

21. OTHER PERTINENT ISSUES AND RECOMMENDATIONS

- 21.1 This Chapter highlights our observations and recommendations on a few pertinent issues which are of a specific nature or which cut across the Public Sector and could not be accommodated under a particular Condition of Service or chapter. A few issues, however, do not strictly fall under the mandate of the Bureau but have still been reported as they are expected to facilitate understanding and/or the implementation of our recommendations or policies adopted in this Report.
- 21.2 A few observations made in our last Report have not been replicated. However, our views expressed thereat are still valid. Those which we consider should be mentioned anew for some reason, have been reproduced.

Specific Provisions for Employees with Disabilities

- 21.3 In past Reports, the Bureau has continuously improved the conditions of employees with disabilities through specific provisions made to their intent. These provisions exist with the aim to provide a safe and healthy environment, thereby improving their day-to-day life. **The existing conditions, as reproduced below, are being reiterated:**
- (i) an annual entitlement of 12 days Casual Leave;
 - (ii) flexibility of 15 minutes daily to reach and leave office to those travelling by bus, subject to exigencies of service;
 - (iii) refund of bus fares to be based on the most practical route instead of the most economical one, when attending duty and back;
 - (iv) provision of a user-friendly work environment with the right office structures and amenities, which would allow an easier access to public buildings/work places;
 - (v) Government to continue to act as facilitator in providing employment opportunities to these employees; and
 - (vi) as far as possible, the employees concerned to be given priority of consideration to work from home under the Work From Home Scheme and/or be posted near their place of residence.
- 21.4 Moreover, in line with United Nations Convention, Management should ensure that handicapping barriers are removed to facilitate the integration and participation of employees with disabilities in the society and access to all available amenities and facilities.

Review of Salaries and Conditions of Employment by Private Consultants

- 21.5 In the last Report, we highlighted the technical problems and impediments encountered by the Bureau when public sector organisations under our purview have recourse to private consultants to conduct their overall review of salaries and conditions of employment and subsequently revert to us for their next overall review. The resulting consequences include unwarranted pay drifts/distortions; organisation structures and conditions of employment not obtainable in our framework; equity issues, among others.
- 21.6 In the above circumstances, the readjustment/realignment of salaries and Conditions of Service as per the Bureau's framework becomes a challenging, complex and difficult task, which is not always to the satisfaction of all employees. **The Bureau, therefore, reiterates that Ministries/Departments /Organisations should, to the extent possible, avoid resorting to such course of action. However, the tapping of services of private consultants may be allowed in specific cases/circumstances only, subject to approval of Government.**

Consultancy Services

- 21.7 The Bureau is mandated to review the pay and grading structures and conditions of employment and organisational structures in the Civil Service, Rodrigues Regional Assembly, Parastatal and Other Statutory Bodies, Local Authorities and the Private Secondary Schools.
- 21.8 On the other hand, the Public Procurement Act provides among others, for the procurement of consultancy services. The latter is defined as "*services of an intellectual and advisory nature, not incidental to the supply of goods or to the execution of works, such as design, supervision, training, analysis, auditing, software development, and similar services*", while a "consultant" means "*a person under contract to provide consultancy services to a public body in relation to a procurement contract*".
- 21.9 It is observed that the definition is vague and may cover various types of consultancy procurement including those relating to pay and grading structures and conditions of service. This issue was raised by certain Unions, fearing that it may lead to a distortion in either the salary, the grading structure or certain specific Conditions of Service, which will ultimately have a bearing on internal parity and external relativity in the Public Sector.
- 21.10 Such a practice, if resorted to, is considered to be inappropriate, as it allows an external party to encroach on the Bureau's mandate and consequently bring a distortion in salary relativities and in the hierarchy of benefits, as established by the PRB.
- 21.11 Given this is a matter of serious concern, there is need to address same by ensuring that such practice does not occur or recur.

- 21.12 In the circumstance, the MoF may consider amending the Act to exclude consultancies in relation to pay and grading structures, conditions of employment and organisational structures of organisations governed by the PRB's regime.**

Personal Salaries

- 21.13 For this review exercise also, Unions highlighted that based on the principle of equal pay for work of equal value, it was not appropriate to provide "personal" and "future holder" salaries, the moreso, all officers in the grade are performing the same duties.
- 21.14 In the last Report, we provided the different bases upon which demarcation in the salary scales for a same grade is brought. These are being reiterated, as hereunder:
- (a) the pattern of work, that is, normal working hours against working on shift, roster or staggered pattern of work or working on a part-time basis;
 - (b) where a salary is overgraded (out of line of adopted pay policy) and where it may have repercussion on grades within the Cadre or the Occupational Class by affecting internal relativity or across the Public Sector, hence impacting on external relativity;
 - (c) in case of a major restructuring involving a significant revamping of a cadre, whereby the salaries granted long time back no longer commensurate with the qualifications requirement and duties;
 - (d) in case of redeployment, where an officer is granted a personal higher salary in line with what he was drawing in his defunct organisation;
 - (e) in case of an organisation being made defunct and its functions are being taken over by a new or another entity, the salary scales of the grades obtainable at the defunct institution are placed on a personal basis, until same are established in the new organisation; and
 - (f) to safeguard the promotion path of officers in their cadre, as obtained at a particular point in time, following a re-engineering exercise.

Grant of Increment as per Memorandum of Understanding

- 21.15 In the wake of a major restructuring exercise, an organisation may become defunct and its functions are taken by another entity(ies), with an enlarged or specific mandate e.g that of the ex-Tertiary Education Commission being taken over by the Quality Assurance Authority and Higher Education Commission or the establishment of the Mauritius Cane Industry Authority, which took over the functions of six ex- Service Providing Institutions.

- 21.16 In such cases, the employees at the defunct organisation(s) are transferred on the Permanent and Pensionable Establishment of the new organisation(s), for those who opted so, and integrated in appropriate grades thereat. In addition to their integration in the new organisation, these employees are entitled to additional increment(s) as provided in a Memorandum of Understanding between the staff and the Ministry concerned.
- 21.17 We, however, observed that even where there was no need for additional increment, same has been granted. We consider that there may be no justification for additional increment where no major change is concerned, particularly when the duties/responsibilities to be devolved upon incumbents in the new organisation remain the same. We further observe that at times, the number of increments granted was inappropriate or the approach adopted to grant same was not in order.
- 21.18 Moreover, it has happened that some employees who were already drawing top salary, have been granted movement in the Master Salary Scale, that is, beyond the top of their salary scale. Such course of action has in turn led to further problems relating to the implementation of certain of our recommendations.
- 21.19 Given the foregoing, the Bureau holds that the Ministry concerned should examine all the equity implications first before considering the grant of additional increments and should in no case grant increment beyond the top salary of a grade.**

Non-Obtention of Additional Information

- 21.20 In some cases, during the analysis stage, additional vital information is needed to enable a proper/thorough assessment of certain proposals. Despite our earnest effort and several reminders, we did not obtain the requested information. Resultantly, we could not proceed further and had no other choice than to set aside the proposals. The Bureau, therefore, assumes no responsibility for any errors or omissions in this context.

Filling of Certain Top Positions

- 21.21 For the last review, we emphasised on the need for Management to stand guided by the recommendations made in our Reports regarding the mode of appointment and tenure of certain top positions while filling same. We deem it relevant to reiterate that the **“Recommendations contained in our Reports are approved by the Cabinet and any derogation therefrom should obtain the prior approval of the High Powered Committee. Consequently, the relevant authorities involved in the process of filling vacancies in these positions should take into consideration our recommendations.”**

Harmonious Industrial Relations

- 21.22 The Bureau highlighted in the last Report the importance of maintaining harmonious industrial relations among Management, Unions and other relevant stakeholders to foster a conducive work environment and ensuring smooth conduct of activities.
- 21.23 In the context of this Report, we have been apprised that strained relationship continues to exist between Management/Unions/Federations/other stakeholders in some quarters. Consequently, this leads to problems, including implementation issues, which in a few cases have resulted in industrial disputes. **In the light of these circumstances, we reiterate that stakeholders concerned should devise appropriate ways and means to instil a culture of maintaining sound industrial relations, which ultimately would benefit all parties. Indicatively, the stakeholders concerned may consider collaborative approaches such as holding meetings on agreed interval basis to thrash out issues that may arise.**
- 21.24 We also hold that the Desk Officer Concept as per Circular Letter No. 37 of 2020, calling for the designation of an appropriate officer in each Ministry/Department/Organisation to act as Desk Officer, should be used optimally. This mechanism may promote harmonious industrial relations at the workplace among different stakeholders.

Hospitality Allowance

- 21.25 Officers of the level of Permanent Secretary and above are eligible for the payment of a monthly allowance of Rs 7500 to meet hospitality-related expenses, as they are called upon to receive/entertain high officials and reciprocate invitations received as part of their official functions/duties. The quantum of the allowance is being revised.

Recommendation 1

- 21.26 **We recommend that the Hospitality Allowance payable monthly to officers of the level of Permanent Secretary and above be revised to Rs 8625.**

Force Majeure/Public Emergency

- 21.27 Recommendations on *Force Majeure*/Public Emergency were introduced in the last Report due to the devastating effects of the sudden health crisis resulting from the Covid-19 Pandemic and accompanying lockdowns. These were provided to ensure business continuity in such periods and to allow Government to exceptionally reconsider, after consultation with Federations, terms and Conditions of Service, mainly those having a significant incidence on public finance.

- 21.28 Since events which are beyond the reasonable control and contemplation of Government may occur, especially with climate change, it is deemed rational for the existing recommendations to continue to prevail, save for employees forming part of the essential services, who are required to perform their normal duties daily, despite a *force majeure*/public emergency. We are, therefore, reproducing these provisions.

Recommendation 2

- 21.29 **We recommend that in case of *force majeure*/public emergency, except for the payment of the monthly salary, Government may, after consultation with the representatives of Federations, temporarily and exceptionally reconsider certain terms and Conditions of Service (for example, passage benefit, travelling, leave etc.) for employees concerned, drawing a basic salary of Rs 39140 and above, for such periods deemed reasonable.**
- 21.30 **We further recommend that the above-mentioned provision should not apply to employees of the essential services, as categorised by Government.**
- 21.31 **For the purpose of implementation of the above recommendation, an event of *force majeure*/public emergency is deemed to mean an unforeseen and unavoidable event beyond the reasonable control and contemplation of Government such as natural disasters, acts of God, pandemics or other extraordinary circumstances of the like.**

Pension Scheme for New Entrants

- 21.32 As from 01 January 2013, Public Officers joining the service are governed by a Defined Contribution Pension Scheme, in contrast to a Defined Benefit Scheme, applicable to those who were in service as at 31 December 2012. Officers concerned with the Defined Contribution Pension Scheme are, however, not provided information in that respect, namely regarding the mode of computation to arrive at any lump sum or monthly pension that they would be entitled to at the time of and during their retirement.
- 21.33 Considering that pension benefit is a major positive and attractive element in the Public Service, compared to what obtains in the private sector, we hold that newcomers in the Service should be clearly informed/explained about the Total Remuneration Package obtainable in the Public Sector, including the features of a Defined Contribution Pension Scheme. **The MPSAR should therefore ensure that this step is effectively followed, so that during their induction courses, new entrants are made aware of all their benefits, prior to their confirmation in the service.**

Fostering Scientific Research

- 21.34 In line with Government's objective to support research initiatives, including in the scientific field, the Bureau has come up with a few policies to improve conditions in some specific areas, namely where duties and research in the scientific field are concerned. These comprise the grant of an allowance and special leave to enable officers to keep abreast of latest development in their respective scientific field; provision of a higher entry point for a few grades where passes in science subjects are required, which may also act as an incentive to encourage those who have studied science subjects at secondary level to join the Public Service; and advising Management to review upward the qualifications requirement of some grades with core duties of conducting research in the scientific (health) field, to a Masters' Degree.

Registered Professionals

- 21.35 In certain instances, the Bureau has made reference in this Report to Registered Professionals. In our framework, this category of officers is by virtue of their occupation/profession, required, among others, to be registered with a recognised professional body and undergo pre-registration training for at least 12 months. However, employees who are required to be registered with the Allied Health Professionals Council (AHPC) or Nursing Council are exclusive of this cluster.

Women Employees

- 21.36 With the rapid societal changes, more and more women are entering the labour market. Alongside they have to cater for the needs of their family, including taking care of children and at times elderly parents also. In a bid to provide them the right work-life balance, the Bureau has provided some enhanced leave benefit to them particularly pre and post confinement. Moreover, at least three months before their confinement, they may not be required to perform extra hours or night shifts or duties that involve continuous standing so as to provide them safe and comfortable working conditions.
- 21.37 For this Report, we are further enhancing the condition of women employees in the above state by allowing them to arrive and leave early their workplace subject to exigencies of service.

Recommendation 3

- 21.38 We recommend that pregnant women employees may be allowed a flexibility of 15 minutes daily over and above their normal eligibility, to reach and leave office/site of work as from at least three months before their confinement, subject to exigencies of service and approval of the Responsible Officer.**

Enhancing Workplace Discipline

- 21.39 Employees at the workplace are continuously being subject to various challenges resulting from both internal and external factors, and are being called upon to cope with these challenges, including an effective time Management, working under pressure in different work situations, ability to tackle effectively several issues at a time, among others.
- 21.40 In the above circumstances, they are equally required to behave sensibly and safely in a disciplined manner. According to research, workplace discipline is important for, *inter alia*: maintaining order; optimising performance; facilitating communication; encouraging positive behaviour; improving efficiency; boosting accountability; and enhancing professionalism.
- 21.41 Given that a high level of discipline influences organisational performance leading to positive service delivery outcomes, it becomes vital to manage discipline in the Public Service. One way is to promote ethics and core values. Disregard for ethics and integrity gives the perception that public officers are not sensitive to safeguarding public funds. In this perspective, the MPSAR should consider reviewing and updating the existing Code of Conduct of Public Officers to clearly define expected behaviours and ethical standards while focusing on the core values of integrity, impartiality and objectivity, accountability and service, among others. Necessary measures should also be taken to ensure compliance with the set norms and standards.

Allowance for Working on Shift/Roster on Sundays

Refund of Bus Fares

- 21.42 Two issues emanating from administrative decisions have been forwarded by the Ministry of Public Service and Administrative Reforms (MPSAR) and the Ministry of Finance (MoF) for consideration in the Report. These concern the payment of allowances to officers working on shift/roster on Sundays and refund of bus fares to public officers benefitting from free travel.
- 21.43 The MoF argues that the measures in their present form are inappropriate as they constitute policy inconsistencies which are leading to excessive Government expenditure and adversely impacting on the National Budget, thereby preventing the effective allocation of public funds. The MPSAR on its part asserts that there is a major discrepancy in the implementation of the decision to grant double pay to officers working on shift/roster as they are benefitting from three days' pay instead of double pay for work performed on Sundays. Both the MPSAR and the MoF are in accord on the need to strictly stick to the original intention of double pay for work performed on Sundays. The Bureau has therefore been requested to:
- (i) address the perceived misinterpretation of the original intent of the double pay for work performed on Sundays; and

- (ii) look into the issue of refund of bus fare for those who benefit from free travel and come up with appropriate recommendations.

21.44 At the very outset, it should be pointed out that consultations could not be held with relevant stakeholders and competent authorities with regard to these two issues as the Report was nearing completion when the requests were made. Moreover, since they relate to Conditions of Service, prior discussion with Federations should have taken place in accordance with the consultative approach adopted in the context of an overall review exercise.

21.45 It should be noted that the original intention referred to in the request is not known to us. Hence, the authorities issuing the Circulars, should, in the first instance, bring relevant clarifications thereto. In view of the absence of consultation with relevant parties due to time constraint, coupled with the inability to interpret the correct intent of the measures concerned, it may not be appropriate for the Bureau to pronounce on the issue or to address the matter by way of recommendations as suggested.

21.46 We are nevertheless, providing for a mechanism that would enable the relevant authorities to thrash out issues in all fairness and transparency. Meanwhile, since the MoF showed concern about the huge financial implications of these two measures on public finance, payment may be temporarily stalled pending a decision is taken.

Recommendation 4

21.47 We recommend that:

- (i) in both cases, a Consultative Committee be set up under the Chairmanship of the Secretary for Public Service and comprising representatives of the Ministry of Finance and Management of Ministries/Departments concerned to assess whether the measures are appropriate, necessary and not excessive and come up with recommendations having regard to, among others, the intent of Government, the impact on the national budget and effective allocation of funds, and fairness in relation to other employees in the Public Service; and
- (ii) the proposed recommendations be submitted to the High Powered Committee for approval.

21.48 The MPSAR may also consider consulting other stakeholders, if deemed relevant.

21.49 We also recommend that payment of the allowances be stalled pending the outcome of the Consultative Committee.

