

EVALUATION OF THE CONTRACT EMPLOYMENT FOR PERMANENT SECRETARIES



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Introduction

In 2003, the former President of Maldives, H.E. Maumoon Abdul Qayyoom declared the need for a broad democratic reform agenda to support democratization efforts, enhance governance systems, and modernize public service in the country. Since then a number of significant institutional reforms have been initiated by the Government, including ratification of the Civil Service Act in 2007, which served as the basis for the establishment of an independent Civil Service Commission (CSC) and reforms to the public service system, leading to the formation of a Civil Service.

Prior to the enactment of the Civil Service Act the concept of a civil service was non-existent in the Maldives; all employees of the Government came under the single body of government service, and the sole authority of appointment and dismissal was vested in the hands of the Executive, the President. Government offices were not subject to clear rules of accountability for performance, and internal processes of personnel management, such as recruitment, promotions, and transfers, were not open and transparent. With the establishment of the CSC on 1 May 2008, all human resource management functions of employees who came under the umbrella of the Civil Service of Maldives in accordance with the Civil Service Act, were transferred from the Public Service Division of the President's office to the Civil Service Commission.

The Commission's mandate includes establishment of a modern, professional and efficient civil service capable of meeting the ever increasing demands created by the rapid socio, economic and political developments in the country. As such, the CSC has launched an extensive reform program to shape the Maldives' Civil Service to fulfill its mandate. These reforms as expected to cover the whole spectrum of human resource management and development, ranging from personnel management, remuneration

and benefits, training and performance management. This paper presents briefly one major component of the reform program; appointment of permanent secretaries under the umbrella of Civil Service, past experience, challenges and the way forward in a Maldivian context.

1. Appointment of Permanent Secretaries

Chapter 5 of the Civil Service Act (CSA) requires Permanent Secretary (PS) shall be created in each office prescribed in subsection 61 (a) which are the Office of the President, the Ministries and the Attorney General's Office, and a person shall be appointed to that position and where a government ministry is abolished the position of Permanent Secretary is abolished.

The CSA also provided key activities to be implemented by the end of 2008, such as finalization of important regulations within CSC and the overall civil service, a Code of Conduct, establishment and hiring of key positions such as Permanent Secretaries and classification of all posts within the Civil Service. These activities were set to be achieved between six to twelve months and it had placed enormous pressure on the CSC and the staff, and had also raised expectations within the general public.

2. Recruitment and Selection process for Permanent Secretaries

Every 5 years or when a post of Permanent Secretary becomes vacant, the position of Permanent Secretaries are advertised for open competition. The advert provides prospective applicants with basic description minimum eligibility criteria and information on the roles and responsibilities of Permanent Secretaries are available for download from Civil Service Commission website. Resumes are then submitted by the applicants to the Civil Service Commission.

The shortlisted candidates based on eligibility are then interviewed by the panel of Civil Service Commission. Final selection is made by the panel based on the merit.

The tenure of each permanent secretary is for five years. Except the Permanent Secretaries dismissed as per Section 57 of CSA or reassignment, any other Permanent Secretary may be appointed for another 5 year term. Furthermore, the Permanent Secretaries appointed thereof may be appointed in every 5 years.

3. General Duties and Responsibilities of Permanent Secretaries

The Permanent Secretaries have extensive duties and responsibilities. Which are;

1. Provide advice and assist their respective Ministers in formulating policies on the tasks assigned to the ministry by the Government
2. Assist the minister in anticipating issues where the minister is accountable
3. Overall management of the ministry
4. Establish and manage effective leadership and enthusiasm within the ministry
5. Develop and manage human resources effectively
6. Motivate the staff to take leadership of their work, find innovative and better methods of providing service, develop the skills and acquaintance of staff to the new technology and improving the quality of services provided
7. As a member of the Civil Service Advisory Board , dispensing/providing advice and working cohesively with the Commission
8. At the end of every year, prepare the annual report on the ministry's activities throughout the preceding year in accordance with the regulations of People's Majilis and submit it to the minister to submit to People's Majilis
9. Fulfill all the responsibilities and duties delineated for his/her position in Dhivehi Civil Service Laws and Regulations

4. Dismissal of Permanent Secretaries

The grounds to dismiss Permanent Secretaries are as follows:-

- (1) Failure to complete a training course.

(2) Proven to the Maldivian Civil Service Commission that this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service have been breached.

(3) Proven in an investigation conducted by the Civil Service Commission that the employment was awarded to the employee in breach of this Act, the Regulation and the Code of Conduct of the Maldivian Civil Service.

(4) Death.

(5) Realization of a ground stipulated in subsection 51 (b).

Prior to the dismissal of a Permanent Secretary, the intention and the reason(s) for the dismissal shall be notified in writing to the Minister of the ministry where he works

5. Challenges

- Conflict of interest in managing the political and administrative interface. Both the Commission as well as the Permanent Secretaries experience a high degree of political interference which prevents them from managing the civil service in accordance with the law and regulations and weaken their impartiality and independence. This is a serious issue which threatens the status and credibility of both Permanent Secretaries and the Commission. The latter needs to take decisions in its appeal function on a daily basis and complete the cases according to the regulation. Yet at times such decisions are subject to direct interference. At the same time the management function of the Commission may also suffer from political interference.
- Create a clear understanding between the Commission and Permanent Secretaries as well as among Permanent Secretaries, politicians and civil servants. The Commission needs to articulate how it can reduce such interference.

- Institutionalize the role of Permanent Secretaries in the Ministries. Define clear duties and responsibilities to reduce unwillingness and uncertainty.
- MDAs fail to implement functions delegated by the CSC due to political interference and/or lack of resources, resulting in confusion about roles and a work overload for the CSC. Permanent Secretaries cannot be accountable for the devolved function due to unclear mandate.

6. Way Forward

- Define a work programme with the Permanent Secretaries. Clarify the roles and responsibilities of the Permanent Secretaries within the CSC, including their roles as implementation agents in devolved functions and functioning as principles change agents.¹
- The Commission could use the Permanent Secretaries as mediators without limitations. They are prepared to deal with sensitive issues and it was suggested that at times this will work better than circulars
- Reduce the mistrust between Permanent Secretaries and Commission, for example, in the cases of court cases
- Permanent Secretaries can provide the Commission with sector specific research.
- Obtain a method to measure and assess performance of the Permanent Secretaries.

¹ Currently the Advisory Committee consists of members of the Commission and Permanent Secretaries but other public, private or other non-governmental representatives could be included

7. Workshop

A one day workshop was held by the Commonwealth Secretariat in collaboration with Civil Service Commission of Maldives on **“Contract Employment as a strategy to improve service delivery in the Public Sector”** for collecting data and information for this report. In addition, research and individual interviews were also conducted. Permanent Secretaries were consulted in order to obtain information on their roles, responsibilities and limitations they are subjected to.

The workshop was started by opening remarks by Mr. Mohamed Fahmy Hassan, Chairman, Civil Service Commission of Maldives followed by Keynote Address, by Dr. Abdul Muhsin Mohamed, Chairman, Maldives Qualification Authority of Maldives. After that a presentation was given on research carried out in the field of Contract Employment in the other Commonwealth countries by Mr. Omar Mowlana, Adviser (HR Management), GIDD, Commonwealth Secretariat and Presentation on Contract Employment in the Maldives, Mr. Ahmed Hassan Didi, Vice Chairman, Civil Service Commission of Maldives.

Finally a group discussion by participants was held on the way forward in the Maldives. The groups were given four questions to cogitate and a presentation on their views was given. Following are the four questions which were discussed;

1. To function effectively, what are the reforms that need to be in place in a contract based system?

Clear Mandate

Following the Civil Service Act of 2008, Permanent Secretaries were appointed to each Ministry in the prescribed list. However, the mandate of the Permanent Secretaries were not well defined hence roles of the senior staff overlapped that of Permanent Secretaries which intern lead to internal struggles. Permanent Secretaries are subjected to a lot of skepticism in the Ministries by the permanent employees.

Mr. Mohamed Fahmy Hassan
Chairman, Civil Service Commission of Maldives

Contract Employment is good to contract but not as a building block

Financial Resources

Permanent Secretaries are ultimately accountable for the overall performance of a Ministry. Financial resources are limited but Permanent Secretaries needs to function within a given budget. Also, they needs to prioritize based on the vision, mission and mandate of the Ministry.

Organizational Culture

Often times it is seen that intervention by other officials of a Ministry or the Government makes it difficult for the Permanent Secretaries to carry out their assigned function in a proper timely manner. To overcome this, staff needs to be educated and internal rules and regulations need to be enforced in a consistent manner.

Lack of Human Resources

Lack of human resources often contributes to a feeling of powerlessness within any organization. It is often seen, in the Maldivian community that it is very difficult to find the right person for the right job. In a large part, the problem related to the lack of capacity comes from inability to do job matching.

Overlapping Laws and Regulations

The current system of has a lot of gray areas which needs to be identified. The group highlighted that there are many overlapping laws and regulations which needs to be rectified.

Time bound Contract

The participants of the group noted many advantages of time bound contract especially for Permanent Secretaries. However, some challenges of contract employment were discussed such as; uncertainty of reappointment, completing major tasks in a limited time etc.

2. Performance Measure and reward under the system the contract system

Strategic Action Plan

A sector focused Strategic Action plan which is the principal guiding document of Government should be the guiding document for each Ministry. Indicators and outputs must also be based on the SAP and monitoring and evaluation should be done based on these indicators. Assessment of performance should also be based on SAP of Ministries. However, this is not observed in the current system

Integration of SAP into Civil Service & TOR

Civil Service must obtain a system to integrate strategic action plans in the performance framework. Terms of Reference for contract should be in line with the strategic action plan as well and the tasks details should be measurable.

Rewards

Rewards for exceptional performance could be the following;

- Recognition
- Monetary rewards
- Benefits such as housing
- Diplomats / career diplomacy
- Additional bonus for reelection (PS)

3. Potential of leadership of senior public servants under contract

Permanent

The group pointed out many advantages as well of disadvantages of permanent employees in the role of leader. The advantages consisted of benefits like continuity and developing organization institution memory. The disadvantages are that even if an employee does not perform well he/she still remains in the post.

The basic concept of this type of employment is that when an institution develops the employee develops and grows along with the institution.

Dr. Amal Ali

*(Permanent Secretary of
Ministry of Education, Maldives)*

“Insurgence of competent new
blood at the top management
will benefit more to the
Ministries”

Contract

As with permanent employment, there are advantages as well as disadvantages for this type of employment as well. The advantages are that there is a limited/short time to achieve the objectives, the contract of the employee get renewed based on the performance. The main disadvantage is that there is a lack of institutional memory.

When an employee is hired on contract basis there is more scope to appoint a developed person which in turn can further develop the institution based on his expertise.

Recommendations

Some suggestions to improve the current system where made;

- Leadership to be contracted such as responsible officers
- Harmonies salaries across private and state ,
- Pay commission
- SOP's and other process to be documented
- Recruit contract works for procurement office as a pilot project

Issues

The main issues faced by current contract employees are as follows;

- Permanent employees may not give support to a contract leader
- Lack of eligible candidates for responsible officers in the atolls
- If the whole system is contracted out, firing would be difficult resulting in expensive lawsuits
- At the end of the contract, Permanent Secretaries are not at a retirement age; hence an alternative career path for them should be created.
- Best mix: contract post and permanent posts

4. Whether this system impinges on independence and influence of the public servant

All the employees, permanent, contract and temporary are covered by the existing laws of the Maldives such as;

- Contract law,
- Employment law,
- Civil Service law,
- Labour Relations Authorities,
- Tribunals,
- Courts

Mr. Omar Mowlana
*Adviser (HR Management), GIDD,
Commonwealth Secretariat*

Contract Employees are risk takers;
Stakes are high, Returns are high

Lack of grievance procedure

The group noted that there is a lack of grievance procedure. Even though the employees are covered under the prevailing laws, there should be an organization the Employees can approach before going to the final destination.

Learning Curve

The participants of the group also noted that Maldives still is in a learning curve due to change in the economical and political front, hence all the measures needed to cater for the needs to the public servants may not yet be in place.

Bubble Burst

The group's final conclusion was that none of the above limitations are due to one being on a contract based employment, it has nothing to do with one being on a contract.

List of Permanent Secretaries (2011)

Name	Ministry / Office
MARIUM JABYN	ATTORNEY GENERAL GE OFFICE
FATHIMATH REENEE ABDUL SATTAR	MINISTRY OF DEFENCE AND NATIONAL SECURITY
YOOSUF RIZA	MINISTRY OF ECONOMIC DEVELOPMENT
AMAL ALI	MINISTRY OF EDUCATION
ISMAIL SHAFEEQ	MINISTRY OF FINANCE AND TREASURY
ABDULLA NASEER	MINISTRY OF FISHERIES AND AGRICULTURE
MOHAMED NASEER	MINISTRY OF FOREIGN AFFAIRS
QEELA ALI	MINISTRY OF HEALTH AND FAMILY
MARIYAM WAHEEDA	MINISTRY OF HOME AFFAIRS
AHMED SALEEM	MINISTRY OF HOUSING AND ENVIRONMENT
MOHAMED MAHID SHAREEF	MINISTRY OF HUMAN RESOURCES, YOUTH AND SPORTS
MOHAMED DIDI	MINISTRY OF ISLAMIC AFFAIRS
AHMED SOLIH	MINISTRY OF TOURISM, ARTS AND CULTURE
MOHAMED LATHEEF	<u>MINISTRY OF TRANSPORT AND COMMUNICATION</u>

References

1. *Civil Service Act 2007*, Civil Service Commission, Maldives
2. *Employment Act 2008*, Ministry of Human Resources, Youth & Sports, Maldives.
3. *Rapid Assessment of the Employment Situation of the Maldives 2009*, Human Rights Commission, Maldives
4. *The Constitution of the Republic of the Maldives*
5. Andre Cote, *Building an Effective, Service-Oriented and Transparent Administration (BEST) Project 2010*, UNDP
6. *Country Assistance Programme, 2006-2010* World Bank
7. *Strategic Plan Civil Service Commission 2009*, Maldives.
8. *The code of Conduct of the Civil Service Commission*, Maldives

Acronyms and Abbreviations

CS	Civil Service
CSC	Civil Service Commission
CSA	Civil Service Act
PS	Permanent Secretary
PA	Performance Appraisal
BEST	Building an Effective, Service-Oriented and Transparent Administration Project
SAP	Strategic Action Plan