23 – 51

- 23) That an Organizational Restructuring be undertaken in two Phases. In the First Phase, emphasis should be placed on rationalizing the status of pensionable and contract employees and the 'de-bunching' of employees in the Salary Structure.
- 24) That the Second Phase continue the restructuring process by way of a thoroughly conducted job evaluation study.
- 25) That the Public Service Management use the adjusted Job Structure, with parameters intended to illustrate what a properly designed Job Classification system should represent.
- 26) That personnel charged with responsibility of maintaining the Job and Salary Structure receive the necessary training to correctly maintain the Structure.

- 27) Also that Mid-Point differentials be appropriate to provide for rewarding additional responsibility. We also recommend that a Mid-Point differential of 20% between Grades 1 and 14 is sufficient for the slope of the salary line to show a curvilinear relationship that will allow for adequate increases between grades and to pull persons outside the ranges into the Structure. The proposed Mid-Point values have already been plotted as shown in **Table 3**.
- 28) That the degree of overlap be significantly reduced between all grades so as to avoid double and triple overlaps in Grades allowing for people in one Grade being paid the same as, or more than, people in Grades two or more steps higher.
- 29) That adjustments be made to the current structure to reflect an orderly and constant spread across all grades.
- 30) A well-constructed and managed base pay program to achieve the following objectives that are important in attracting and retaining qualified public servants. These are:
- The program must establish fairness in pay among positions
 - Ensure that pay rates are competitive
 - Work is directed towards achieving Ministries/Departments/Regional Administrations strategic objectives
 - Compliance with Guyana's Labour Laws and Regulations
 - Contribute to ensuring efficiency and effectiveness
- 31) That the Public Service Compensation System should be re-designed to achieve three overall objectives:
- Assist in the attraction and hiring of the most qualified persons and professionals by offering attractive salaries
 - Direct employee performance towards the achievement of Ministries/Departments strategic objectives
 - Ensure the development and retention of a qualified workforce.
- 32) That a compensation programme capable of achieving the abovementioned objectives be essentially premised on setting and agreeing base pay for all levels of employees.
- 33) That personnel charged with this responsibility receive the necessary training in order to correct the existing Salary Structure and properly maintain it now and in the future.

- 34) That the following Model Adjusted Salary Structure be considered in relation to adjustments as follows:
- a. The Minimum of \$50,000 in GS1 to demonstrate the approved minimum of the July 2015 Salary Structure.
 - b. We introduced parameters as follows:
 - i. Mid-Point Differences to be set at 20% between all grades.
 - ii. The spread of the Grades to be set at 50% to allow for movement between the Minimum and the Maximum, to accommodate those employees at and above the present Maximum.
- 35) That placement of existing staff should be on a step reflective of trends in service years in highest grade the Public Service, to correct Bunching at various points between the Minimum and Mid-Point of the general Grades. The steps should be determined on the basis of a 'Years of Service' profile in highest Grade. The number of 'Steps' can be agreed with the Wages and Salaries Committee and should reflect service from less than one (1) year to thirty-three plus (33+) years. The intervals between these two (2) points can be broken up by virtue of trends shown of persons in a grade.
- 36) That the Public Service use a Curvilinear Salary Line with salary ranges that will provide for appropriate differentials to reward additional levels of responsibility.
- 37) That Compensation Management be accepted as a key Human Resource Management function overseeing the full range of Compensation Management practices such as grading of jobs, and computation of salary structures.
- 38) That Public Service Management should be solely responsible for Wages and Salaries Administration in the Public Service. Therefore, the responsibilities undertaken by the Establishment Division of the Ministry of Finance relating to fixing salaries should be assigned to Public Service Management.
- 39) That the restructuring of the Public Service be undertaken in two phases. In the First Phase of the restructuring process, the Public Service Management should be responsible for conducting an audit of current employees' pay arrangements and undertake the de-bunching exercise and adjust the current structure that will result in adjustment to the salaries for all employees.
- 40) That a small select group of Human Resource Specialists comprise the Compensation Review and Advisory Committee. The Committee may consist of Permanent Secretaries, Heads of Departments and Public Service Management Staff objectives of the exercise and their individual and collective roles. It will also include the responsibility for analysis, evaluation, job structure development and the design of the Salary Structure. In addition, the Terms of Reference and the collective responsibilities of the Compensation Review Committee should include:

- Training
- Review general policies and procedures relating to total compensation for all employees
- Review and approve proposed increases in compensation for all employees
- Ensure compatibility of the long term strategic objectives and the performance goals
- Review Human Resources related budgets

The foregoing responsibilities should be undertaken in conjunction with the Union wherever appropriate, the philosophy of management, the supply and demand of the workforce, employee tenure and performance and the total compensation package.

- 41) That external and internal relativities should apply to the negotiations between the parties.
- 42) That wages and salaries agreements should exist for a period of three to five years.
- 43) That the parties should urgently survey the local Private Sector and Public Sector organisations in the Caricom Region in their effort to gain fair comparabilities. This should include Private Sector Organizations and Public Corporations such as the Georgetown Public Hospital Corporation and Public Agencies.
- 44) That the Second Phase of the restructuring process be conducted using the following steps:
 1. Establish a Job Evaluation Committee that can be used to identify and select key jobs across the Public Service for a Salary Survey. This is particularly important since these jobs should represent jobs that are common across the Public Service with responsibilities and duties that are recognized and understood.
 2. The Committee, at the beginning of the process, should be subjected to a well-designed training programme with the following behavioural objectives:
 - a. Ability to review job data, completed questionnaires, job descriptions, manning level tables and career ladders and successions plans.
 - b. An understanding and acceptance of the definitions of the selected Compensable Factors and their related Degree Statements.
 3. The Development of a Job Analysis programme to identify the content of the jobs, the knowledge and skills to perform and the conditions under which the jobs are performed.

4. The outcome would be a Job Evaluation Manual that defines the process and that can be used as a guide by the Committee Members and later on as a tool for the maintenance of Job Descriptions by Public Service Human Resource Staff.
 5. Review and revise job facts by way of questionnaires, interviews and use of focal point groups; and use outputs from the job analysis to develop the Job Descriptions with responsibilities, duty statements and qualitative substantiating data; develop work-unit function charts to aid in the development of other descriptive instruments such as organisation charts, manning level charts; and design a pay system to capture market data so as to determine internally equitable and externally competitive data. The Job Evaluation Committee should also be required to review questionnaires completed by incumbents and reviewed and approved by the incumbents' immediate Supervisors.
 6. That the Job Evaluation Committee select and rank Compensable Factors from a list considered to be important to the operations of the Public Service, and apply the weighted average technique to the selection and generate a final list and ranking for the Universal Factors and Sub-Factors to be used.
 7. Identify the physical and behavioural job specifications of the Job Evaluation System/Compensable Factor Evaluation System to be used and, that would be related to employment standards, conditions of employment and environmental conditions.
 8. Describe, evaluate and place key Jobs using the Factor Comparison Method. Key Jobs represent jobs that have common qualities and have responsibilities and duties that are well recognized and understood. Job Evaluation based on Key Jobs provides a valuable database for Job Evaluation.
 9. Conduct Statistical Analysis of Local and Regional Survey Data: The Survey Process must be subject to statistical validation. In this regard, 'weighting' is the most important of the techniques used.
 10. Design a Base Pay Structure and relate same to Salary Structure. The division of the total compensation d
 11. Describe, Evaluate and Place all other Jobs in the Job Structure.
- 45) That a Wage and Salary Administration Policy be given consideration for implementation in the Public Service to provide a reasonable and workable framework within which employees can be paid fair and equitable wages and salaries, in order

to promote productivity and overall performance. The administration of wages and salaries however, must be tied to National laws and market considerations and decisions related to negotiating the Collective Bargaining Agreement with the GPSU.

- 46) Maintain the Graded Salary Structure
- 47) Describe, Evaluate and Place all other Jobs in the Job Structure
- 48) That a Performance Driven System be developed to Measure and Pay for Performance in the Public Service.
- 49) The review of the new Staff Performance Review Scheme as a single integrated process of: Performance Planning; Performance Support and Performance Review. This process will provide information for a number of human resource functions, which are now recommended to be included in the process. Chief among these being training, a Results Orientation Management System and the rewarding of performance.
- 50) That the Public Service adopt a Results Oriented Management Systems based on a number of premises:
 - 1) Development of the Employee to meet the requirements of the present job and later on the adjusted job where necessary, and to develop beyond the requirements of this current position.
 - 2) Task Accomplishment and Related Factors related to the number of occasions on which an employee meets his/her standards; the impediments to the achievement of the agreed standards; and the concrete measures which are required to help him/her accomplish the objectives which have been agreed upon.
 - 3) Job Performance Standards that motivate staff into renewed action to enable the Staff Member to differentiate between acceptable and unacceptable results of the tasks assigned; present a challenge to the employee and in so doing utilise even latent skills; be realistic in terms of utilising skills and resources; be able to measure the work activity qualitatively and quantitatively; be attainable in specified timeframes as agreed between incumbent and Supervisor/Manager; be observable to avoid the labels of nepotism or favouritism; and be useful in identifying skill gaps to be filled by training.
 - 4) Management/Supervisory Support
Supervision where the Supervisor monitors the attainment of standards and becomes accountable for providing the needed psychological and physical support.

- 51) That the Department of the Public Service revise and update the Rules and Regulations of the Public Service where necessary

Chapter 5: Industrial Relations and the Public Service

Recommendations # 52 - 61

- 52) That these principles outlined above should be stringently applied to all Public bodies charged with the conduct of Industrial Relations.
- 53) That Collective Bargaining with the GPSU and the relevant Public Authorities be restored in keeping with the Union's legally recognized status under the Trade Union Recognition Act Chapter 98:07 (No. 33 of 1997), and ratified ILO Conventions No. 87, and 151;
- 54) That the Public Authorities and the GPSU return to collective bargaining through the established, institutional and procedural arrangements in keeping with the principles of good faith in collective bargaining, and consistent with provisions of ratified ILO Convention No. 151 on Labour Relations in the Public Service.
- 55) That Wages and Salaries and allowances be agreed to by collective bargaining negotiations, ideally for agreements of a mutually agreeable period, taking into account the need to pay competitive, attractive, and comparable wages and salaries, having regard to worth of the job, ability to pay, and the impact on the national economy.
- 56) That the parties negotiate allowances which should be based on realistic costs and settled at the level of the Department of the Public Service.
- 57) That consideration be given to the suitability of establishing such a model in Guyana for the determination of remuneration for high level Political and Public Service Offices, including President, Vice-Presidents, Prime Minister, Ministers, Leader of Opposition, Members of the National Assembly, Permanent Secretaries, Regional Executive Officers and Regional Chairpersons.
- 58) That disputes in wages and salaries resulting in an impasse at negotiations and at conciliation should be referred to a new final mechanism of a Public Service Wages and Salaries Commission which would be required to make recommendations to the National Assembly within a set time frame.
- 59) That the Labour Act, Chapter 98:01, Section 4, be amended after consultation with the GPSU, to make such effective provisions for the establishment by the Minister of

a Wages and Salaries Commission to review wages and salaries disputes upon an impasse at conciliation, and to make recommendations to the National Assembly.

- 60) That the appointment of the Public Service Appellate Tribunal with suitably qualified and experienced persons of high integrity and independence to function in keeping with provisions outlined under the Public Service Appellate Tribunal Act 17 of 1984.
- 61) That Public Authorities, like the private sector, observe in practice, the laws on labour and employment relations in the Public Service.
- 62) That Permanent Secretaries and Heads of Departments should be charged with the responsibility of ensuring workplaces and workstations are in keeping with the guidelines as stated above.
- 63) That the Department of the Public Service conduct inspections of all buildings, offices and workstations at least twice a year to ensure the standards referred to above are maintained, and if necessary improved.

Chapter 6: Retirement Age for Public Servants

Recommendations # 64 - 69

- 64) That the retirement age for new entrants into the Public Service, and those currently in the Public Service who are below 50 years of age, be retired on attaining 65 years of age, with the option of retiring on attaining 60 years;
- 65) That pension entitlements be calculated at a maximum of 43 and one-third service years;
- 66) That public servants who are currently below 55 years of age, be allowed the option to retire on attaining 60 years or any time before 65 or on attaining 65 years of age;
- 67) That no person retiring from the Public Service before attaining the age of 65 years should be employed on contract in an established Public Service position.
- 68) That the Pensions Act Chapter 27:02 be amended as may be required to provide for higher pensions as a result of the higher retirement age.
- 69) That consideration be given to increasing the monthly pensions of retired Public Officers, who are in receipt of the minimum pension, to a level which is equal to or closer to the Public Service minimum wage/salary.

Chapter 7: The Public Service Ministry

Recommendations # 70 - 88

- 70) That the Permanent Secretary of the Department of the Public Service be designated the Head of the Public Service. In our view, it would appear incongruous for an agency designated a Department to exercise authority and oversight over other agencies that are designated Ministries.
- 71) That every Ministry/Department/Region should have a Strategic Plan with its attendant strategies and actions to ensure that key objectives are achieved within defined time frames, in accordance with the budgeted annual estimates.
- 72) That a planning, monitoring and evaluation process for the Department to measure the outcomes of the Ministries/Departments/Regions. This should entail the following:
- Planning – setting short term organisational goals and performance objectives; develop an annual plan; allocate adequate resources, money, people and materials and anticipate and reduce risk.
 - Monitoring – reflecting on progress against plans and provide feedback.
 - Evaluating – determining whether 'doing the right things' and not just 'doing things right' and identifying the need for changes.³⁸
- 73) That the Department of the Public Service and the Public Service Commission be constituted with professional personnel with integrity to rebuild public trust and confidence in the Public Service.
- 74) That the Department of the Public Service and the PSC should meet regularly with other senior officials of the various Ministries/Departments/Regions to discuss matters pertaining to human resources planning and development needs.
- 75) That the manpower figures be brought up to the requirements of the proposed organisation chart and its functions for the Department of the Public Service and the various Ministries/Departments/Regions.
- 76) That the Department of the Public Service with its authority and oversight functions, should transition its 'Personnel' function to that of Human Resource Management and Development so as to facilitate the efficient and effective implementation of Government policies and programmes to discharge Government's responsibilities.
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- 77) That the Department of the Public Service Human Resources Department, with responsibility as shown on the Function Chart at **Annexe 7**, be accepted for implementation. The functions of the proposed Department are comprised as follows:
- Human Resource Management
 - Human Resources Services
 - Employment Conditions
 - Compensation and Benefits Administration
 - Human Resources Information Systems
 - Industrial Relations
 - Human Resources Development
 - Resources Performance Management
 - Coordination and Delivery of Training Programmes
 - Communicating Products and Information Services
 - Administration
 - Coordination of Maintenance Services and Transport
- 78) That the Department of the Public Service accept the name change from the Personnel Department to Human Resources and Development Department.
- 79) That the Function Chart be utilized to develop an Organization Chart that includes functions previously executed as shown in **Annexe 7**, and introduced for this strategic unit indicating the array of skills needed.
- 80) That the current staff complement be increased to provide for the implementation of activities identified on the Proposed Linear Responsibility Matrix shown as **Annexe 9**. The Responsibility Matrix identifies tasks assigned to the position and decision making authority. Several key tasks associated with a 'Major Job Activity', ensure comprehensive coverage of all activities and eliminates duplication at different organizational levels.
- 81) That the Manning Level Chart indicating the 'Current' and 'Proposed' staff complements required, is prepared for approval and implementation in the Public Service as shown in **Annexe 5**.
- 82) That Job and Position Descriptions for the Human Resources Department be developed to reflect the responsibilities related to the Department of the Public Service's overall objectives and the provision of timely and accurate data to be used for decision-making.

83) We recognise that there is need for the E-Government Unit to stress the importance of information and communication technology (ICT) in the Guyana Public Service towards the improvement of service delivery.

84) That:

1. A template provided by us illustrating essential information required in undertaking a Manpower Inventory and Analysis be completed and updated prior to the Budget preparation on an annual basis so that the manpower requirements are included in the Proposed Staff levels for each Ministry/Department/Region. Once completed, this inventory will serve to identify specifically which members of its current pensionable workforce holding what kinds of jobs, will be given what kinds of training to occupy forecasted vacancies and when.
2. Maintaining the Manpower Inventory becomes essential to providing continuity of efficient manning levels and use of manpower resources. As a corporate function it requires guidance from the highest to the lowest levels of management and input from every Ministry/Department/Region as well as dialogue since work-force requirements are linked to organizational mission and objectives.

85) That the Department of the Public Service undertake sound preparatory work and comprehensive analysis of its personnel records, as well as those of all the Ministries/Departments/Regions to pull together the data on all employees. They must be able to garner up-to-date, accurate and complete data and develop inventories of the personnel for analysis. The following should also be undertaken:

- Manning standards should be developed from analysis of essential work requirements. Opportunities should be sought to restructure and enrich jobs.
- Plans should be set out with schedules of associated manpower requirements, giving precise categories, skills and levels for every function.
- Modern technology should be utilized to expand the existing manpower information system to include recruitment and losses, data on appraisal of performance, promotions, transfers and discipline.

86) That the Department of the Public Service collaborate with the various Ministries/Departments/Regions to develop a service-wide information system that will serve to enhance service quality across the Regions. In addition, the E-Government Unit should provide general oversight and guidance in this activity.

87) That the Department of the Public Service strengthen its HRMIS database system by connectivity with the Ministry of Finance payroll system. This will allow for on-line

access to update HR information from HRMIS to be made available to all Permanent Secretaries, Heads of Departments and Human Resources Offices.

- 88) That Succession Planning be one of the means of preparing multiple candidates for foreseen as well as unexpected job openings in the Public Service. It allows for keeping track of the development and preparedness of staff and is principally based on the organization chart and covers both the candidates for the position and the potential developmental positions for the incumbents.
- 89) That the Department of the Public Service develop and adjust the model Succession Planning Chart in for implementation in the Public Service.

ANNEXE 1

LIST OF WITNESSES

GEORGETOWN

2015-09-22

1. Andrew Grant - Principal Personnel Officer, Department of Public Service (DPS)
2. Soyinka Grogan - Scholarship Manager (DPS)

2015-09-23

3. Gail Williams - Senior Personnel Officer (DPS)
4. Keimo Benjamin - Junior Resource Management Consultant (DPS)
5. Ryan Cumberbatch - Systems Development Coordinator (DPS)

2015-09-25

6. Carol Sam Moe - Senior Personnel Officer, (DPS)
7. Jean Carol - Senior Training Officer (DPS)

2015-09-28

8. Reginald Brotherson - Permanent Secretary (DPS)
9. Omar Shariff- Permanent Secretary- Ministry of the Presidency.
10. Vibert Welch- Permanent Secretary- Ministry of Indigenous Affairs
11. Rashid Mohammed - Registrar (ag) Supreme Court

2015-09-29

12. Deryck Cummings - Permanent Secretary, Ministry of Business
13. Delma Nedd – Permanent Secretary, Ministry of Education
14. Emile Mc. Garrell – Permanent Secretary, Ministry of Communities
15. Angela Johnson – Permanent Secretary, Ministry of Public Security
16. Balraj Balram – Permanent Secretary, Ministry of Public Infrastructure
17. George Jarvis - Permanent Secretary, Ministry of Agriculture

2015-10-05

18. Alfred King – Permanent Secretary, Ministry of Education, Department of Sports
19. Walter Alexander - Retired PS
20. George Cave – Former Trade Unionist, University of Guyana Academic
21. Shelton Daniels - Principal Personnel Officer, Department of Labour

2015-10-06

22. Frederick Kissoon - Social Activist
23. Leonard Craig - Social Activist
24. Deon Adolph - Public Servant

2015-10-07

25. Vidyartha Kissoon - Social Activist
26. Amanda Jaisingh – CEO, Integrity Commission
27. Abigail Daniels - Public Servant, Ministry of Business.

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

2015-10-08

- 28. Whitney Peterkin - Public Servant, Ministry of Agriculture
- 29. Patrick Yarde - President of GPSU

2015-10-09

- 30. Anand Goolsarran - Former Auditor General
- 31. Hydar Ally - Retired Permanent Secretary, Public Service Ministry
- 32. Dave Hicks - Public Servant, Ministry of Agriculture.

2015-10-12

- 33. Joyce Sinclair - Retired PS (Ministry of Public Service)
- 34. Jaigopaul Jaigobin - Secretary of the PSC.
- 35. Karen Corbin - Senior Labour Officer, Department of Labour

2015-10-13

- 36. Dianne Birkett - Former Employee MOA
- 37. Trevor Thomas - PS- Ministry of Agriculture

2015-10-14

- 38. Audrey Jardine - Director General (ag), Ministry of Foreign Affairs
- 39. James Bond - Attorney-at-Law, PNC. Youth Arm
- 40. Parbattie Deonarine - Former Civil Servant.

2015-10-15

- 41. Karen De Souza - Representative of Red Thread (NGO)
- 42. Sanjeev Datadin - Attorney-at-Law
- 43. S. Lawrence - Commissioner-Women and Gender Equality Commission
- 44. John Seeram - Former Training Consultant
- 45. Sharon Hooper - Representative of the Rights of the Child Commission
- 46. Lincoln Lewis - Trade Unionist

2015-10-16

- 47. Teni Housty - Attorney-at-Law
- 48. Carvil Duncan - Chairman PSC

2015-10-19

- 49. Whitney Peterkin - employed at MOA (in camera)

2015-10-20

- 50. Patrick Yarde - President GPSU (recalled)

2015-10-21

- 51. Ann Greene - Director of Child Care Agency
- 52. Hansen Elliot - Principal Administrator Kuru College

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

- 53. Christopher Ram - Attorney-at-Law
- 54. Tarachand Balgobin - Director of Project Cycle, Ministry of Finance.

2015-10-22

- 55. Rudy James – Department of Law, University of Guyana
- 56. Rishee Thakur - Lecturer – University of Guyana, Tain Campus, Representative- WPA
- 57. Amanda Kisson - Ministry of Education-NCERD
- 58. Mark Lyte – President, GTU
- 59. Coretta McDonald – General Secretary, GTU

2015-10-23

- 60. Ryan Campbell - Skeldon Hospital
- 61. Roy Mc Arthur - Former Civil Servant
- 62. David Ramnarine - Assistant Commissioner of Police
- 63. Nigel Hughes - Chairman - AFC, Attorney-at-Law
- 64. Earl John - Consultant
- 65. Shinella Johnson - Public Servant

2015-10-26

- 66. Paula Mohammed - Former PS
- 67. Ivan Dukharran - Former Employee of Ministry of Public Infrastructure.
- 68. Jasmine Dinally - Former Deputy Accountant
- 69. Saloutie Daniels - Former Chief Accountant.

2015-11-02

- 70. Devon Dublin - Project Coordinator Japan
- 71. Emmanuel Cummings - Dean Faculty of Health, UG
- 72. Anthony Willis - Information Technology Specialist
- 73. Shauna Ramdhyan - Foreign Service Officer
- 74. Noah Yashuran - Descendants of enslaved Africans
- 75. Roubindra Rambarran - Managing Consultant
- 76. Ayana Mc Calman - Guyana Association of Women's Lawyers

BERBICE

Day 1 - Albion Sports Complex, Berbice

2015-11-05

- 77. Veerasammy Ramaya - REO Region 6
- 78. Collin Bynoe - CEO New Amsterdam Hospital
- 79. Charrandass Persaud - Member of Parliament (AFC), Attorney-at-Law
- 80. Sasha Roberts - Attorney –at-Law, Legal Aid Clinic- Region No.6
- 81. Desiree Joseph - Principal Officer , RDC
- 82. Ronald Bissiondial - Labour Officer Region 5 and 6
- 83. Paul James - Assistant Superintendent of Prisons, NA Prisons.
- 84. Naraine Chattergoon - Former Cooperative Development Officer.

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

2015-11-06

Day 2 - New Amsterdam Town Hall, Berbice

85. Norman Semple - Trade Unionist, Former Chief Labour Officer
86. Ram Mangru - Industrial Relations Officer
87. E. Baker - GPSU Representative
88. Eulene Henry - Former Clerk of New Amsterdam Magistrates Court
89. Keon Nurse - Nurse- Mahaicony Hospital
90. Adityanand Singh - Teacher- New Amsterdam Multilateral School
91. Momphele Stephens - Nurse New Amsterdam Hospital
92. Royden Pompey - Marshall, Supreme Court (Berbice)
93. Petal Denny - Legal Clerk II (Berbice)
94. Dion Thomas - Representative for Justice for the Unjust(NGO)
95. David Shepherd - Chief Prison Officer

LINDEN

2015-11-17

Day 1 - Watooka Complex, Linden

96. Kelvin Mc Kenzie - Professional Youth Development Worker
97. Maylene Stephens - Deputy RED
98. Horace James - CEO Linmine
99. Mahendra Persaud - Office Manager NIS
100. Benita Primo - Social Worker
101. Hugh Stephens - Building and Civil Engineer
102. Martin Ricardo Prince - Supervisor (ag) GRA
103. Lennox Smith - Farmer
104. Howel Hinds - Contractor
105. Nathan Craig - Security Guard
106. Walt Glasgow - Civilian
107. Desiree Parkinson - Manager GRA

2015-11-18

Day 2 - Watooka Complex, Linden

108. Earl Stuart - Executive Member of GPSU
109. Gregory Parkinson - Lecturer at Linden Technical Institute
110. Antonio Hackett - Community Development Officer
111. Sandra Adams - Community Development Officer
112. Perlina Griffin - Part time Tutor
113. Brian Claxton - Radiologist Linden Hospital Complex
114. Sharma Solomon - Former Regional Chairman
115. Maurice Butters - Industrial Relations Officer
116. Royden Croal - Labour Officer
117. Vanessa Kissoon - Teacher, Former MP
118. Orin Gordon - Self Employed (Businessman)
119. Charles Sampson - Trade Unionist

ESSEQUIBO

2015-11-27

State House, Anna Regina, Essequibo

120. Devanand Ramdatt - Regional Chairman
121. Rupert Hopkinson - REO
122. Karam Chand - Special Assistant to the Prime Minister
123. Carmelita Laulys - Trade Unionist
124. Farrah Khan - Regional Health Officer
125. Baramdai Seepersaud - Regional Education Officer
126. Joan Jeffery - Former Accountant
127. Winston Christiani - Former Accountant
128. Portia Jacobs - Expenditure Planning and Management Analyst
129. Mark Mc. Clean - IMC Chairman
130. Valensia Yansen - Attorney-at-Law
131. Hemraj Rajkumar - Attorney-at-Law, M.P.
132. Fazal Hussain - Welder
133. Learie Mc Kenzie - Plumbing Foreman, RDC

BARTICA

2015-12-02

Bartica Hearings- Bartica Magistrate Court

134. Edward Sagala - Regional Health Officer
135. Abigail Hope - Midwife- GPSU Representative
136. Gordon Bradford - Regional Chairman
137. Deryck Persaud - Deputy REO
138. Peter Ramotar - REO
139. Gifford Marshall - IMC Chairman
140. Charles Holmes - Regional Education Officer
141. Vivette Adams - Senior Personnel Officer, RDC
142. Adrian Ragoober - Regional Engineer
143. Cheryl Hutson - Former Education Supervisor
144. Ena Hernandez - Retired Public Servant

GEORGETOWN

2015-12-07

145. Louise Boyea - Deputy Finance Secretary, Ministry of Finance
146. Doreen Nelson - General Manager NIS
147. Jaigobin Jaisingh - Secretary PSC (Recalled)
148. Carvil Duncan - Chairman PSC (Recalled)
149. Lloyd Bearam - Retired Public Servant
150. Vernon James - Former Employee GEA

2015-12-08

151. Lawrence Paul - Executive Director, Public Service Staff College
152. Dalglish Joseph, M.D., FCCOS – Surgeon Consultant
153. Hector Butts - Finance Secretary, Ministry of Finance
154. Geroge Jarvis – Permanent Secretary, Ministry of Agriculture (Recalled)

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- 155. Christopher Deen - Information Technology Specialist Ministry of Finance
- 156. Ian Manifold - Head of Services Department Bureau of statistics

2015-12-09

- 157. Saloutie Daniels - Former Chief Accountant, PSC (Recalled)
- 158. Natasha Chase - Junior Resource Management Consultant DPS
- 159. Patrick Yarde – President, GPSU (Recalled)

2015-12-10

- 160. Veerasammy Ramaya - REO Region No.6 (Recalled)
- 161. David Armogan - Regional Chairman Region No. 6
- 162. Rodrigues Edingboro - REO Region No5
- 163. Gobin Harbhajan - Special Assistant to the Hon PM Region No 6
- 164. Vickchand Ramphal - Regional Chairman Region No 5
- 165. Abel Seetaram - Special Assistant to the Hon. PM Region No 6
- 166. Leslie Cadogan - Former PS Ministry of Health
- 167. Gladwin Winston Nestor - Fmr Assistant Superintendent of Police

2015-12-11

- 168. Gobind Ganga - Governor Bank of Guyana
- 169. Colonel J. Persaud - Accountant General, Ministry of Finance
- 170. Ian Manifold - Head of Services Department Bureau of Statistics (Recalled)
- 171. Omar Shariff - PS Ministry of the Presidency (Recalled)
- 172. Delma Nedd - PS Ministry of Health (Recalled)
- 173. Charles Ogle - Chief Labour Officer
- 174. Trevor Thomas - PS Ministry of Health (Recalled)
- 175. Shaun Naughton - GRA
- 176. Malcom Williams - Head of Policy Training E- Governance
- 177. Vanessa Jaigopaul - Auditor, Audit Office, Auditor General

2015-12-15

- 178. Reginald Brotherson - PS DPS (Recalled)
- 179. Andrew Grant - DPS (Recalled)
- 180. Andre Dazzell - Accountant DPS

2015-12-18

- 181. Cecil Murray - Former Probation Officer

2016-01-07

- 182. Henry Jeffrey - Former Minister of Government
- 183. Sita Ramlall - Solicitor General- Ministry of Legal Affairs
- 184. Eric Phillips-Special Assistant to Presidential Advisor, Representative of ACDA
- 185. Melissa Tucker-PS - Ministry of Legal Affairs
- 186. Michael Welch- Livestock and Development Specialist – MOA

2016-01-13

- 187. Justice Carl Singh, O.R., C.C.H. – Chancellor of the Judiciary (ag.)

ANNEXE 2

LIST OF REPORTS/DOCUMENTS FROM COI SECRETARIAT

1. Memorandum for the Collins Commission (Public Service Ministry 1968) 12 pages
2. The Public Service of Guyana Report of the Commission of Inquiry (COI) Chairman: Dr. B.A.N Collins May 26, 1969 – 61 pages
3. Public Administration in Guyana – prepared for the Government of Guyana by G. Burgess and J.K. Hann – 59 pages
4. Report of the Commission to Review Wages, Salaries and Conditions of Service in the Public Service British Guyana – 54 pages

Guyana Public Service Union

5. Armstrong Dispute - Arbitration Judgement on the Hearing between the Government of Guyana as Employer & the Unions representing Public Service workers (30/08/1999) – 35 pages
6. Memorandum of Agreement between the Guyana Public Service Union (GPSU) & the Federated Union of Government Employee (FUGE) Terms of resumption of work – 4 pages
7. Memorandum of agreement between the Public Service Ministry representing the Government of Guyana & Guyana Public Service Union (GPSU) concerning check-off of Agency fees 29 July 1976 - 4 pages
8. Statement on the agreement reached by the Government of Guyana as represented by George E. Fung-On, Minister responsible for the Public Service and four Trade Unions namely:
 - Guyana Public Service Union
 - The Amalgamated Transport & General Workers' Union
 - The National Union of Public Service, and
 - The Union of Agricultural & Alliance Workers – 2 pages
9. Memorandum of Agreement between the Office of the President, Public Service Management and the Guyana Public Service Union (GPSU), the National Union of Public Service employees, the Union of Agricultural & Allied Workers and the Amalgamated Transport & General Workers Union – 2 pages
10. Memorandum of Agreement between the Government of Guyana represented by the Public Service Management and Guyana Public Service Union (GPSU) – 3 pages
11. Memorandum of agreement between the Guyana Public Service Union (GPSU) and the Public Service Ministry for Avoidance & Settlement of dispute – 3 pages
12. Rules 1998 Arrangement of rules Chapter I Preliminary Rules (Public Service Commission) 37 pages
13. Rules of the Public Service Ministry
14. Seminar on Governmental Human resources Management for Senior Officials – JFY May 23, 2012 to June 19, 2012 – 35 pages
15. When must employees retire by Jon Da Tait – 4 pages
16. Specimen of an employee contract – 4 pages
17. Job Description and Job Specification (Permanent Secretary) – 2 pages
18. Macrothink institute – Staff Recruitment and Solution process in the Nigerian Public Service: what is to be done? 14 pages
19. The Official Gazette – 17th August, 2015
20. David Lowenthal & Lambres Comitos – the Aftermath of Sovereignty
21. Circulars from Public Service Commission re: Delegation of Authority: GS: 1 and 2 – 8 pages
22. Details of staffing of each Regional Administration – 36 pages
23. Annual Report 1974/75 of the Public Service Commission – 1 page

24. Research – factor influencing employee Remuneration
25. Official Gazette – Minister & assignment of responsibilities among Ministries
26. Peat Marwick McLintock – Report on Job evaluation exercise (September 1991, June 1992)
27. The nature of commissions of inquiry
28. Public Service Ministry Circular :
 - 1985 – 1987
 - 1988 – 1991
 - 1992 – 1996
 - 1997 – 2004
 - 2005 – 2009
 - 2009 - 2015
29. A copy of all common job title throughout the Public Service (55 pages)
30. Draft review memorandum of agreement entered into between the Ministry of Education and Guyana Teachers Union (GTU) concerning terms and conditions of employment for teachers for the year 2009-2010
31. Draft review memorandum of agreement entered into between the Ministry of Education and Guyana Teachers Union (GTU) concerning terms and conditions of employment for teachers for the year 2011 to 2015
32. Memorandum of understanding entered into between the Ministry of Education and the Guyana Teachers Union (GTU) concerning terms and conditions of employment the year 2011-2015
33. De-bunching of Teachers' salaries in School
34. Pensionable Officers & //Non-pensionable paid at monthly rate
35. The Ecology of Public Administration in Guyana (14 pages)
36. Ministry of Natural Resources and the Environment Annual Report 2012 (43 pages)
37. Ministry of Natural Recourses and Environment Annual Report 2013 (32 pages)
38. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2014 (20 pages)
39. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2012 (17 pages)
40. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2011 (17 pages)
41. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2010 (16 pages)
42. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2009 (16 pages)
43. Government of the Cooperative Republic of Guyana Report of the Public Service Commission 2007 (14 pages)
44. Report on the tenure of the Public Service Commission, October 2010 to October 2013 (33 pages)
45. Report on the tenure of the Public Service Commission, July 7, 2007 to July 6, 2010 (28 pages)
46. Costed strategic framework for the Ministry of Natural Resources and the Environment 2013-2018 [June 2013] (224 pages)
47. The contract system of employment for Senior Government Officials. (Experience from the Caribbean) Commonwealth Secretariat. (30 pages)
48. Government at Its Best. (The secret of sustained success in the Public Service by Ole Ingstrup and Paul Crookall consultation draft, for discussion only 10, 1997)

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49. Ethics Power and Ideology Racism: Comparing Presidencies in Guyana. By Frederick Kissoon. University of Guyana (65 pages)
50. Report Public Service and Public Service Commission Rules. Prepared by Fraser and Housty Attorneys-at-Law, February 2007(205 pages)
51. Supreme Court of Judicature contract staff spreadsheet 2015 Programme 1(1 pink folder 10 pages)
52. Supreme Court of Judicature contracts record of service 2015 Programme 1(1 pink folder)
53. Supreme Court of Judicature contracts 2015 Programme 1 (Four purple folder, 113 contracts)
54. Supreme Court of Judicature contract staff spreadsheet 2015 Programme 2 (1 pink folder, 7 pages)
55. Supreme Court of Judicature contract, Janitors and Cleaners Programme 2 (1 purple folder, 13 contracts)
56. Supreme Court of Judicature contracts 2015. Office Assistant and Vault Attendant Programme 2 (1 purple folder, 4 contracts)
57. Supreme Court of Judicature contracts 2015. Typist Clerk programme 2 (1 purple folder, 9 contracts)
58. Supreme Court of Judicature Contract 2015. Accounts Clerk Programme 2 (1 purple folder, 3 contracts)
59. Supreme Court Judicature contract 2015. Legal Clerk Programme 2 (1 folder, 51 contracts)
60. Ministry of Amerindians Affairs (1 folder 48 contracts)
61. Ministry of Culture, Youth and Sports (138 contracts)
62. Constitution of Jamaica - no copy
63. Public Service Act 2007 – Barbados – no copy
64. Public Service Management Law 2011 Revision- Cayman Islands - no copy
65. Staff orders for the Public Service of Saint Lucia - no copy
66. Civil Service Act chapter 23:01 Trinidad and Tobago - no copy
67. Public Service Regulation - 2014 – no copy
68. Unlocking the Human Potential for Public Sector Performance [World Public Sector Report 2005]
69. Caribbean Leadership Project - Call for Application for Cohort 6 (Level 2 LDP) 10 pages
70. The constitution of the Co-operate Republic of Guyana 1980
71. The Constitution of Guyana 1970
72. The Constitution of Guyana 1966 [The Independence Act]
73. Letter from Bureau of Statistics - dated the 22nd of February, 2016- Household Budget Survey 2005/2006

LIST OF ACTS FROM COI SECRETARIAT

1. Co-operation Financial institutions Act S of 1976
2. Labour (Amendment) Act 1984
3. The Public Corporation Act 1988
4. Regulation made under the Trade Union recognition Act 1997
5. Trade Union recognition act (Amended by 1 of 2009)
6. Trade Union Act
7. Trade union Recognition Act 1997
8. Teaching Service Commission Act
9. Co-operation Societies Act
10. High Court Act – Amended
11. High Court Act arrangement of sections
12. Company Act
13. Regional Development Authorities Act
14. Commission of Inquiry Act Chapter 19:03
15. State Pension Act
16. The Pension Act arrangement of sections
17. Pension (President, Parliamentary and Special Offices Act
18. The Evidence Amendment Act 2008.
19. The Local Government Commission Act.

ANNEXE 3

List of Exhibits/Documents/Statements Received

1. Jabez Jones - 23rd of September, 2015
 - Guyana Public Service Training and Development
 - Principles on which salaries and wages on the Guyana Public Service should be determined
 - The Role, Functions and other matters pertaining to Personnel Employed in the Guyana Public Service
 - Improving Institutional Governance, Administration Efficiency, Service Delivery and performance Effectiveness of Guyana Public Sector
2. Lauren Prince – 4th September, 2015
 - Statement of Complaint- received via email- issue of nonpayment of benefits.
 - Correspondence between L. Prince and the Auditor General- 19/11/2012
 - Correspondence between L. Prince and Auditor General- 10/07/2012
 - Minutes of the 16th meeting of the PAC held on the 9th of July, 2007
 - Minutes of the 13th meeting of the PAC held on the 11th of June, 2007
 - Minutes of the 11th meeting of the PAC held on the 28th of May, 2007
3. Vibert Welch - 28th Of September, 2015
 - Tam Exhibit G-Contract of Permanent Secretary
 - Tam Exhibit H-Contract of Mr. Nigel Dharamlall
4. Joyce Sinclair - 23rd of September, 2015
 - Statement of opinion with recommendations
 - Resume of Ms. Sinclair
5. Michael Welch – issue - Salary Anomaly
 - Correspondence to the Chairman of the COI- dated the 2015/09/14
 - Correspondence between M. Welch and the Hon. Minister of State-dated the 2015/09/08
 - Correspondence between M. Welch and the Hon. Minister of State-dated the 2015/08/18
 - Correspondence between M. Welch and Mr. Lennox Wilson-dated the 8/07/2015
 - Email Correspondence between M. Welch and the CEO of Livestock Industry Development
 - Memo to Dr. Dindiyal Permaul from M. Welch- 2015-01-27
 - Correspondence between M. Welch and Mr. Wilson dated the 12-03-2015
 - Email Correspondence between M. Welch and CEO dated the 19th of March, 2015
 - Memo from M. Welch to Mr. George Jarvis dated the 20th of March, 2015
 - Email Correspondence between M. Welch and CEO dated the 20th of March, 2015
 - Memo from M. Welch to Dindiyal Persaud dated the 20th of March, 2015
 - Memo from M. Welch to Dr. Collin James dated the 24th of March, 2015
 - Letter to Board Member of the Livestock Development Board- Dated the 24th of April, 2015
6. Julius Ross - 29th of September, 2015
 - Practice Direction- Supreme Court of Judicature- 3rd of October, 2011
 - Decision of the Public Service Appellate Tribunal Decision involving Julius Fredericks –No. 5 of 1989
7. Ryan Cumberbatch -
 - Summary of Staff list by Band Distribution
 - Summary of Central Public Service Gender by band by job title

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8. Collin Lord - 15th of September, 2015
 - Statement on Standardization of Remuneration of Professionals
9. Emille Mc Garrell - Local Government Act 2013
10. Patrick Yarde - Concept note towards the establishment of a race relations Committee in the GPSU.
11. Patrick Yarde - Letter from Chief Labour Officer to father Malcolm Rodrigues to undertake chairmanship of the tribunal.
12. Patrick Yarde - A. G vs. GPSU, FUGE. Affidavit in support of originating Summons
13. Patrick Yarde - Circular No. 26/1985
14. Patrick Yarde - Certificate issued to recognized majority union
15. Patrick Yarde - Proposed change to 200 (1) (b) of the P.S.C
16. Patrick Yarde - Circular No. 1/ 1998
17. Patrick Yarde - Circular No. 15/2000
18. Patrick Yarde – Circular No. 25/1991 & No. 8/1991
19. Patrick Yarde - Circular No. 15/2000
20. Patrick Yarde - Audit of the accounts of the GPSU
21. Patrick Yarde - Order of the court in the matter of an application by GPSU
22. Patrick Yarde - Circular No.1/ 2004
23. Patrick Yarde - Order 2004/No. 30 - M
24. Patrick Yarde - Correspondence dated the 13th October, 2015 to the Hon. A.G from Mr. Duncan
25. Patrick Yarde - the domestic application of international human rights treaties in the judicial system of Guyana- Justice Bernard dated the 2nd February, 2005
26. Patrick Yarde - P.S.M Circular No. 26/ 1985 dated the 22-11-1985
27. Patrick Yarde - Correspondence dated the 20/5/2003 to the President of GPSU from Circo De Falco
28. Patrick Yarde - Kaieteur Newspaper article dated, December 01, 2013 - schools' sweeper/ Cleaner to be paid under new minimum wage order.
29. Patrick Yarde - Memorandum of Agreement between the GPSU and the Public Service Ministry for Avoidance and settlement of dispute
30. Patrick Yarde - Report of the Wages and Salaries Commission - July 1997
31. Patrick Yarde - Employment and Collective Bargaining in the Civil Service-19-23 May, 2003

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32. Patrick Yarde - Correspondence from GPSU to His Excellency dated the 31st of January, 2007
33. Patrick Yarde - ILO Declaration on fundamental Principles and rights at work and its follow up- updated the 18th of June, 1998
34. Shaun Naughton - 27th of November, 2015
 - Contribution to the COI - Strengthening Public Services
 - Announcement for the Selection of the Director of training and Development of Human Talent
35. Vanessa Jaigopaul
 - Correspondence to the Auditor General Mr. Deodat Sharma from V Jaigopaul -RE. Unfair selection process for promotion to the position of Auditor Supervisor - 4th of November, 2015
 - Statement dated the 12th of November, 2015 to the Secretary of COI
36. Col Y. Persaud- 28/10/2015
 - Contribution on the Dependants' Pension Fund
37. Ackloo Ramsudh- 3rd of November, 2015
 - Statement- Issue with salary
38. Leon Roberts-
 - Correspondences between the Regional Administration Officer and L. Roberts
39. Shelton Daniels- 2015-09-03
 - Letter to Secretary of COI- Recommendations
 - Improvement Plan- Consideration on improvement of a retirement plan based on the Comparative study of Japan and other participants
40. Abigail Daniels - 04/09/2015
 - Statement from Ms. Daniels
 - Correspondence from A. Daniels to Personnel Officer - 10th August, 2012
 - Statement of issues of concern related to job assignment as License Officer
 - Correspondence between Steven Sugrim and Fmr. Ali - 19th January, 2015
 - Copy of an Import Licence - 25th of May, 2014
 - Invoice from Simextra dated the 4/April/2014
 - Customer Order Restaurant Depot
 - Application for Import Licence - 13/12/2014
 - Memo from PS of Ministry of Tourism to A. Daniels
 - Letter from GPSU to PS of the Ministry of Tourism - 13th of February, 2015
 - Letter from GPSU to PS of the Ministry of Tourism - 2nd of April, 2015
 - Letter from GPSU to PS of the Ministry of Tourism - 10th of April, 2015
 - Letter from GPSU to PS of the Ministry of Tourism - 10th of July, 2015
 - Letter from Dennis English to D. cummings- 10th of July, 2015
 - Letter from Doodnauth Chan to A. Daniels - 15th of October, 2013
 - Memo to Kim Stephens from A Daniels - 20th of March, 2015
41. Rab Sukhraj - 26/08/2015
42. Walter Alexander
 - Letter to Secretary of COI- 9th of September, 2015
 - Outline of presentation for the Commission of Inquiry into the Guyana Public Service. "Towards Effectiveness and Efficiency" 14th September, 2015

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- Curriculum Vitae
 - (Im) permanence in the Guyana Public Service by Walter B. Alexander
43. Nurse Anesthetists Report -
- Contacts Information
 - Areas of Concern
 - Detailed description of issues
 - Recommendations
44. Dawn Defreitas
- Statement – of recommendation on age of retirement
45. Ozaye Dodson
- Statement - of recommendation on upward mobility for junior staff and recommendation
46. Amanda Jaisingh
- Statement on the recruitment process-with recommendations
47. Lance Chichester-Systems Development Officer
- Letter of Complaint- Scholars are placed outside the scope of their skills
48. Deborah Johnson-Senior Training Officer
- Statement of complaint on salaries and wages
49. Carmichael Kelvin Thorne
- Statement - recommendations to the COI into salaries, conditions of service and other matters pertaining to public servants
50. Collin Lord
- Chart from the GPSU, MOA Branch-the issues surrounding the recruitment, training, remuneration, functions and roles along with recommendation
51. Winston Browne
- Statement/complaint-unfair /unjust treatment in the Public Service
52. NIS
- Letter from NIS - with recommendations
 - 8th Actuarial Review of the NIS
 - Emergency concerns- Ministry of Business and Tourism
53. Joan Simpson
- Statement - recommendations on remuneration
54. Dave Hicks
- Letter to Secretary of COI
 - Chart from the GPSU, MOA Branch-the issues surrounding the recruitment, training, remuneration, functions and roles along with recommendation
55. Carol James
- Letter to Secretary of COI - Complaint-Pension on retirement
56. People's Progressive Party
- Reply to letter of invitation to participate at COI hearings

57. George Cave
 - Letter to Chairman of COI - 2015-10-06
 - Letter to Chairman of COI - 2015-10-12
 - Correspondence between the Gen. Secretary of GTU and G. Cave
 - Appendix 8 - The Civil Service in an Independent Guyana
 - The Guyanese teacher and the overseas recruitment drives - March, 2001
 - The Guyanese Teacher- Retirement, Pensions and Pensions Calculations
 - School Boards and their Impact on the Public Education Service of Guyana
 - Witness statement from Mr. Cave
58. Whitney Peterkin
 - Letter of Complaint- Discrimination in Public Service Appointment
59. Vidyarthi Kissoon
 - Statement – containing key points for presentation before COI
60. Guyana Teachers' Union
 - Presentation to the COI
61. Jasmine Dinally
 - Letter-Complaint - Corruption at work place, withdrawal of a Public Service
62. Ryan Campbell
 - Letter of Complaint- working conditions and remuneration
63. Jean Carroll - Manager at Training Division - DPS
 - Report to COI – submissions on improving the services of training, role and function, training, remuneration and other matters pertaining to the Public Service
64. Shinella Johnson
 - Statement of Complaint –discrepancies in salaries, request for an increase of salary
65. Amanda Russell-Kission
 - Statement of Complaint, Concerns, issues and recommendations - Scholarship Scenario, Benefits packages for scholarships awardee, physical working conditions, Irregularities in the system
66. Ms. Ann Greene - Director of Child Care Protection Agency
 - Childcare and Protection Agency- Programme and Services
 - Organization Structure
 - Childcare and protection Agency outlook for 2016 and beyond
 - Ann Greene presentation to the COI
67. Dianne Birkett
 - Statement- Victimization and Discrimination
68. Hansen Elliot - Principal Administrator Kuru Cooperative College
 - Presentation to the COI
69. Professor R. W. James
 - Statement of presentation by Professor James - 21st October, 2015
70. Max Wallerson - Former Senior Personnel/Training officer/ Political Advisor
 - Statement to the COI

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71. Saloutie Daniels
 - Witness Statement- Complaint
 - Supporting Documents to base allegations made
72. Paula Mohammed
 - Circular No. 25/1991 from PSM
 - Circular No. 8/1991 from PSM
 - Circular No. 3/1991 from PSM
 - Court Order - No. 140 – M
73. Lennox Bobb
 - Statement of Complaint along with recommendations
74. Deochand Dukharran
 - Statement of Complaint
 - Supporting documents to base allegations made
75. John Seeram
 - Letter to Secretary of COI
 - Synopsis of Presentation made to the CDI
76. Lincoln Lewis
 - Presentation to COI - Advancing rights and rule of Law
77. Sita Ramlall
 - Letter to Secretary of COI
 - Presentation- review of salaries, allowances and benefits for professional staff of the Ministry of Legal Affairs.
 - Appendix A and B- Current salary structure
 - Comparison of current salaries and allowances.
 - Proposed salary and allowances
78. David Shepherd
 - Statement of complaints detailing several allegations
79. Akeem Fraser
 - Statement of Complaint and recommendations
80. Lawrence Paul
 - Submission to the COI on the Public Service Staff College
81. Vivian Basdeo
 - Statement of Complaint and recommendations
82. Jaigobin Jaisingh
 - Memo to the Secretary of COI
 - Government Order NO. C 265/13/5
 - Certificate of Qualifications
83. Winslow Davidson
 - Letter to Hon Min.- Request for a just pension
 - Letters to Mr. Luncheon - 28th of April, 2014 and 9th of July, 2012
 - Letter to Mr. Case - 28th of June, 1962

84. Shafdar Alli
 - Letter of Complaint
85. Ivor Mendonca
 - Letter seeking assistance to merge years of Service
86. Deon Adolph
 - Letter of Complaint - unsatisfactory salary scale and discriminating allowances
87. Dwarka Balkarran
 - Letter of Complaint
88. David Ramnarine
 - Schedule of allowances depicting the current and proposed recommendations for allowances for Police Officers
89. Reginald Brotherson, Permanent Secretary
 - Memo on Increase in salaries/wages for 2015
 - Circular No. 1/2015 on the above subject
 - Record of service for the last 10 years
90. Balraj Balram – Permanent Secretary
 - Letter to Secretary
 - Copy of Contract
 - Summary of qualifications, Employment history
91. George Jarvis – Permanent Secretary
 - Letter to Secretary
 - Copies of contracts
 - Instrument of appointments
 - Summary of qualifications obtained
 - Summary of employment
92. Melissa Tucker – Permanent Secretary (ag.)
 - Presentation by Ms. Tucker- review of staff Structure, recruitment policies, staff development and training- recommendations for consideration.
 - Copies of Contracts
 - Record of Service
 - Instruments of appointment
 - Summary of employment history
93. Lorene Baird – Permanent Secretary
 - Copies of Contracts
 - Copy of qualifications
 - Record of service
 - Instruments of appointment
94. Trevor Thomas – Permanent Secretary
 - Copies of Contracts
 - Copy of qualifications
 - Record of service
 - Instruments of appointment

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95. Angela Johnson – Permanent Secretary
 - Copies of Contracts
 - Copy of qualifications
 - Record of service
 - Instruments of appointment
96. Delma Nedd – Permanent Secretary
 - Copies of Contracts
 - Copy of qualifications
 - Record of service
 - Instruments of appointment
97. Omar Shariff – Permanent Secretary
 - Presentation on the role, responsibilities and management of Permanent secretaries and chief executive officers-case study of Jamaica, Belize, St Lucia and St. Kitts and Nevis.
98. Audrey Jardine - Director General (ag.), Ministry of Foreign Affairs
 - Record of service
 - Copies of Contracts
99. Finance Secretary, Ministry of Finance
 - Circular No 2 /2014- Budget Circular 2015
100. Charles Baker
 - Letter from S. Noble to Mr. Baker 1996-08-27
 - Memo to Mr. Hussain from Mr. Baker
 - Minute to REO of RDC #6 from Mr. Baker
 - Record of Service
101. Winston Felix
 - Presentation to COI- enhancing Competition to improve efficiency of the Public Sector in Guyana
102. Petal Denny
 - Witness statement detailing complaints
 - Letter to Secretary to PSC from Ms. Denny
103. Royden Pompey
 - Witness statement detailing complaints
104. R. Bissionondial
 - Copy of presentation to COI
105. Deon Dublin
 - Copy of agreement between Government and Dr. Dublin
 - Copies of Certificates
106. Dion Thomas
 - Letter of Complaint
107. Cyril Mohany
 - Letter of Complaint
108. Tilawattie Singh
 - Letter of Complaint

109. Naraine Chattergoon
- Letter of complaint on Wrongful termination
 - Attachments supporting allegations levelled in his letter of Complaint
110. Abbygale Hope
- List of expenditure and monthly deductions to support her claim for salary increases
111. Kelvin Mc Kenzie
- Submitted a proposal plan for National Service in Linden
112. Brian Claxton
- Letter of complaint on the long hours, made a claim for increased allowances
 - Supporting attachments to support his case
113. Martin Prince
- Letter of Complaint - years of service, unfair treatment
114. Maylene Stephens
- Memo to Secretary of COI-Presentation on measures to improve efficiency of the Public Service
115. Fazal Hussain
- Letter of complaint- unfair treatment
116. Learie Mc Kenzie
- Statement – recommendations on the age of retirement
117. Cecil Murray
- Witness statement for presentation
 - Extract for meeting held on the 20th of March, 1966
 - Extract from the London Times July, 21, 1966
 - Article titled the Development of the Guyana Probation and Welfare Service - Stabroek News July, 21, 1995 page 10
118. Beverley Nelson
- Letter of Complaint- disparity between salary structures
119. Ernestine Mars Vigilance
- Letter of Complaint-victim of marginization, discrimination and humiliation
120. Henry Jeffery
- Article- "When partisan necessity trumped good governance"
 - "Cheddi Jagan's approach to ministerial and public service pay"
 - "Inaction, bullishness and policing"
 - "Distributive justice in a political context of distrust"
 - "Subsidiarity, autonomy and local democracy"
 - "Rohee, Hicken: The tyranny of ideas"
 - "Our Constitution- the worst of all the worlds"
 - "Rohee cannot weasel out of his responsibility"
121. Eric Phillips
- Presentation to the COI- ways of improving the Public Service

ANNEXE 4

MEMORANDUM

From: Permanent Secretary,
Ministry of the Presidency
DEPARTMENT OF THE PUBLIC SERVICE

Our Ref. #: PS: 18/2/2^{TT}

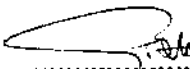
To: Secretary,
Commission of Inquiry

Subject
Increase in salaries/wages for 2015

Date: 27th January, 2016

The subject refers.

I, forward herewith a copy of Circular # 1/2015 in respect of salary increases for the said year.


PERMANENT SECRETARY
Ministry of the Presidency
Department of the Public Service

Reginald Brotherson
Permanent Secretary
Ministry of the Presidency
DEPARTMENT OF THE PUBLIC SERVICE

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

DEPARTMENT OF THE PUBLIC SERVICE CIRCULAR NO. 1/2015 REFERENCE NO. PS/18/2/23

FROM: Permanent Secretary
Ministry of the Presidency
DEPARTMENT OF THE PUBLIC SERVICE

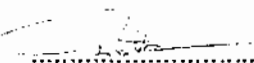
SUBJECT
Increase in Salaries/ Wages for 2015

TO: All Permanent Secretaries,
Heads of Departments and
Regional Executive Officers

DATE: 2015-08-31

Government has approved an increase in the minimum basic salary of each Public Servant to \$50,000, effective July 1, 2015.

2. Government has also approved an increase for all other public servants equivalent to 5 percent on basic salary plus an additional \$5000 monthly effective July 1, 2015. These increases are payable to workers who were employed on or before August 31st 2015 and who continue to be employed as of August, 31st 2015.
3. This circular therefore authorises the payments of the aforementioned increases. These increases are applicable to all Public Servants, defined to mean those employed in Ministries, Departments not under Ministerial control, Regional Administrations, and those who are engaged on contracts against positions reflected on the inventory of authorised positions of the traditional Public Service. This also applies to those persons who are contracted against positions which are not reflected on the inventory of authorised positions of the traditional Public Service. (Kindly refer to appendix I - Schedule of Adjusted 1-14 Salary Bands effective from 1st July, 2015)
4. Workers employed in other agencies, not mentioned herein, e.g. the Teaching Service, the Disciplined Services, and workers employed on projects will be issued separate instructions by their respective policy agencies. Those employees whose salaries are "red-circled" are not eligible for this increase.
5. Agency Heads not within the traditional Public Service (e.g. NAREI, GLDA, GSA, National Library, etc) should approach the Finance Secretary of the Ministry of Finance in connection with increases within this framework, for their workers for year 2015.
6. The expenditure for salary increases will be met from Agency 03 - Ministry of Finance, Programme 1: Chart of Accounts 6141, Revision of wages and salary. Permanent Secretaries, Head of Department and Regional Executive Officers should immediately request the amount necessary to make payments or all arrears of salaries/wages by way of memorandum addressed to the Finance Secretary of the Ministry of Finance.
7. Please bring the contents of this Circular to the attention of all Accounting and Personnel staff in your organisation for appropriate actions to be taken by them.


PERMANENT SECRETARY
Public Service Ministry
Reginald Brotherson
Permanent Secretary
Ministry of the Presidency
DEPARTMENT OF THE PUBLIC SERVICE

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

Schedule of Adjustments 1-14 Bands Effective 1st July, 2015

Monthly Bands	Minimum		Maximum		Minimum	
	2014	2015	2014	2015	2014	2015
1	41,732	50,000	46,000	50,000	41,732	50,000
2	46,000	50,000	50,000	50,000	46,000	50,000
3	50,000	55,000	55,000	55,000	50,000	55,000
4	55,000	55,000	55,000	55,000	55,000	55,000
5	55,000	60,000	60,000	60,000	55,000	60,000
6	60,000	60,000	60,000	60,000	60,000	60,000
7	60,000	65,000	65,000	65,000	60,000	65,000
8	65,000	65,000	65,000	65,000	65,000	65,000
9	65,000	70,000	70,000	70,000	65,000	70,000
10	70,000	70,000	70,000	70,000	70,000	70,000
11	70,000	75,000	75,000	75,000	70,000	75,000
12	75,000	75,000	75,000	75,000	75,000	75,000
13	75,000	80,000	80,000	80,000	75,000	80,000
14	80,000	80,000	80,000	80,000	80,000	80,000

Schedule of Adjustments 1-7 Bands Effective 1st July, 2015

Monthly Bands	Minimum		Maximum		Minimum	
	2014	2015	2014	2015	2014	2015
1	1,744	1,851	1,870	1,851	1,744	1,851
2	1,851	1,851	1,851	1,851	1,851	1,851
3	1,851	1,931	1,931	1,931	1,851	1,931
4	1,931	1,931	1,931	1,931	1,931	1,931
5	1,931	2,041	2,041	2,041	1,931	2,041
6	2,041	2,041	2,041	2,041	2,041	2,041
7	2,041	2,075	2,075	2,075	2,041	2,075

ANNEXE 5

**Annexe 5
Model Human Resources Department Current and Proposed Manning Level Chart**

DEPARTMENT OF THE PUBLIC SERVICE									
CURRENT STRENGTH					PROPOSED STRENGTH				
JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT	JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT
Office of the Permanent Secretary					Office of the Permanent Secretary				
Permanent Secretary					Permanent Secretary				
Confidential Secretary					Confidential Secretary				
Deputy Permanent Secretary					Deputy Permanent Secretary				
					Human Resources Manager				
					Chief Training Officer				
Sub-Total									
Office of the Deputy Permanent Secretary					Office of the Deputy Permanent Secretary				
Permanent Secretary					Permanent Secretary				
Deputy Permanent Secretary					Deputy Permanent Secretary				
Confidential secretary					Management Services Manager				
Chief Management Services Officer					Information Systems Manager				
Chief Personnel Officer					Chief Accountant				
Chief Training Officer					Registry Officer				
Chief Accountant									
Head, Information Systems									
Assistant Secretary									
Sub-Total									
Personnel Department					Personnel Department				
Deputy Permanent Secretary					Permanent Secretary				
Chief Personnel Officer					Manager, Human Resources		1		
Principal Personnel Officer					Human Resources Officer		4		
Principal Personnel Officer (Policy)					Human Resources Information Systems Officer				
Junior Human Resource Management Consultant							1		

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

DEPARTMENT OF THE PUBLIC SERVICE											
CURRENT STRENGTH					PROPOSED STRENGTH						
JOB/POSITION TITLES		GRADE	SMT	SUP	N-MGT	JOB/POSITION TITLES		GRADE	SMT	SUP	N-MGT
Personnel Department					Human Resources Department						
	Senior Personnel Officer II	9	2				Wages and Salaries Clerk	4			2
	Personnel Officer	6			0		Benefits Clerk	4			2
	Personnel Documentation Officer	5			0		Secretary, National Equivalency Board	8		1	
	Secretary, National Equivalency Board	8		0							
Sub-Total			6	0	0	Sub-Total			4	1	6
Training Department					Training Department						
Deputy Permanent Secretary		13				Permanent Secretary		14			
	Chief Training Officer	12	0				Chief Training Officer	12	1		
	Manager, Scholarships	10	1				Manager Scholarships	10	1		
	Senior Student Affairs Officer	9	0				Student Affairs Officer	9	1		
	Student Affairs Officer II/I	7		2			Student Affairs Assistant	7		2	
	Office Assistant	1			1		Librarian	2			1
	Cleaner	1			1		Library Attendant	1			1
	Librarian	2			1		Office Assistant	1			1
	Library Attendant	1			0		Cleaner	1			1
	Manager, Development & Operations	10	0				Manager, Development & Operations	10	1		
	Senior Training Officer	9	0				Training Officer	9	1		
	Training Officer II	8		1			Training Assistant	7		2	
	Training Officer I	7		1			Training Equipment Operator/Technician	5			1
	Training Equipment Operator/Technician	7			0						
Sub-Total			1	4	3	Sub-Total			5	4	5

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DEPARTMENT OF THE PUBLIC SERVICE									
CURRENT STRENGTH					PROPOSED STRENGTH				
JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT	JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT
Management Service Department					Management Services Department				
Deputy Permanent Secretary	13				Deputy Permanent Secretary	13			
Chief Management Services Officer	12	0			Management Services Manager	12	1		
Principal Management Services Officer	11	0			Management Services Officer	10	1		
Management Services Officer II	8	0			Job Analyst	7		2	
Management Services Officer I	7		0						
Sub-Total		0	0	0	Sub-Total		2	2	0
Information Systems Department					Information Systems Department				
Deputy Permanent Secretary	13				Deputy Permanent Secretary	13			
Head, Information Systems	11	0			Information Systems Manager	11	1		
Systems Development Coordinator	10	1			Systems Development Coordinator	10	1		
Systems Administrator	8		1		Systems Administrator	8		1	
Systems Support Officer	5			0	Systems Support Assistant	5			1
Systems Development Officer	7		1		Systems Development Officer	7		1	
Systems Support Officer	5			0	Systems Support Assistant	5			1
Word Processing Operator	3			1	Programmer	8		2	
					Word Process Operator	4			2
Sub-Total		1	2	1	Sub-Total		2	4	4
Accounts Department					Accounts Department				
Deputy Permanent Secretary	13				Deputy Permanent Secretary	13			
Chief Accountant	9	0			Chief Accountant	11	1		
Accountant	8	1			Accountant	8	1		
Assistant Accountant	5		1		Assistant Accountant	6		1	
Accounts Clerk III	3			1	Accounts Clerk	4			4
Accounts Clerk II	2			3	Receivables Clerk	4			3
Stores Clerk	2			1	Stores Clerk	3			1
Sub-Total		1	1	5	Sub-Total		2	1	8

COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

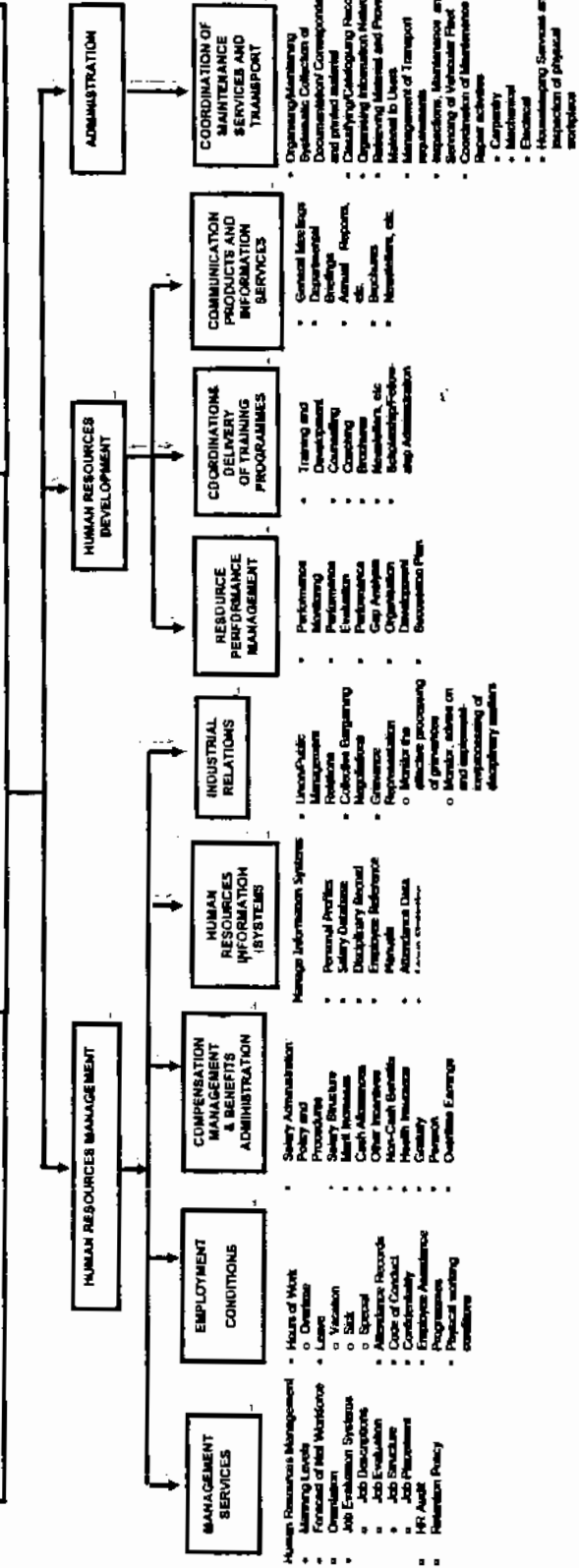
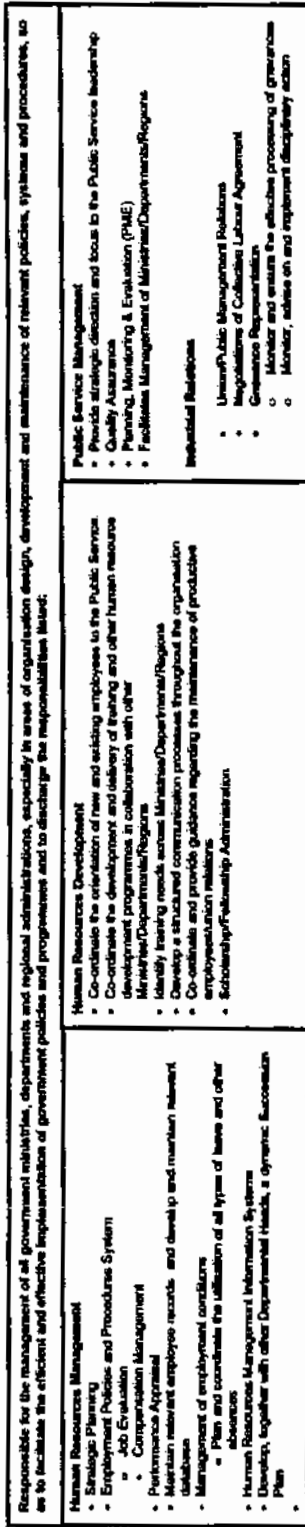
DEPARTMENT OF THE PUBLIC SERVICE									
CURRENT STRENGTH					PROPOSED STRENGTH				
JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT	JOB/POSITION TITLES	GRADE	SMT	SUP	N-MGT
Administrative Department					Administrative Department				
Deputy Permanent Secretary	13				Deputy Permanent Secretary	13			
Assistant Secretary	9	1			Administrative Officer	10	1		
Senior Supervisor Registry	6		1		Registry Officer	8	1		
Registry Supervisor	5		1		Registry Supervisor	6		1	
Driver/Mechanic	2			3	Registry Clerk	4			9
Vehicle Driver	2			2	Driver	3			7
Heavy Duty Driver	2			1	Librarian	2			1
Machine Operator I	2			1	Office Assistant	2			4
Librarian II	2			1	Canteen Attendant	2			2
Typist/Clerk III	2			8	Labourer	2			2
Driver/Dispatcher	2			1	Library Attendant	2			1
Clerk II (G)	1			1	Cleaner	2			1
Office Assistant	1			4					
Canteen Attendant	1			1					
Labourer	1			5					
Library Attendant	1			1					
Cleaner	1			1					
Sub-Total		1	2	30	Sub-Total		2	1	25
TOTAL					TOTAL				
GRAND TOTAL			73					87	

*SMT – Senior Management, SUP – Supervisory, N-MGT – Non-Management

ANNEXE 6

ANNEXE 7

DEPARTMENT OF THE PUBLIC SERVICE
FUNCTION CHART



ANNEXE 8

ANNEXE 9

THE COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

	INTERNAL HUMAN RESOURCES MANAGEMENT					DIVISIONS OTHER DEPARTMENTS/SECTIONS				EXTERNAL			
	Manager, Human Resources	Human Resources Officer	Secretary, National Equivalency Board	Human Resources Information Systems Officer	Benefits Clerk	Wages and Salaries Clerk	Information Systems	Accounts	Administration	Training	Management Services	Government/Agencies	Insurance Companies/Pension Plan Administrator
MAJOR JOB OBJECTIVES													
<ul style="list-style-type: none"> ▪ Participates in the formulation of the Department's salary structure, pay policies and oversees the pay systems within the Department including bonuses and raises ▪ Leads competitive market research to establish pay practices and pay bands that help to recruit and retain superior staff ▪ Leads participation in at least one salary survey per year. Monitors best practices in compensation and benefits through one salary survey research and up-to-date information on available data ▪ Coordinates salary survey documentation, disseminates and follow up with participants 	X	X	X	X									
Benefits Administration													
<ul style="list-style-type: none"> ▪ Oversees the administration of Life & Health Plans ▪ Completes all Health, Life and Pension documentations and liaises with insurance companies ▪ Selects and oversees the administration of Pension Plan ▪ Obtains cost effective, employee serving benefits; monitors national benefits environments for options and cost savings ▪ Coordinates salary survey documentation, disseminates and follow up with participants ▪ Leads the development of benefit orientations and other benefits education ▪ Recommends changes in benefits offered, especially new benefits aimed at employee satisfaction and retention 	X	X	X	X	X								
Industrial Relations/Employee Relations: Staff Negotiations													
<ul style="list-style-type: none"> ▪ Undertakes Staff Consultations ▪ Updates Human Resource Operations Manual 	X												
Job Evaluation													
<ul style="list-style-type: none"> ▪ Audits Job Structure triennially/prepare new Descriptions ▪ Circulates Job/Position Descriptions ▪ Leads the implementation and facilitates the annual performance management system ▪ Oversees the overall spending of the corporate training budget 	X			X	X								
Performance Appraisal System													
<ul style="list-style-type: none"> ▪ Checks/verifies/reviews/credits job activity data for Performance Appraisal ▪ Oversees and Reviews the preparation of Job/Position Description ▪ Prepares Job/Position Descriptions ▪ Distributes Performance Appraisal instruments 	X	X										X	X

THE COMMISSION OF INQUIRY INTO THE PUBLIC SERVICE OF GUYANA (2016)

INTERNAL	INTERNAL HUMAN RESOURCES MANAGEMENT				DIVISIONS OTHER DEPARTMENTS/SECTIONS				EXTERNAL				
	Manager, Human Resources	Human Resources Officer	Secretary, National Equivalency Board	Human Resources Information Systems Officer	Benefits Clerk	Wages and Salaries Clerk	Information Systems	Accounts	Administration	Training	Management Services	Government/Agencies	Insurance Companies/Pension Plan Administrator
MAJOR JOB OBJECTIVES													
<ul style="list-style-type: none"> ▪ Organises travel arrangements for the Manager and other members of staff ▪ Prepares notices and advertisements for vacant staff positions, schedules and organises interviews, and conducts reference checks on possible candidates. ▪ Ensures that all highly classified material, from Managers, are placed under special and confidential cover and recorded in a register. Shreds and disposes of such material as requested ▪ Maintains filing system in alphabetic, numerical or chronological sequence in a confidential Registry in the Department and ensures that files on standard recurring matters are kept up-to-date and ready for attention and further action 													
					x	x							
					x	x							
					x	x							

