THE PUBLIC SERVICE COMMISSION OF JAMAICA: PAST, PRESENT AND FUTURE CHALLENGES

PRESENTED BY
CHARLES A. JONES
CHIEF PERSONNEL OFFICER
OFFICE OF THE SERVICES COMMISSIONS, JAMAICA

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The Public Service Commission Jamaica

BACKGROUND

Prior to 1952, appointments to the Lower grades in the Civil Service were made by the Governor on the recommendation of a body known as the Promotion Selection Committee comprising the:

- Deputy Colonial Secretary
- Financial Secretary
- Auditor General and
- President of the Civil Service Association

Other appointments relating to junior professionals, scientific and technical officers were made in the Colonial Secretariat on the recommendation of the Head of Department.

Appointments to posts with salary above £700 were made by the Secretary of State for the Colonies upon the recommendation of the Governor. Such recommendations would either be accepted or rejected by the Secretary of State who, in certain circumstances, would appoint someone else from another colonial territory.

As a result of growing discontent in the Service concerning conditions of service, Mr. Eric Mills, C.B.E., an officer in the Colonial Office in London, was in 1949 appointed by the Secretary of State to conduct an investigation into the structure and administration of the Civil Service in Jamaica and to make recommendations for reforms where considered necessary. In this exercise, he was ably assisted by the late Mr. A. B. Smith, Establishment Officer in the local Colonial Secretary's Office who functioned as Secretary.

A major recommendation ensuing from the exercise was the need for the establishment of a Public Service Commission. This was readily accepted by the Government and in order to facilitate the operation of the recommendations made, Law 48 of 1951, was duly enacted by the Governor of Jamaica on the advice and consent of the Legislative Council and House of representatives.
The short title and commencement was as follows:

"The law may be cited as the Public Service Commission Law 1951 and shall come into operation on a date to be appointed by the Governor by proclamation and published in the Gazette."

The purpose behind the establishment of the Commission was to provide for an independent and impartial body charged with the responsibility of dealing with matters relating to the appointment, removal and exercise of the disciplinary control in respect of public officers.

At this time, the Public Service Commission operated out of the Establishment Branch of the Colonial Secretary's Office located at Headquarters House, 79 Duke Street, Kingston.

**INTERNAL SELF-GOVERNMENT**

On Jamaica's attainment of internal self-government in 1957, the functions of the Personnel Branch of the Public Service were conducted as a division of the Colonial Secretary's Office which was now located at 119 Duke Street, Kingston, the Chief Personnel Officer being the head of the Office.

The Public Service Commission became a constitutional body in 1959, when by Section 75 of the *Jamaica (Constitutional) Order in Council, 1959* it was provided that there should be in and for Jamaica a Public Service Commission and prescribed the qualifications for appointment and the circumstances in which a person would vacate his office as a member of the Commission.

It is significant that in the creation of the Public Service Commission as a constitutional body in 1959, the constitutional provisions were so drafted as to clearly indicate that the independence and impartiality of the Commission should be manifest.

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1 History of the Public Service Commission, Office of the Services Commissions, 2002.
The power of the Public Service Commission to make appointments and to remove or to exercise disciplinary control was enshrined in the Constitution in 1959 and was essentially recommendatory in nature, such recommendations being made to the Governor.

In 1962, when Jamaica was granted Independence the Jamaica (Constitution) Order in Council 1962 came into force, and the Jamaica (Constitution) Order in Council 1959 was revoked. Sections 124 and 125 of the new Constitution now provided that-

124 (1)
There shall be a Public Service Commission for Jamaica consisting of a Chairman and such number of other members, being not less than three nor more than five, as the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may from time to time decide.

(2)
The members of the Public Service Commission shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Broad Seal:

Provided that one such member shall be so appointed by the Governor-General from a list of persons, not disqualified for appointment under this section, submitted by the Jamaica Civil Service Association (or any other body representing members of the public service which may from time to time, in the opinion of the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, have succeeded to the functions of that Association).

(3)
No person shall be qualified to be appointed as a member of the Public Service Commission if he holds or is acting in any public office other than the office of member of the Judicial Service Commission or member of the Police Service Commission.

125(1)
Subject to the provisions of this Constitution, power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in any such office is hereby vested in the Governor-General acting on the advice of the Public Service Commission.
Before the Public Service Commission advises the appointment to any public office of any person holding or acting in any office power to make appointments to which is vested by this Constitution in the Governor-General acting on the advice of the Judicial Service Commission or the Police Service Commission, it shall consult with the Judicial Service Commission or the Police Service Commission, as the case may be.¹

It should be noted that the Constitution clearly sets out the provisions for the Commission in relation to its appointments and functions, and allows representation on the Commission by a nominee of the Jamaica Civil Service Association.

The term of appointment of the Commission is for either two (2) or three (3) years. The present Commission which was appointed in January 2003 has a term of three (3) years.

SECRETARIAT

The Secretariat for the Public Service Commission is housed in the Office of the Services Commissions along with four (4) other Commissions. These Commissions perform the following functions in relation to the branch of the Public Service for which they have responsibility:

- Recruitment and selection
- Appointment, promotion, transfer, deployment and secondment
- Selection of candidates for national scholarships, overseas training and grant of study leave
- Separation and Discipline
- Approval of acceptance for private work and auditorship/directorship of societies and companies.

¹Jamaica Constitution Order in Council, 1962
These Commissions are:

Public Service – in relation to Central Government, (that is Ministries and Departments of Government)

Judicial Service – in relation to the Judiciary

Police Service – in relation to the Jamaica Constabulary Force

Municipal Service – in relation to the Municipality (Kingston and St Andrew)

Parish Council Services – in relation to the twelve (12) Parish Councils

RELATIONSHIP WITH THE JAMAICA CIVIL SERVICE ASSOCIATION

In carrying out these functions the Public Service Commission has had no disputes with the Jamaica Civil Service Association (JCSA) as there has been constant dialogue on matters of concern and mutual interest with the President and Executive of the Association both at the Commission and office level.

The OSC has always sought the involvement of the JCSA in the planning process for any change or modification of the existing modus operandi.

The fact that a Member of the Public Service Commission is the Nominee of the Jamaica Civil Service Association has no doubt helped in this regard.

CHALLENGES

Since Independence the Public Service has changed dramatically in the following ways:

- Size - The Public Service is many times larger and performs a greater diversity of tasks placing strain on original centralised management structures.

- Complexity – The responsibilities of the public service are no longer restricted to the core functions of law and order, and basic infrastructure development. Social, economic and technological developments require public services of growing complexity and sophistication, placing further strain on management structures.

- Turbulence – The growing sophistication of the economy requires that government
departments keep up with constant accelerated change in both technology and policy. Flexibility and responsiveness are paramount in this environment.

- **Expectations** – The public expects more. Performance in areas such as service standards, cost efficiency, equity and transparency faces increasingly critical evaluation.

- **Workforce** – Social change, increased mobility and the development of the private sector have produced an increasingly fluid labour market. This poses problems to the public service in attracting and retaining qualified staff, particularly as growing complexity means that the need for specialist staff is greater in many sectors. Centralised management makes it difficult to adjust personnel policy in step with the changing labour market.¹

These challenges coupled with changes in the global arena have led to a heightened emphasis on accountability for results rather than process, responsiveness to policy directions and client needs and a commitment to efficiency, quality and transparency. These values advocate that systematic efforts have to be made in the area of public sector reform in order to ensure that the current situation of administrative delays and general inefficiency and ineffectiveness in public service delivery, which create difficulties for ordinary citizens and are a source of disincentives to the conduct of business activities, is ameliorated. Public sector reforms have been a principal feature of the Government’s agenda over the last six (6) years. These have been driven by a number of factors within and without, and include:

- The impact of the current wave of globalisation
- The impact of information technology
- The need for fiscal prudence while at the same time meeting the many legitimate needs of our society
- The rising expectations of our society in respect to variety and cost, and
- The quality of service offered by Government

¹ Commonwealth Secretariat, 1996
IMPACT OF REFORM ON THE PUBLIC SERVICE COMMISSION

A working group consisting of representatives from the OSC, other central agencies, the JSCA and line ministries, chaired by a consultant, was formed as part of the Public Sector Modernization Programme to look at the issue of reform in the Public Service Commission, and the possibility of delegation of functions under the Public Service Regulations (1961) to Permanent Secretaries for middle management levels downwards. This recommendation was placed by the Public Service Commission before the Permanent Secretaries Board. Permanent Secretaries argued that they could not be held fully accountable for the management of their human resource if they were not given responsibility for the staffing functions in relation to their senior managers, who were their core employees.

It should be noted that also under the Public Sector Modernisation Programme, the decision was taken by the Cabinet Office to implement the Executive Agency model within the Public Service. The primary objective of the introduction of Executive Agency model is greater effectiveness, efficiency and accountability in public service delivery, through the introduction of new organisational structures, new human resource management systems, and business process improvement. A critical feature of the Executive Agency model is the delegation of functions under the Regulations to the agencies’ Chief Executive Officers.

The Public Service Commission then recommended to the Governor-General the delegation of most of the human resource functions to Permanent Secretaries of Government Ministries and Chief Executive Officers in Executive Agencies on a phased basis. The Governor General accepted this recommendation, and as at April 1, 1999 the human resource functions of appointments, discipline, training and separation for cause, separation on the grounds of age, voluntary separation, separation on the grounds of reorganization and abolition of post were delegated under the Public Service Regulations to the following entities:
This delegation affects all categories of staff below the level of Permanent Secretary and Chief Executive Officer.

The delegation of functions is a part of the public sector reform initiatives for improved service delivery and increased accountability. It was the widely held view that it was not practical to hold managers accountable for their outputs, without the requisite control over the resources they needed to produce these outputs. Therefore, it was felt that with Permanent Secretary and Chief Executive Officer having more autonomy over human resources, they could now be held fully accountable.

The Delegation of Functions is carried out in keeping with an Accountability Agreement, which was developed in consultation with the Permanent Secretaries and Chief Executive Officers. The parties to the agreement are the respective Permanent Secretary or the Chief Executive Officer and the Chairman of the Public Service Commission.
Once the decision had been taken to delegate more of the functions under the Public Service Regulations (1961), a comprehensive communication strategy was developed to prepare the Public Service Commission and Ministries for their new roles and responsibilities. Steps were also taken to involve the staff associations integrally in this process. To this end the Jamaica Civil Service Association was represented on the Working Committee, that carried out the developmental work. As part of the communication strategy, the opportunity was given to all employees in the pilot Ministries to provide their feedback on a draft Accountability Agreement and Guidelines that were developed by the working group to ensure the quality of the management of the delegated functions. Once employees gave their feedback, their concerns and recommendations were incorporated in the final document that was signed between the relevant Permanent Secretaries or Chief Executive Officer and the Chairman of the Public Service Commission.

These initiatives have brought about radical changes in the role and functions of the Public Service Commission. These continue to evolve as further delegation takes place and the Commission reshapes itself in this process. New functions that have emerged thus far are:

- Auditing and Monitoring of the delegated Human Resource Management functions
- Examining requests for recourse and redress
- Research
- Public Education
- Training and Development in relation to the delegated functions
- Advice and consultation in relation to the delegated functions.
- Development of job selection tools
PROGRESS TO DATE: REFORM IN THE PUBLIC SERVICE COMMISSION

To date, audits of the management of the delegated functions have been conducted in twelve (12) Public Service organisations, and some improvements in human resource management have been identified. Among these are increased competitiveness in the recruitment and selection of employees, improved management of the training and development function, and greater use of a variety of job selection tools in some entities, particularly in the Executive Agencies. Some of the weaknesses identified are poor communication, inadequate record keeping, and within the Central Government, weaknesses in the recruitment and selection processes. In order to address these areas of weaknesses, the Public Service Commission has had to employ a number of human resource strategies. Key among these strategies are institutional strengthening measures instituted by the OSC in order to build capacity in the areas of job selection, and the management of delegated human resource functions.

MORE RECENT REFORM INITIATIVES

In 2002, the Parliament passed Ministry Paper 56: the Vision and Strategy for Public Sector Reform – 2002 – 2012. This arose out of a need for there to be a common vision for public sector reform, and need to bring cohesion and consistency of direction to the over thirty (30) reforms initiatives now underway. The Paper was developed through a highly consultative process, and is divided under eight themes:

- Sustainable National Development
- Governance
- Values and Principles and Regeneration of the Public Service
- Customer Service
- Resource Management and Accountability
- Managing People
- Performance Management
- Technology.
The Public Service Commission is a crucial stakeholder in the accomplishment of the goals of the Vision and Strategy Paper, as delegation of functions under the Public Service Regulation as well as the review of the critical legislation relating to human resource management are some of the strategic objectives identified. For example, one of the goals outlined is that all Permanent Secretaries will receive delegated authority by 2005.

Another of the goals of the Vision and Strategy Paper as it relates to human resource management is the introduction of a new performance management and appraisal system for the Public Service by 2004. The OSC, along with five (5) entities has been selected to participate in the pilot phase commencing July 2003. This system is expected to bring about the creation of a new performance culture, "...with greater emphasis on the development and optimum utilisation of human resource towards the achievement of a client focused and results-oriented Public Service..." ² It is expected that the new performance management system will bring about a closer alignment between employees' performance objectives and corporate strategies, and will include the introduction of work plans with defined targets and performance indicators.

CONCLUSION

It is anticipated that over the next two (2) to five (5) years the Public Service Commission and the OSC will continue to undergo major changes in its role and functions. As a part of its strategic corporate plan, the OSC will undergo further transformation in its visioning, organisational structure, as well as retraining of its employees in its thrust to remain at the cutting edge in human resource management in the public sector in an increasingly globalised operating environment.

REFERENCES

. The Jamaica (Constitutional) Order in Council, 1959