

**ASSESSMENT OF LEGAL INSTRUMENTS IN THE MANAGEMENT OF
EMPLOYEES' DISCIPLINE IN THE TANZANIA
PUBLIC SERVICE**

BY

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**A Dissertation Submitted in the Partial Fulfilment of the requirements for the
Award of the degree of Masters of Public Administration (MPA) of Mzumbe
University**

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CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by the Mzumbe University, a thesis entitled; *Assessment of Legal Instruments in the Management of Employees' Discipline in the Public Service Commission* in partial fulfilment of the requirements for award of the degree of Master of Public Administration (MPA) of Mzumbe University

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DEDICATION

This work is dedicated to all Public Servants charged with the role of managing discipline.

LIST OF ABRREVIATIONS

- OPRAS** - Open Performance Review and Appraisal System
- SPSS** - Statistical Package for Social Sciences

ABSTRACT

Discipline plays an important role in administration and management of Public Service. Acknowledging this role, my research aimed at assessing how effective are the legal instruments that govern discipline in the Tanzania Public Service. Despite the legal framework currently in force, public servants have, at a greater speed, continue to violate disciplinary rules and principles.

The situation above triggered the researcher into assessing the effectiveness of legal instruments governing discipline in the Public Service. This was the main objective of the study with other specific objectives aimed at identifying the mostly used legal instruments in managing disciplinary issues in the Public Service, the mostly used approach in managing discipline in the Public Service and factors that affect effective implementation of these instruments. A research methodology opted was the use of a structured questionnaire. The questionnaire was designed electronically so as to ease the data collection process. The sample chosen included a total of 82 managerial and middle class Officers from Public Service Commission considering its role as a Regulatory Body and an Appellate Authority for public servants who are aggrieved by the decision of their Disciplinary Authorities. The data collected were thoroughly analyzed by the aid of Statistical Package for Social Studies (SPSS).

The findings revealed that the mostly used legal instruments in managing discipline in the Public Service is the Standing Order for the Public Service of 2009, the mostly used approach by Appointing and Disciplinary Authorities in managing disciplinary issues is the sanctional approach. What needs to be done to rectify the situation is to strengthen sensitization programs so as to raise awareness to the public servants of other legal instruments that govern discipline, implement a correctional approach in managing discipline, enhance close monitoring and supervision among public servants, harmonize and rationalize pay and incentive across the Service, ensure that employees' Human Resource related issues are handled timely and promptly and raise ethics campaigns not only in Public Service but to the Public so as to ensure that the general public understands the same.

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CHAPTER ONE

INTRODUCTION

1.1 Overview

One of the aspects which affect the performance of employees and the organization is the management of its discipline among its employees. The main purpose of managing discipline within an organization is to drive the Organizations' resources towards achieving the goals set out for the Organization and to influence a culture of adhering to Organizational values and discipline other than dealing with disciplinary actions in the existence of both the legal instruments for the management of discipline. One of the issues which have affected the Tanzania's Public Service, not only resulted into employment terminations, but also the performance of Service, is an increase in the number of disciplinary cases instituted by various Disciplinary Authorities against Public Servants. The situation has raised concerns on whether the existing legal instruments which form the base of other numerous administrative instruments, are effective in managing discipline within the Tanzania Public Service. This chapter therefore gives a background to the research problem, the problem statement, the study objectives and the research questions. The chapter also indicates the rationale and the scope of the study.

1.2 Background to the Research Problem

One of the issues which the administration of Public service is the increase in the number of disciplinary issues which have attracted more disciplinary actions to be taken against public servants. For instance, in the financial year 2011/12 it was reported that 759 Public Servants were charged with disciplinary offences out of which 414 (55.4%) were charges that involved criminal cases and 345 (45.4%) were purely disciplinary cases (Public Service Commission, 2011/12). However, in year 2015/16 a total of 694 Public Servants were charged with disciplinary offences out of which 222 (40%) were cases filed in courts and 472 (68%) were purely disciplinary cases instituted by Disciplinary Authorities against Public Servants. Out of 472, 238 (50.4%) were dismissed from Service after being convicted of disciplinary offences (Public Service Commission, 2015/16). The increase has raised concerns on whether

the existing legal instruments are effective in managing discipline within the Tanzania Public Service.

The Tanzania Government has enacted and implemented some legal instruments including the Public Service Act, Cap 298, Public Service Regulations of 2003, the Standing Orders for the Public Service of 2009 just to mention but few, for the purpose of managing, among others, discipline of Public Servants (Public Service Commission, 2015). These instruments as stated earlier are meant to offer both correctional and sanctional measures or approaches in managing discipline and the main objective being, to prevent other Public Servants from committing disciplinary offences, to deform the offender, and to maintain consistence in abiding to organizational values and standards of behaviours. In spite of these initiatives, it is undisputed fact that there is a rapid increase in the occurrence of disciplinary cases instituted against Public Servants in recent years which has raised concerns as to whether the available legal are effective in managing discipline within the Public Service. Action taken by the Fifth Government in against Public Servants who illegally secured employment opportunities by using forged academic certificates proves how serious infringement of disciplinary rules was. It is upon this background that this study assessed the effectiveness of the legal instruments in the management of discipline in the Tanzania's' Public Service.

1.3 Statement of the Problem

Despite the Government of Tanzania enacted various legislations and subsidiary legislation for the purpose of ensuring that discipline of public servants is effectively managed, such as the Public Service Act, Cap 298, the Public Service Regulations of 2003, the Standing Orders for Public Service of 2009 and the Public Service Disciplinary Code of Good Practice of 2007 the trend of Public Servants violating these instruments is increasing. For instance, in the year 2014/15 578 (77%) Public Servants out of 753 were charged with disciplinary offences and 331 (57.2%) were dismissed and only 61 (10.5%) were reinstated (Public Service Commission, 2014/15). In year 2005/16 238 out of 472 Public Servants were dismissed from

service following disciplinary action and only 19 were reinstated (Public Service Commission, 2015/16). The report showed that the leading offence was absenteeism committed by 352 out of 472 equivalents to 74.6% of all the offences committed. Apart from these disciplinary actions, in the same year a total of 222 were charged with criminal offences and only 1 Public Servant was acquitted.

1.4 Objectives of the Study

1.4.1 General Objective of the Study

The general objective of the study was to assess the effectiveness of legal instruments in managing discipline in the Tanzania Public Service.

1.4.2 Specific Objectives of the Study

The study was guided by the following specific research objectives:

- i. To identify the mostly used legal instruments in managing disciplinary issues in the Public Service.
- ii. To identify the mostly used approach by Employers and Disciplinary Authorities in managing disciplinary issues in the Public Service
- iii. To identify factors affecting effective implementation of legal instruments in managing discipline in the Public Service

1.5 Research Questions

1.5.1 General Research Questions

The general research question was how effective are the legal instruments in the management of discipline in the Tanzania Public Service?

1.5.2 Specific Research Questions

The study was guided by the following specific research questions:

- i. What are the most used legal instruments by Employers and Disciplinary Authorities in managing disciplinary issues in the Public Service?

- ii. What is the most used approach by Employers and Disciplinary Authorities in managing disciplinary issues in the Public Service?
- iii. What factors affect the effective implementation of legal instruments that govern discipline in the Public Service?

1.6 Significance of the study

The study demonstrated the issues behind the breach of disciplinary values and rules by Public Servants within the Public Service and the discrepancies within the legal instruments available for the management of discipline. Consequently, the study drew legal lessons to policy makers on taking the possible reforms and reviews with the aim of either changing or improving the existing policies, laws, regulations, rules and other administrative instruments on the management of discipline within the Public Service. However, the study reiterated issues that affect effective implementation of the existing legal instruments, which generally provides excellent mechanisms and procures for managing discipline of Public Servants.

The study assisted the researcher academically by understanding at wide the theories on the management of discipline in the Public Service in line with existing legal instruments for the management of discipline in Tanzania Public Service and thus adding value on the existing literature in the Tanzania context on how discipline would be managed within Tanzania Public Service.

The study also serves as a fulfilment for the requirement for the Award of the degree of Masters in Public Administration of the Mzumbe University.

1.7 Scope of the Study

The studies mainly focused on assessing how effective are the existing legal instruments in managing discipline of Public Servants. Geographically, the study was conducted at the Public Service Commission located within Ilala Municipality in Dar es Salaam.

1.8 Limitations of the Study

Any researcher is prone to facing limitations either in the conduct of the study or in the data collection process. And the limitations faced range from those related to literature or bias among the respondents participating in the data collection process. In this context, the researcher was faced with the limitations of not using interview method in collecting data which could have afforded the same opportunity of getting more information in relation to management of discipline due to time afforded for data collection and distance between the respondents and the researcher who lives in Dodoma. This made the researcher to solely rely on the use of structured questionnaire as the one only instruments of collecting data in electronic form that made the process of submitting and collecting the questionnaire forms easy.

Accordingly, the researcher faced the limitation of some confidential information which some employees had earlier expressed some dis-concerns in the data collection process. However, the researcher obtained permission through following research ethics and the documents were timely accessed. Some financial constraints were faced but addressed through making more financial support from personal saving and arrangements and some delays in the returning of questionnaires in time which were accordingly addressed.

CHAPTER TWO

LITREATURE REVIEW

2.1 Introduction

This chapter indicates the definition and conceptualisation of terms given, the types of discipline, the rationale behind the need for management of discipline and a demonstration of factors as to why public servants commit disciplinary offences. Accordingly, the Chapter indicates the commonly perceived disciplinary sanctions in the management of discipline and the theoretical literature relevant to this study. The chapter further shows the empirical literature and the conceptual model of the study.

2.1 Definition and Conceptualization of key terms

According to De-Cenzo and Robbins, (1998) in Personnel/Human Resource Management defines discipline as a condition in the organizations when employees condition themselves in accordance with the organizations' rules and standards of acceptable behaviour.

Basing on the author Singh (2005) in Industrial Relations (emerging paradigms) defines discipline as the regulation and modulation of human activities to produce a controlled performance. The real purpose of discipline is quite simple for it is to encourage employees to conform to established standards of job performance and to behave sensibly and safely at work. Discipline is essential to all organized group action.

Following Dessler, (2001) in Human Resource Management comment that discipline is a procedure that corrects or punishes a subordinate because a rule of procedure has been violated. Relying on Pettinger (2001) in Mastering Management Skills argues that Staff Discipline is a reflection of the standards of attitudes, behaviour and performance required in the particular situation. Disciplinary procedures are present to ensure when there is any deviation from these standards; there is a proper, fair and

even way of resolving the matter. All disciplinary standards and procedures must state the circumstances in which they are to be conducted and applied.

According to Gupta (1996) in Human Resource Management says that, in simple words, discipline means orderliness or the absence of disorder, chaos and confusion in human behaviour and actions. It occurs when employees behave in an orderly and responsible manner. Basing on the author Ngirwa, (1993) in Human Resources Management in Africa Works Organizations define discipline as deliberate management action or behaviour used to encourage compliance with organizational standards and rules.

2.2 Types of Discipline

According to Ngirwa, (1993) in Human Resources Management in Africa Works Organization, there are two main types of discipline in organizations, preventive and corrective and they are elaborated as below:-

2.2.1 Preventive Discipline

Preventive discipline is action taken to encourage employees to abide by prescribed standards and rules so that deviations are prevented. The main objective here is to foster self-discipline, management intervention is significantly minimized (Ngirwa, 1993)

2.2.2 Corrective Discipline

Corrective disciplining is action taken following the breaking of a standard or rule. It seeks to discourage further incidences of breaking rules, or to ensure that future behaviour is in compliance with pre-set standards or rules. In form, corrective disciplining is a penalty such as a fine, warning or suspension without pay, to the offending employee. In summary basing on the views and analysis made by Ngirwa above, the objectives of corrective discipline can be summed up into the following:

- (a) Reforming the offender
- (b) Deterring others from similar offences
- (c) Maintaining consistent abidance to pre-set standards

2.3 The Need for Discipline Management

According to many authors, the human power of a firm must be channelled into the achievement of the common purpose, the set objectives. When this can be suitably accomplished by the exercise of positive incentives, a satisfactory atmosphere usually prevails (Ngirwa, 1993). When there is an absolutely clear case for dismissal, demotion, or reprimand, for example, this must be carried out firmly but sensitively, with a proper regard for the other person's feelings. Whatever action is decided, it must be fully justified by the circumstances, after objective inquiry, fair to the individual and consistent with overall policy.

Strong action when taken has a sobering effect on the remaining employees, which is exactly as it should be, for when rules are broken it must be seen that sanctions automatically follow; if not, any respect for management will evaporate and further infringement will become a matter of course (Ngirwa, 1993).

There are other negative incentives which are based on fear. Take-over mergers and redundancies can be included here, but in modern life the consequences of these are mitigated by considered protection under the law, in former days, by contracts, with excessive unemployment, fear and discipline went and kissing went by favor.

2.4 Rationale behind infringement of disciplinary related rules and procedures by Employees:

There is no common agreement as to what influences the breaking of rules and regulations by employees which attracts disciplinary actions both in the Public and Private sectors. Never the less, the majority of the employees like a disciplined situation and so obeys the established rules. Literature has demonstrated some of the common reasons why the few employees break rules, the understanding of which enhance our mastery of the disciplining function.

2.4.1 Poor Leadership:

Some employees break rules very often because of poor leadership. If the leader is dishonest, has no vision, undedicated to his work, not change-oriented, uncooperative, a poor problem solver, does not accomplish tasks, employees do not derive enjoyment, from their work and start eliciting signs of indiscipline (Cheatle, 2001).

2.4.2 Poor Adjusted Personal Characteristics:

Some employees' possess personal characteristics which have been acquired either in other Organization or in their current work Organization, which have not been adjusted. Such characteristics may include; carelessness, lack of cooperation, laziness, dishonesty, lack of initiative, chronic lateness and lack of effort. These characteristics must be adjusted in order to bring them to forms and standards preferred for the particular work organization. Living together involves sacrifices of individual freedoms and interests so as to conform to group norms (Cheatle, 2001). Most people understand the need to rectify their behaviour for purposes of coexisting peacefully with others. Unfortunately though, there are always a few persons in every group who must be forced to change their preferred behaviour so that it conforms to group norms. The disciplining function usually has particular problems with such people (Cheatle, 2001)

2.4.3 Private Problems:

Sometimes employees break rules for reasons that have very little to do with their working conditions. The employee may be having a quarrel at home, money problem, fear, frustration, or even be sick. These problems often cause undesirable behaviour, which disrupts peaceful coexistence in the work group, as well as the organizational performance. The leader should be careful in handling discipline problems caused by employee private problems (Griffin, 2004). They should avoid being interpreted as using these as opportunities to snoop into the employee's personal affairs, but they should encourage the employees to share private problems with them and be able to offer a listening and uncritical ear. This shows that the

managers cares and understand somewhat the nature of private problems (Griffin, 2004).

2.4.5 Poor Publicity of Rules:

Rules ought to be publicized, so that the party, which must observe them as well as that, which should enforce them knows that such rules exist, and why. The principal of organizational justice requires that rules be formulated with the adequate participation of all the concerned and thereafter they should be thoroughly explained to the employees and management. Poorly publicized rules are slightly less than camera tricks with questionable objectives.

Very often the poor publicity of rules emanates either from management arrogance or from the assumption that, since the formulation of rules included representatives of management, employees, and unions, the human resources department need to make efforts to publicize them (Griffin, 2004). The human resource department ought to take steps to avail the awareness of all new rules to all organizational members. This can be done through orientation programs, circulars, meetings, posters, etc. It is useful to remember that poorly publicized rules will most likely be broken and poorly enforced (Griffin, 2004).

2.4.6 Managers Do not Demand Compliance:

Very often employees break rules because management maintains an indifferent attitude towards' rule breaking. As a matter of fact, such managers are not indifferent; they are either cowardly, or looking for cheap popularity among their subordinates. Such an attitude is definitely a managerial/ leadership weakness. It is useless to have rules in place if managers do not demand that employee comply with them (Griffin, 2004).

2.5 Disciplinary Procedure (The Armstrong Approach):

Basing on Armstrong (2006) in Human Resource Management Practice, a disciplinary procedure should ensure that disciplinary actions are not taken until an investigation has established that an infraction has been committed that justifies the action. Employee suspension from duty on half pay is one example of buying time for an investigation to be carried out in order to establish the facts of the infraction and establish a basis for a taking a disciplinary action.

This requirement ensures justice to the employee as well as saves the organization from inconveniences and costs that may arise from punishing the wrong person or administering the wrong punishment to the right person. According to Ngirwa (1993) in Human Resource Management in Africa Works Organizations elaborate that a disciplinary procedure should require that the person to be disciplined should be given an opportunity to answer the complaints against him/her or deny them before the penalty is decided. The purpose of this requirement is to ensure that the employees are justly treated and to give him or her to appreciate the causes underlying the penalty and resolve to stop recurrence of the infraction. These procedures are as follows:

2.5.1 Informal Warning:

The supervisor informally warns the employee of the commitment of an offence and tells him/her to correct his or her behaviour. The supervisor may give the employee instructions and coaching to enable him or her to change or correct his or her undesirable behaviour, when the issue is then closed. But the offence may recur, which necessitates the next step.

2.5.2 Formal Warning:

When an undesirable behaviour recurs, the supervisor issues the employee with a written warning and placing a copy in the employee's personnel file. The practice in many work organization is to leave the warning on the employee's file as an active

record for a period of six months, but not to refer to it as a valid document any more (Singh, 2005).

2.5.3 Final Warning:

If the undesirable behaviour persists the manager issues a sterner warning where the final warning, clearly stating that if the offence recurs, he or she will take a specific disciplinary action again placing a copy on the personnel file (Singh, 2005). The employee may correct his or her behaviour, which according to practice in many work organizations leads to destruction of the warning after six months, but if the offence recurs the next step to be taken.

2.5.4 Disciplinary Action:

Where the offence reoccurs then the supervisor must take light disciplinary action e.g. suspension from duty for a given period with half or without pay. It is accompanied by a carefully planned dismissal interview to ensure that the action is perceived by both parties to be as positive and constructive as possible.

2.5.5 Dismissal:

If the offence persists, the ultimate action is discharge, dismissal, or termination that is the severest disciplinary action that can be taken against the employee. It is accompanied by a carefully planned dismissal interview to ensure that the action is perceived by both parties to be as positive and constructive as possible (Singh, 2005).

2.6 Relevant theories to the Study:

According to Singh (2005) in Industrial Relations emerging paradigms argues that there are two views of managers on discipline in the entire organizations which they are supervising these are negative theory and positive theory:-

Basing on Singh (2005), 'Negative view, managers see discipline primarily as means to enforce demands and prohibition for prescribed behaviour. They think that compliance depends on fear of penalties. They do not rely on self-discipline by

employees. Discipline is administered partly as a tribute justice. And investigating instances of alleged employee misconduct, authoritarian managers have relied on methods of detention that violate an individual's dignity and right to privacy. In the old days this negative view or theory of discipline was often carried to extremes. Especially as exercised by old-line foremen, whose disciplinary authority included the power to discharge, discipline often failed to meet standards of commonsense and fairness.

While a positive view theory, an executive who believes in participative management is not satisfied merely to keep disciplinary procedures within limits which can be policed by a union or confirmed by an impartial arbitrator as justified under the provision of current labour agreement. Instead, such a forward-looking executive wants to make sure that disciplinary actions, starts with an effort to foster mutual understanding and exemplifies an organization cantered view, is fair, implements ideas that have been worked out by conferring with representatives of those who are subject to discipline, is in accordance with a policy statement on discipline which is clear and known to all.

2.6.1 Positive Discipline Approach

This approach is based on the premise that role of a discipline approach should not always be to punish; rather, it should try to regulate the negative behavior of employees to make them better workers. Positive discipline is a corrective action which results in improved performance, more productivity and effective workforce. Harsh and negative punishment might work in the short term, but the end result will eventually be employee dissatisfaction, low productivity, higher rate of absenteeism and high turnover (Herbert, 2003). This approach tries to mend the negative behavior of employees by first providing them counselling in terms of what is expected out of them and then giving oral and written warnings to them. Termination or discharge in extreme cases may also take place.

2.6.2 Steps in Positive Discipline Approach:-

According to Herbert, 2003 elaborate the following steps of positive discipline approach:

2.6.2.1 Counselling

Counselling is an important part of the discipline process because it affords a supervisor the opportunity to identify employee work behavior problems and discuss possible solutions with him. The goal of this phase is to make employee aware of organizational policies and rules. Counselling by a supervisor in the work unit can have positive effects also. Often, employees simply need to be made aware of rules. An oral warning can also be given to employee during counselling. Confrontations help to understand the employee point of view as well. However, proper training should be given to the supervisors regarding counselling skills to make this process successful (Herbert, 2003).

2.6.2.2 Written warning

If employee behaviour has not been improved by counselling sessions, then a second conference is held between the supervisor and the employee. This stage is documented in written form. As part of this phase, the employee and the supervisor develop written solutions to prevent further problems from occurring (Herbert, 2003).

2.6.2.3 Final warning

When the employee does not follow the written solutions, a final warning conference the supervisor emphasizes to the employee the importance of correcting the inappropriate actions. Some firms incorporate a decision-day off, in which the employee is given a day off with pay to develop a firm, written action plan to remedy the problem behaviours. The idea is to impress on the offender the seriousness of the problem and the manager's determination to see that the behaviour is changed.

2.6.2.4 Discharge

If the employee fails to follow the action plan that was developed and further behavioural problem exist, then the supervisor will discharge the employee. The positive aspect of this approach is that it focuses on problem solving rather than punishing and penalizing. This approach involves positive confrontation with the problem employee and thus gives him an opportunity to justify himself. The supervisor makes him aware of the company policies. The greatest difficulty with this is the extensive amount of training required for supervisors and managers to become effective counsellors. Also, the process often takes more supervisory time than the progressive discipline (Herbert, 2003).

2.6.3 Progressive Disciplinary Approach

Herbert (2003) comments the following in progressive disciplinary approach, it is a step program designed to correct performance problems arising out of employee misconduct. This approach typically follows four progressive steps to rectify offences committed by an employee. It suggests that actions to modify behaviour become progressively more severe as the employee continues to show improper behaviour.

2.6.3.1 Oral Reprimands

It is a verbal interaction between the employees and supervisor where they discuss the problem behavior and the expectations to change the behaviors. An oral warning is issued as an informal reprimand that is simply noted in the record.

2.6.3.2 Written Reprimand

It involves the documentation between employees and supervisor if the behavior continues or if the employee further commits a serious offense. A written warning is more official and summarizes the previous oral attempts. This written feedback is discussed with the employee and then placed in his personal file.

2.6.3.3 Suspension

The third step is suspension without pay; its purpose is to emphasize the seriousness of the offense and necessity of change.

2.6.3.4 Dismissal

The final step is dismissal of employee and is used only when previous steps have failed to change unacceptable behavior (Herbert, 2003). The progressive discipline model has two advantages for managers for; It gives the employee additional opportunities to correct his performance prior to discharge and It stresses the seriousness of repeated violations to employees (Herbert, 2003). This progressive discipline has disadvantages including but not limited to; Progressive discipline may result into bitter relationships between supervisor and employee and Supervisor may feel obligated to address every performance offence and assign an appropriate punishment to it, even though it may not be required. Management may focus only on the problem employees at the expense of the good performers, thereby consuming too much of a manager's time (Herbert, 2003).

2.6.4 Why Managers Discipline Employees:-

In general the purpose of discipline employees is to encourage employees to meet established standards of job performance and to behave sensibly and safely at work. According to Ngirwa (1993) in Human Resource Management in Africa Works Organizations, the following are the purpose of disciplining:

- i. To maintain standard operating procedures of job performance. All jobs have standard procedures of performing tasks. These procedures have been scientifically developed in order to ensure productivity as well as an attractive work environment for the benefit of all organizational members.
- ii. To encourage sensible behavior and self-control. For most employees self-discipline is the best discipline because this is the best way of fitting in a multiple interest society. But were for some reasons the expectation for self-

control and sensible behavior of the individual fail, then management must move in to take appropriate disciplinary action. (Ngirwa, 1993)

- iii. To ensure orderliness and safety at work. In the work place people have their unique interests and personalities which necessitate the introducing of rules, procedures, and codes of ethics in order to ensure orderliness and safety for organizational property, employees and society. Discipline is the tool for ensuring that the established order and safety measures are observed.
- iv. To correct undesirable behavior among the employees. Employees who deviate from required performance standards or behavior are punished in a way that enables them to learn acceptable performance standards and behavior (Ngirwa, 1993)
- v. To penalize persistently bad behavior. Basically disciplining is a positive tool for safe-guarding the interest or organizational members and those of the organization. But after other methods of ensuring self-control and correction fail, then managers must take disciplinary action in order to firmly but objectively express the organizations resentment of deviating behavior (Ngirwa, 1993)

2.6.4.1 Administering Discipline

Following Singh (2005), in Industrial Relations (emerging paradigms) says that Discipline involves warning, suspending, or dismissing an employee because of the violation of a rule or standard of conduct, in order to bring about corrective behavior for that employee or others. Disciplinary problems abound in industry and government; therefore, supervisors must be able to discipline employees effectively. To provide a basis for discipline, rules and policies must be communicated well. Effective supervisors will try to resolve difficulties without discipline, often through listening and counselling. Further, they must continually update themselves on how

to treat developing societal problems such as alcohol abuse and drug abuse, AIDS, and sexual harassment.

2.6.4.2 Promotion and Development of Discipline

According to Singh (2005), in Industrial Relations (emerging paradigms), Management of discipline may be seen as the behavior control mechanism. The process of behavior control is cyclical and calls for planned and continuous monitoring. Promotion and development of positive discipline should stresses on the following:

- 1) Organizational culture which are transparent and shared
 - a) The disciplinary norms and values have to be shared so that they are acceptable in the organization.
 - b) Norms have to be universally applicable throughout the organization to remove the sense of discrimination.
 - c) Developing devices for advanced sensing.
 - d) Proactive remedies and timely actions.
 - e) Fairness and firmness.
 - f) Positive orientation in approaches.

- 2) Disciplinary action

This should stresses on preventing re-occur of in-discipline in future. Negative or punitive approach to discipline which means employees are forced to observe rules and regulations on account of fear of punishment should be resorted to only when essential.

- 3) Positive approach or constructive discipline or self-discipline and follow the rules, regulations and desired standards of behavior. Supervisor may educate the employee's about the value of discipline, as it is the highest form of discipline in any organization. Discipline in the context of modern management process need to be viewed as a behavioral control mechanism.

- 4) Hoperman called indiscipline as less matured behavior and requires positive reinforcements planned and sustained counselling, a well-researched and active training programs and other positive strokes.
- 5) Development of discipline may be seen as learning from mistakes, failures, colleagues, environments and analysis of the disciplinary cases
- 6) Counselling:- This helps the individual understand his own behavior (or the problem, where required) – the diagnosis. Accordingly, it seeks out through his own individual effort what he needs to do to improve upon his behavior (or solve the problem in hand) – action planning. Further it gives a gain insight about his behavior and the situation so as to become personally more effective-learning, self-confidence.
- 7) Making punishment for a particular time-punishment used more as reminder that he has several other opinions available for avoiding behavior which is neither desirable for him nor for the organization (Singh, 2005) .
- 8) Promotion of Self Discipline; when people understand what is required of them, they behave properly. Helping our “better-selves” and winning over our “lazier-self” will gradually build self-discipline which is better and lasting.
- 9) Group pressure is often more effective and lasting than punishment. Pressure from formal/informal, from primary and secondary groups, from peers, from trade unions leaders, and from family members, and so on. Fear of boycott and ostracism is more effective and more lasting.
- 10) Leadership role is very crucial. The leader provides the guidelines; help remove difficulties and sets personal examples. The attitude and the style of the leader are very important in development of discipline of the group.

- 11) Creating conditions for satisfaction of socio-psychological needs of the employees in the organization.
- 12) Creating conditions for satisfaction of socio-psychological needs of the employees in the organization and this takes trend in the following:-
 - a) Communication network-formal and informal: Two ways absence of information and wrong information is very vital cause of discipline.
 - b) Dynamic suggestion schemes leading to involvement and commitment.
 - c) Presenting disciplined employees as role model-rewarding in public to be exemplary for others.
 - d) Proactive grievance redressed systems, because latent grievance propels employees to become in disciplined.

2.6.5 Theoretical foundations of Managing Discipline

According to Singh (2005) in Industrial Relations (emerging paradigms) argues that there are two views of managers on discipline in the entire organizations which they are supervising; these are negative view and positive view.

Basing on Singh (2005), 'Negative view', managers see discipline primarily as means to enforce demands and prohibition (bidding and forbidding) for prescribed behavior. They think that compliance depends on fear of penalties. They do not rely on self-discipline by employees. Discipline is administered partly as tribute justice. And investigating instances of alleged employee misconduct, authoritarian managers have relied on methods of detention that violate an individual's dignity and right to privacy. In the old days this negative view of discipline was often carried to extremes. Especially as exercised by old-line foremen, whose disciplinary authority included the power to discharge, discipline often failed to meet standards of commonsense and fairness (Singh, 2005)

While a 'positive view' an Executive who believes in participative management is not satisfied merely to keep disciplinary procedures within limits which can be policed by a union or confirmed by an impartial arbitrator as justified under the

provision of current labor agreement. Instead, such a forward-looking executive wants to make sure that disciplinary actions; starts with an effort to foster mutual understanding and exemplifies an organization centered view, is fair, implements ideas that have been worked out by conferring with representatives of those who are subject to discipline, is in accord with a policy statement on discipline which is clear and known to all.

2.6.5.1 How to Manage Discipline

Business organizations have been broadly following three approaches to manage discipline; Traditional or legalistic approach, Positive or HRD approach, and Holistic or Integrated approach. Organizations have practiced legalistic approach for long. But it has led them nowhere because legalistic approach has inherent limitation and can provide temporary relief without any permanent solution (Dessler, 2005).

2.6.5.2 Limitations of Legalistic Approach

According to Singh, (2005) in Industrial Relations (emerging paradigms), the following are the limitations of legalistic approach:

- a) Based on wrong assumptions; Treating human resources on par with or even inferior to material/machine resource, Considering punishment as the ultimate method-fear, coercion and force will deter him (spares the rod and spoils the child), Taylorian carrot and stick policy is the major premise, and Theory X which assumes that man requires supervision and control to work.
- b) Targets a few in the organization, ignoring the majority who are disciplined.
- c) Generally past is the focus-condemning for the past deeds, having no or little concerns for future.
- d) Generally past is the focus-condemning for the past deeds, having no or little concerns for future (Singh, 2005)
- e) It generally hastily jumps to conclusions.

- f) It is negative in orientation-based on Marxist and nihilist philosophies.
- g) It treats employees as children, immature in behavior (Singh, 2005)
- h) It does not afford opportunity for improvement. It does not say anything in the affirmative or positive.
- i) Costly and time consuming.
- j) It encourages Adversarial relations-Revenge, Re-appraisal and leaves deep scars on the psyche, Evokes resistance from the workers and the managers, and Creates negative culture and vitiates discipline in the organization.

2.6.6 Threat, Punishment and Disciplinary Action

One type of corrective action that may be applied in instances where motivational factors are not strategic is the uses of managerial power either threaten or actually invoke sanctions against an individual. In this way, motivation appropriate to job role prescription may be aroused and effective behavior restored (Dessler, 2005).

This approach is particularly useful when standards must be introduced. Unfortunately, however, threat and discipline are often applied in cases where the failure is not due to motivational causes that can be corrected in this manner. At such times, where the performance analysis has been faulty or nonexistent, the use of punishment may do more harm than good.

A resort to negative sanctions in an effort to restore effective performance may take one of two courses, although in any given case both may be invoked eventually one approach is for a supervision or personal representative to demand improved performance and couple this demand with a threat of future managerial action if improvement does not usually involve any written statement or record.

2.6.6.1 The Effectiveness of Discipline:-

According to Miner and Miner (1977) in Personnel and Industrial Relations says that it is clear that different circumstances surrounding the offence tend to elicit discipline in varying degrees. What is not so clear is how effective discipline usually is. The most consistently positive evidence comes from the area of absence control. Spot checks at home by visiting nurses can prove useful in uncovering and correcting

sick-leave abuses. Studies have also demonstrated the value of formal discipline in holding down absenteeism. Another approach to the evaluation of discipline as a collective procedure has been to follow the performance of individuals who were discharged for disciplinary reasons and then reinstated by an arbitrator on appeal. Do people who have had such an experience improve after it? (Dessler, 2005).

Although among employees sufferings from emotional problems the impact has been minimal, studies dealing with individuals whose discharges resulted from a much greater variety of causes produced results more favorable to the disciplinary approach. Very few were discharged a second time, and most maintained at least minimally satisfactory performance level. It is apparent from this research that discipline can work although not with everyone. Among those with whom it often does not work are employees whose problems involve addiction and as those who frequently violate safety rules.

2.6.6.2 The Concept of Positive Discipline:-

Following Singh (2005) in Industrial Relations (emerging paradigms) comments that, the limitations of legalistic approach are obvious. It is basically against human dignity and HRD approach. Researches in Behavior science areas have brought to light many unknown aspects of human behavior and group dynamics. HRD specialists are busy inventing alternative methods of managing discipline based on those advancements in behavioral sciences. The Paradigm and assumptions have that changed and are further changing. (Dessler, 2005).

Assumption of Theory X, human beings are essentially honesty, sincere, job lovers and disciplined, have been put to use. Human beings have latent qualities and they can be reformed, corrected, developed and salvage if properly managed. Target the root causes and not the individual (hate the sin not the sinner) and remove the causes responsible for indiscipline. If the very resources are plugged, the incidents of indiscipline will be less. Keep the majority employees in view rather than the indiscipline few. Do not sacrifice the whole for the fault of a few (Cheatle, 2001).

No one changes unless he understands and gets convinced about the usefulness of changes in him. A well-planned, well researched intervention through educational and attitudinal inputs can bring the desired understanding and thereafter intended change professional counselling and understand self.

Positive discipline is not a passive and weak disciplinary concept. Not that it rules out the element of punishment. But it uses punishment as the last resort doses of punishment in the right proportional and using the punishment more as educative and developing opportunities than negative and deterring ones. Reckless use of punishment leads to nothing. It does create ripples temporarily, but gets evaporated soon and indiscipline recurs, resurfaces and multiplies (Cheatle, 2001).

Positive discipline is a system which looks at employees with positive attitude when they face disciplinary problems, eliminates the element of hastiness in the use of punishment, affords employees opportunities for improvement, recognizes and reinforces the culture of good discipline displayed by majority of employees within the organization. The emphasis is to reclaim and improve the employees than to annihilate them (Cheatle, 2001). Therefore, there has to be a shift in perception of discipline from maintenance of proper subordination or obedience of rules to willing acceptance of norms and conduct a commitment to behave or act in an appropriate or desirable manner.

2.6.6.3 Holistic/ Integrative Approach

According to Singh (2005) in Industrial Relations (emerging paradigms) comments the following in holistic/integrative approach; -

- a) More preventive than curative like, Ayurvedic medicine. It acts slowly but goes direct to the roots and provides permanent solution. It cures chronic cases and prevents the spread of endemic cause of indiscipline.
- b) It aims at creating a culture of discipline where discipline is practiced as a habit than exception.

- c) It does not prohibit the use of punishment altogether. It prescribes for punishment as the last resort. (Singh (2005))
- d) It is not airy, impractical and theoretical as it has been perceived by some. It is most mundane, simple, practical and also effective, in the long run. It is an alternative method based on HRD philosophy to manage discipline. (Singh (2005))

2.7 Empirical Literature

The empirical literature reviewed indicates that little has been demonstrated on how effective are the legal instruments in the management of discipline within Tanzania's Public sector. In the study conducted by Ngirwa (1993) in which the study focused on the examination of human resource Management in Africa Works Organizations where the concept of discipline was to some degree examined in relation to the performance of employees and to the achievement of the set goals of the Organizations. The study revealed that few organisations have by only 25% been able to effectively manage discipline among employees and this is why there has been rampant increase in the occurrence in the disciplinary cases both in private and public entities. The study never examined how effective can the current legal instruments influence the management of discipline within the Public sector.

Accordingly a study conducted by Kajoga (2005) on the determinants of the employee violations of disciplinary rules in public entities in Tanzania where the study revealed and dealt with a factors as to why there has been an increase in the violation of codes of conduct and the rules and regulation in Tanzania's public sector organizations.

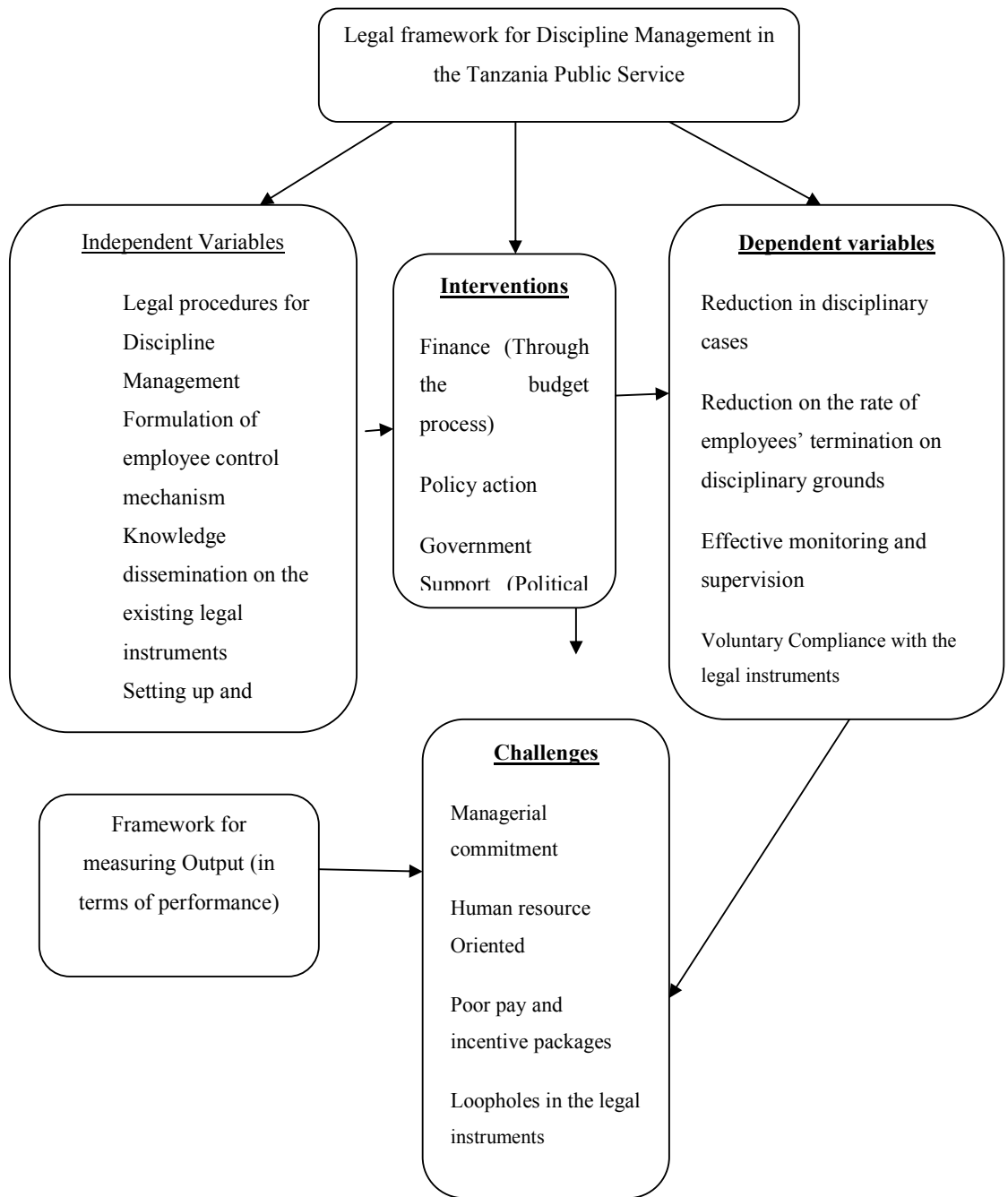
The study revealed that the violation of such codes is a result of a combination of factors including lack of effective managerial supervision and little awareness on the sanctions set out in rules governing conduct of employees in the Public sector. The study never drew any relevancy between the existing legal instruments and how they influence the management of discipline within

Tanzania Public sector. Never the less and in reflection of the literature reviewed, there is a study gap in literature in examining how effective are the legal instruments effective in the management of discipline within Tanzania's Public services and this is why this study aimed at assessing on the effectiveness of the legal instruments in the management of employees' discipline in the Tanzania Public Service.

2. 8 Conceptual framework

The underlying assumption of this conceptual framework is to indicate the relationship between the independent and the dependent variables in this study. In this very study, the effectiveness of the legal instruments is the independent variable and the management of discipline is the dependent variable. The relationship between the variables under investigation is demonstrated in the figure 2.1:-

Figure 2.1 Conceptual Model of the study



Source: Lilian (2017)

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter gives a description of how study was conducted and it describes the research design used, the research variables determined, the location of the study, study population, the sample size and sampling procedures used, the sources of data and the data collection tools or instruments. It also addresses ethical issues that the researcher considered when obtaining information from respondents. Finally, the chapter indicates how data was analysed.

3.2 Research Design

Aaker (2002) defines a research design as a detailed blue print used to guide a research study towards its objectives. Basing on this definition a research design is a detailed plan of work to be done to achieve the research objectives (Adam and Kamuzora, 2008). A research design according to Kothari (2004) is taken to mean a blue print for the collection, measurement and analysis of data.

In this study, the research design used was a descriptive research design. A descriptive study research design involved a descriptive demonstration and description of the variables under investigation and how each of the variables affects the other. The analysis of the variables reflected on whether the available legal instruments are effective in the management of discipline within the President's Office, Public Service Commission, being one of the appellate Disciplinary Authorities in the Public Service.

3.3 Study Area:

Institutionally, the study was conducted at the Headquarters of the Tanzania Public Service Commission in Dar es Salaam. Geographically, the study was conducted within Ilala Municipality, Dar es Salaam. The underlying reason as to why this is area of study was selected lies with the legal role of the Commission as a Regulatory

Body in monitoring compliance of laws, regulations and rules governing Public Service by virtue of Section 10(c) of the Public Service Act, Cap 298 as amended in 2007. However, the Commission is also an appellate authority in matters arising out of disciplinary action for public servants in the Ministries, Independent Departments, Executive Agencies, Regional Secretariats, Local Government Authorities excluding Teachers and other Public Institutions as per Section 25(1) of the Public Service Act, Cap 298 read together with Regulation 60(1) of the Public Service Regulations of 2003. This being the case, the Commission was the best study area in matters related to discipline in the Service and has afforded the Researcher much needed information as intended.

3.4 Population of the Study:

A research population refers to the total number of units from which data can potentially be collected. These units may be individuals, events, organizations or artifacts. The target population is a collection of objects, events or individuals having some common characteristics that the researcher is interested in studying and to which the researcher wishes to generalize/transfer the research results (Polit and Beck, 2008).

The accessible or source population is the portion of the target population that conform to designated criteria and that are accessible as subjects for a study (Burns and Grove, 2005). It is the population to be studied; that is, the population of interest from whom the data can potentially be collected and generalizations may be made. According to Kothari (2004) a study population is the entire group of people or items from which information is being collected. In this study, the study population included all managerial employees, Heads of Department and directorates and the subordinate employees of the Public service Commission.

3.5 The Sample and Sampling Techniques

3.5.1 The Sampling Frame

A sample is a portion of the population considered for actual inclusion in a study. In this study, the sampling frame was mainly drawn from the list of the managerial and

subordinate employees of the Public service Commission and from whom data was collected from. The sampling frame of the study was drawn from the list of all employees of the Public Service Commission.

Table 3. 1: Showing the Sampling Techniques to be Used, Category of Respondents to be Sampled, their Number and Operationalization of the Sampling Technique

S/N	Sampling technique	Category of Respondents to be sampled	No. of Respondent to be sampled	Operationalization of the technique
1	Stratified sampling technique	Heads of Departments/Divisions and subordinate employees of President's Office, Public Service Commission	75	Direct contact with the Secretary of the Commission and some of the Heads of the Department and distribution of questionnaires electronically.
	Accidental and Judgment sampling		75	Setting out a criteria for being joined in the sampling process to participate in the study
Total	3/4 Techniques	2 Categories	Respondents	

Source: Lilian (2017)

3.5.2 The Sample size.

In the course of the study, the study sample to be adopted is indicated in Table 3.5.3

Table 3. 2: Sample size adopted in the Study

Sampling frame	Total Number	Sample size
Head of Departments	20	12
Subordinate employee	55	70
Total	75	<u>82</u>

3.5.3 The Sampling Techniques

In the course of the study, the researcher used the non-probability sampling in the sampling process to obtain information or the relevant data from the study population (Adam and Kamuzora, 2008). This is justified by the fact that this type of sampling does not provide any basis for estimating on the probability that each item or entity in the study population has a chance of being included in the sample size. The stratified sampling and the accidental and the judgemental sampling techniques were used too.

Similarly, in the process of the study, the researcher was guided by the accidental or convenience sampling which guided her on the availability and willingness of the respondents in the study population to fully and collaboratively participate in the study.

3.6 Data Type and Sources

In the course of the study, the researcher collected qualitative data in order to assess whether the available legal instruments are effective in the management of discipline within the Public Service. As for the primary data, the researcher collected the same by using primary data collection tools and as for secondary data; the information collected included the published and unpublished works and various reports issued by the Public Service Commission, that among other things, address issues related to

management of discipline within the Public Service. The key sources for secondary data were literature sources including, textbooks, research reports/dissertations, journals, annual reports, public policies and laws. Secondary data was relevant to the study because required little time and costs and it broadened the data base from which generalizations were made as it is always permanent.

3.7 Data Collection Methods

In the course of the study, the researcher used the following data collection methods:-

3.7.1 Questionnaires

In the course of the study and in the data collection process, this instrument of data collection was used and it involved an administration of a written set of structured questions and each one providing a number of alternative answers. The researcher administered and distributed questionnaires to selected Heads of Departments/Divisions and subordinate staff. The structured questions in the questionnaires reflected the research objectives as well as the research questions.

However, due to time limit and the distance between the respondents and the researcher, the questionnaire to all respondents were filled electronically by the use of a well-designed Form through the application of Google Forms for respondents did not have time to share their information directly with the researcher.

3.7.2 Documentary Review

This method of data collection was also used and especially in the collection of secondary data. This method of data collection was used for analyzing various publications, reports, papers, journals, dissertations, annual reports and policies in relation to discipline and how effective are the available legal instruments in the management of discipline within Tanzania Public Service. The underlying objective of the documentary review was to identify any areas of relevancy to the topic of

study in relation to how effective are the available legal instruments in the management of discipline within Tanzania Public Service.

3.8 Data Processing and Analysis

Data analysis refers to the computation of certain measures along with searching for partners of the relationship that exists among data groups (Kothari, 2004). Data analysis also involves cleaning or processing and mining data. In the course of the study and before data analysis, the raw data collected from the field was processed. The researcher collected more of quantitative data in the study process and some qualitative data was collected from literatures relevant to the study

3.8.1 Qualitative Data Analysis

Qualitative data is concerned with data which describes meaning, rather than with drawing statistical inferences and through qualitative methods for instance, what interviews lose on reliability they gain it in terms of validity since they provide a more depth and rich description.

Qualitative data can be arranged into categories that are not numerical. These categories can be physical traits, gender, colours or anything that does not have a number associated to it. Qualitative data is sometimes referred to as categorical data. The qualitative process of data analysis is an inductive one, in which the data is examined from a "bottom-up" approach (Kothari, 2004). The specific data is examined to identify more general themes that were used to understand the meaning of the data.

The data to be collected was analyzed through qualitative process of breaking it up, separating, or disassembling of research materials into pieces, parts, elements, or units and the facts broken down into manageable pieces and drawing relationships and conclusions in the data in respect of the research questions and objectives.

3.8.1.1 Editing

Data editing refers to a process of identifying mistakes, spelling errors, incorrect information and omissions in the raw data collected (Adam and Kamuzora, 2008). The underlying objective of data editing was to secure quality standard of the data and it entails making necessary corrections in the interview and questionnaire information. In the course of the study, the researcher edited the information collected from the field by identifying errors in the data which accordingly rectified.

3.8.1.2 Coding

The initial coding of data involved representing and noticing new things in the collected data and this means that the researcher read the original data files many times and it involved creation of a coding scheme and then coding the data. This further involved creating a coding scheme that best defined the themes that have been identified and provide a way to break up the data for further analysis. The codes were used to identify the specific sections for instance, of the interview data that represented the category. The data coding process leads to revisions in the coding scheme and the data was analyzed by noticing new things in the data through importing and numbering data files, coding data files and searching for coded segments in the data (Dooley, 2003).

3.8.1.3 Making connections to the research questions

This technique involved describing and further developing the themes from the data to answer the major research questions. The themes identified were revisited with the major research questions as the lens for analysis of data and this was applied to each research question and the data collected on it.

3.8.1.4 Interpreting findings

Once the data was collected and it has been coded, the data was then divided into themes. This was done by cutting up the interview data "blocks" and sorting them into each of the codes. This involved making multiple copies of the transcripts to limit data being placed into more than one category and it is important always to

keep the original information in its entirety. The data was reviewed within the themes or categories, and an understanding of each theme was reached.

3.8.2 Quantitative Data Analysis

Quantitative data analysis entails the development of certain indices from the raw data and processing of generalization by running various tests of significance for testing research objectives in order to draw inferences (Adam and Kamuzora, 2008). Quantitatively, the inferences drawn from the collected data become bases for drawing conclusions after analysis of the quantitative data. The quantitative data collected was analyzed through graphic presentations and by indicating percentages on the responses of respondents and drawing conclusions in relation to the study objectives and research questions. The quantitative data collected was mainly analyzed by using the Statistical Package for Social Sciences (SPSS).

3.9 Ethics

In the course of the study, the researcher observed research ethics by submitting in writing a request to collect data for the study at hand and was furnished with a letter permitting her to collect data. The questionnaire that was distributed to all Respondents informed the later information about their rights and obligations as respondents. The researcher also well communicated to them the purpose of the study and why data was being collected from them. In the entire process of the study, important research ethics including but not limited to, confidentiality, anonymity and time management were rightly observed by the researcher.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.1 Introduction

This chapter presents the study findings and their discussion. The chapter is composed of four major sections; the first section presents findings on demographics or characteristics of the respondents. The second section presents findings and discussion on the legal techniques and procedures used in the management of discipline in the Tanzania Public Service and the third section presents findings and discussion on the impact of the existing legal instruments on the management of the discipline within the Tanzania Public Service.

The fourth section presents findings and discussion on the issues affecting the effective implementation of the legal instruments in the management of discipline across the Service and fifth section presents findings and discussion on the possible approaches for effective management of discipline within Tanzania's Public service.

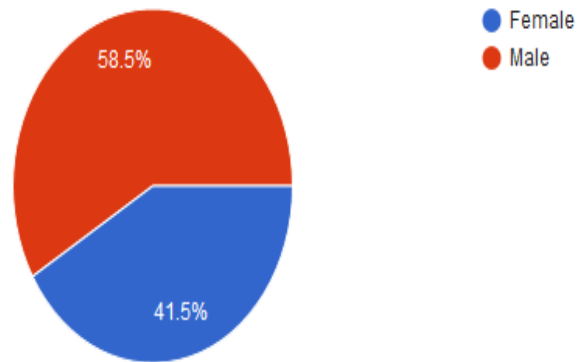
The general objective of the study was to assess the effectiveness of legal instruments that govern discipline in the Public Service. The study involved addressing research questions which included determining the legal techniques and procedures used in the management of discipline in the Tanzania Public Service, the impact of the existing legal instruments on the management of the discipline within the Tanzania Public Service, what are issues affecting the effective implementation of the legal instruments in the management of discipline across the Service what are the possible approaches for effective management of discipline within Tanzania's Public service.

4.2 Demographic data of Respondents

In the conduct of the study, the respondents were asked to identify their sex status, their levels of education and their age cohorts and the responses given and obtained are presented in the figures below:-

2. What is your Gender identity?

82 responses



Source: (Field Data, 2017)

The findings in the figure 4.1 indicate that 46 Respondents equal to 58% of the 82 Respondents who participated in the study were females while 34 respondent's equals to 41.5% were male. The findings in the above figure draw an implication that many of the respondents who participated in the study are male respondents and this is built on the premise that many of the male respondents positively collaborated with the researcher in the process of data collection as compared with the female respondents. Never the less, these findings do not in any way draw in differences in gender among the employees of the Public Service Commission.

Figure 4.2 Age Cohorts of the Respondents

3. In which age group do you belong?

82 responses

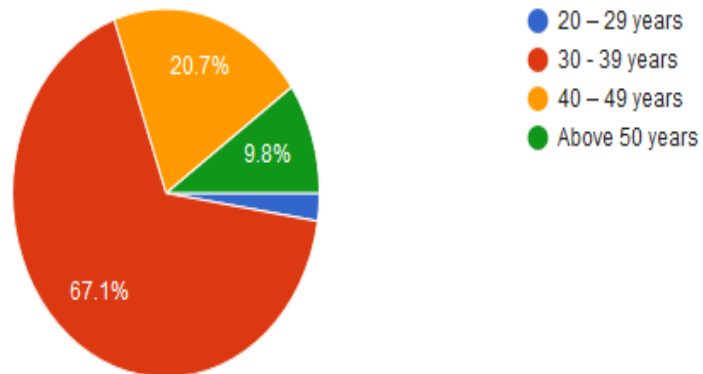


Figure 4.2 Age Cohorts of the Respondents

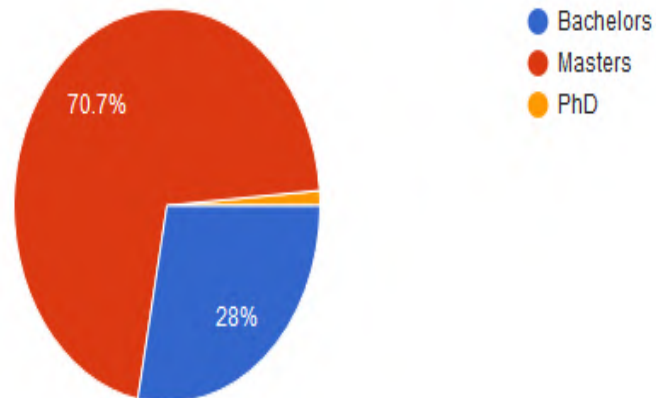
Source: (Field Data, 2017)

The findings in figure 4.2 indicate that only 2 respondents were between the ages of 20 to 29 years and this is equivalent with 2.5% while 9.8% of the 82 respondents equal to 10 respondents were above 50 years if compared with only 67.14% which is equal to 55 respondents were between the ages of 30 to 39 years of age accordingly and only 15 respondents equals to 20.7% respondents were between the ages of 40 to 49 years of age. The findings in the figure above indicate that many of the Respondents who participated in the study are far from the retirement age and still have a longer time in serving the public. In this context, even though a few respondents are closer to the retirement age, this does not mean that they are can be excluded when it comes to taking disciplinary actions against them in case where the public service rules and regulations and other legal instruments have been violated or in making sure that legal instruments governing discipline are effectively implemented.

Figure 4.3 Levels of Education of the Respondent

4. Please indicate your highest level of education.

82 responses



Source: (Field Data, 2017)

The findings in figure 4.3 indicate that 70.7% equals to 56 respondents held master's degree in various disciplines if compared with only 23 respondents equivalent to 28% out of the 82 respondents who participated in the study and who had attained the bachelors level of Education in various academic disciplines and one respondent equal to 1.3% who had attained the level of Doctorate. The findings draw an implication that all the respondents knew how to read and write and they understood the questions asked to them and they accordingly shared their knowledge on the effectiveness of the legal instruments in the management of employee's discipline in the Public Service.

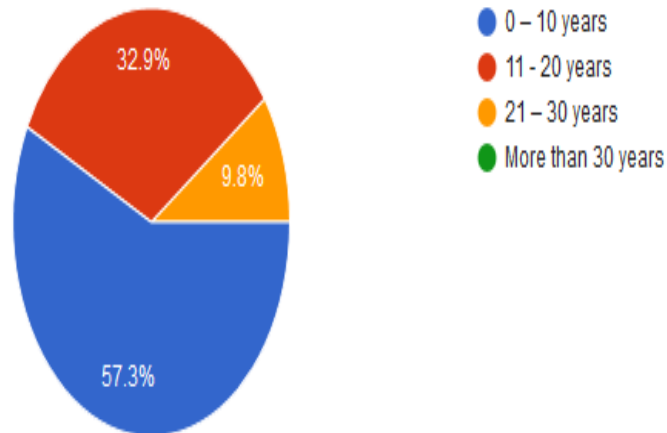
4.3 The legal techniques and procedures used in the management of discipline in the Tanzania Public Service

In the determination of this study objective, the respondents were asked to identify for how long have the respondents been employed in the public service and the responses given are presented in the figure below:-

Figure 4.4 Years of Service in the Public Service

5. For how long have you been working in the Public Service?

82 responses



Source: (Field Data, 2017)

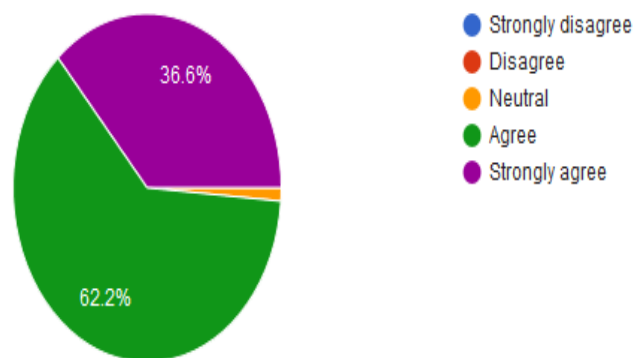
The findings in figure 4.4 indicate that 9.8% of the Respondents equivalent to 8 respondents have worked in Public Service between 21 to 30 years of service compared with 57.3% equals to 47 respondents who have worked for the Public Service while 32.9% equivalent to 25 respondents have worked for the Public Sector between 11-20 years while no respondent indicated that worked for the Service for more than 30 years. The findings draw an implication that many of the respondents who participated in the study have worked in the Public Service for more not less than 10 years and this indicates that they were aware of the legal instruments governing Public Service, common used approach in managing discipline, mostly used legal instruments and the factors affecting the effective management of discipline in the Service.

Accordingly, considering this length of service, most of the respondents were able to indicate whether or not they were aware on the existence of the legal instruments that govern the Management of Discipline within Tanzania Public Service and the responses obtained are presented in the figure below:-

Figure 4.5 Responses on the existing Legal Instruments in Managing Disciplinary issues

1. Do you agree on the existence of legal instruments that govern discipline in the Public Service?

82 responses



Source: (Field Data, 2017)]]

The findings in figure 4.5 indicate the Respondents agreements on the existing legal instruments used in managing disciplinary issues in the Public Service, where 50 respondents agreed that they were aware of the existence of the legal instruments in managing of discipline among public servants and this is equivalent to 62.2% compared with 29 respondents equal to 36.6% who strongly agreed that there are aware of the said legal instruments. These findings draw an implication that even though many of the respondents had varying views on the existence of the legal

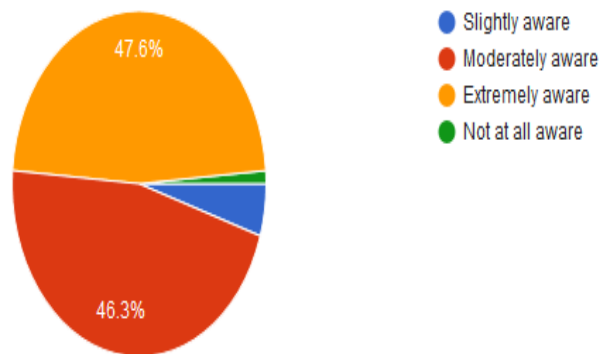
instruments, majority of Respondents had a collective view that they are aware of legal instruments used in the management of discipline within the Public Service.

Accordingly, the respondents were asked how far are the legal instruments used in governing discipline among employees in the Public Service and the responses obtained are presented in the figure 4.6 below:-

Figure 4.6 Extent of Awareness of the Legal Instruments governing Management of Discipline among Public servants

2. How far are you aware of the said legal instruments that govern discipline in the Public Service?

82 responses



Source: (Field Data, 2017)

The findings in figure 4.6 indicate that the respondents had varying perceptions on the awareness of the legal instruments in the management of discipline in the Public Service and 46.3% equals to 38 respondents were moderately aware of the legal instruments used in the management of disciplines among employees in the Public Service compared with 47.6% equivalent to 39 respondents who were extremely aware of the legal instruments used in the management of discipline in the Public Service. Accordingly, a few of the respondents, who were 4 and made 5% were

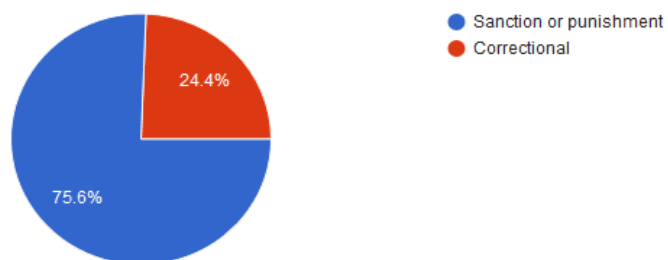
slightly aware on the existence of the legal instruments governing the management of discipline in the Public Service. The findings draw an implication that even though the respondents had varying views on the extent to which the legal instruments exist and to a very big extent of almost 47.6% were aware of the existence of the legal instruments used in the Management of discipline among the employees of the Public Service Commission. This is a good indication that Officers charged with the duty of monitoring compliance of laws, regulations and rules governing Public Service are aware of the legal instruments governing discipline in the Service. However, a Study conducted by the PSC indicate that most of the public servants are aware of the legal instruments governing disciplinary issues (Public Service Commission, 2007)

Further the respondents were asked to identify the most used approach in managing discipline in the Public Service and the responses obtained are presented in the figure below:-

Figure 4.7 The Most Used Approach in Managing Discipline of Public Servants

3. What is the most widely used approach in managing discipline of Public Servants?

82 responses



Source :(Field Data, 2017)

The findings in figure 4.7 indicate that the Respondents had varying views on what is the mostly used approach in the management of discipline among public servants and 61 out of 82 respondents equal to 75.6% were of the view that the most widely used approach was the sanctional and punishment approach compared with only 19 respondents equivalent to 24.4% who were of the view that correctional approach is the most widely used approach in managing discipline of public servants. The findings above draw an implication that both approaches are used in managing disciplinary issues among public servants. However, the most widely used approach is the sanctional approach and this is well embodied within the legal instruments used in the management of discipline among public servants especially the Public Service Regulations of 2003 and the Standing Orders for the Public Service of 2009 which do not address categorically issues in relation to corrective approach in managing discipline in the Public Service. The sanctional approach deals basically with putting up laws, rules and regulations on the management of discipline and the correctional approach deals with more of direct reformation among employees which involves making ordinary warnings and counselling rather than suspensions or dismissal from Service. Correctional approach emphasizes that sanctional approach should be the last option left in instituting disciplinary action.

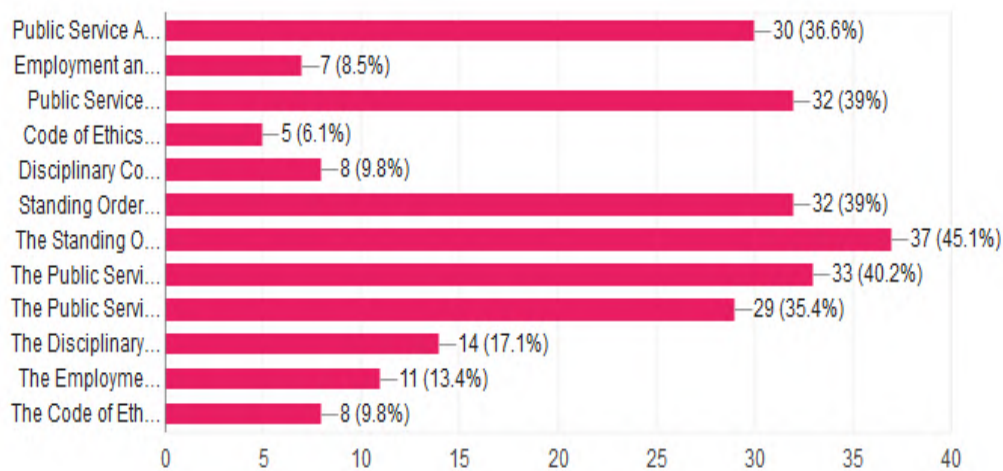
The findings clearly shows that correctional approach is not effectively implemented and this is proved by the scores that the Public Service Disciplinary Code of Good Practice of 2007 scored which is 17.1% among other legal instruments that are mostly used by Employers and disciplinary authority in managing disciplinary issues. Service Disciplinary Code of Good Practice of 2007 is the only instrument currently in force that addresses and emphasizes the need for managers in the Public Service to use correctional approach in managing discipline so as to comply with the modern Human Resource Management Principles.

Further, the respondents were asked to identify the mostly used legal instruments by Appointing Authorities or Disciplinary Authorities in managing discipline of public servants and the responses given are presented in the figure below:-

Figure 4.8 Legal Instruments Used in Managing Discipline among Public Servant

4. Kindly tick any three out of the following legal instruments which are mostly used by Employers and Disciplinary Authorities in managing disciplinary issues.

82 responses



Source: (File Data, 2017)

The findings in figure 4.8 indicate that the respondents had varying views on the legal instruments that are mostly used by Employers and Disciplinary Authorities in managing disciplinary issues. In spite of the many legal instruments being used, including, the Public Service Act, Cap. 298, the Employment and Labour Relations Act, No. 6 of 2004, the Public Service Regulations of 2003, The Code of Ethics and Conduct in the Public Service, 2005, the Public Service Disciplinary Code of Good Practice of 2007 and the Standing Orders for the Public Service of 2009. In this reflection, 37 Respondents equals to 46.3% agreed that the Standing Orders for the Public Service of 2009 is the most widely used legal instrument by Employers and

Disciplinary Authorities in managing disciplinary issues followed by the Public Service Regulations of 2003 picked by 30 respondents who were equivalent to 40.2% and the Public Service Act, Cap 298 which was selected by 28 respondents making a total of 28.8%. The Disciplinary Code of Good Practice in the Public Service of 2007 scored 17.1% after being selected by 14 respondents despite the fact that it is the only instrument that addresses how correctional approach should be used in managing discipline of public servants. Moreover, the Code of Ethics and Conduct for the Public Service of 2005 was selected by 5 respondents who are equivalent to 6.1%. This finding indicates that the most important instrument which sets the foundation of managing discipline is not used. This position confirmed the findings of the study carried out by Mzumbe University which showed that out of 843 Public Servants surveyed only 444 (53%) confirmed to have seen the Code of Ethics and Conduct for the Public Service while 376 (45%) had not seen the document (Mzumbe University, 2014)

The findings above draw an implication that the widely used approach in managing discipline of public servants is the sanctional approach.

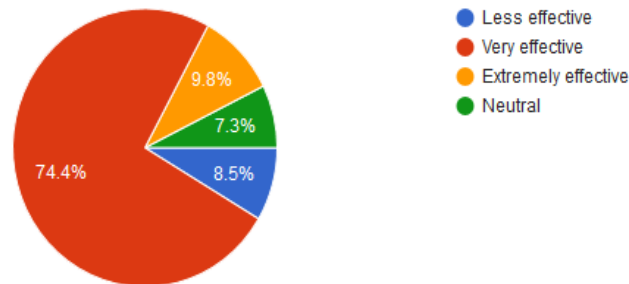
4.4 The impact of the existing legal instruments on the management of the discipline within the Tanzania Public Service

In addressing this study objective, the respondents were asked on the impact of legal instruments in the management of discipline of public servants and the responses obtained are indicated in the figure below:-

Figure 4.9 How Effectiveness are the Legal instruments in Managing Discipline among Public servants

5. How effective are the legal instruments mentioned in question 4 in providing mechanisms for managing discipline in the Public Service.

82 responses



Source: (Field Data, 2017)

The findings in the figure above indicate that the respondents had varying views on the effectiveness of the legal instruments used in the managing discipline of Public Servants and the 74.4% of respondents (59) agreed that the legal instruments responsible for managing discipline of public servants are very effective as compared to 8 respondents equivalent to 9.8% who had a view that the said instruments were extremely effective. However, only 7 respondents equal to 7.3% were neutral as to whether these instruments are effective or not while 8.5% of 10 respondents were of the view that the legal instruments were less effective.

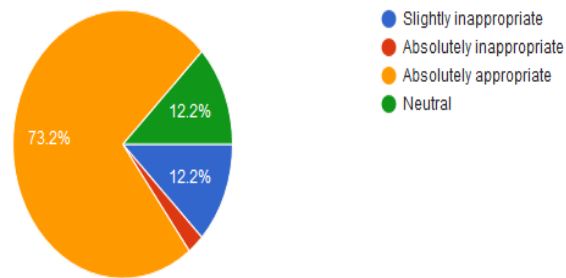
The findings draw an implication that the respondents had varying views on the effectiveness of the legal instruments and this means the impact the legal instruments have on the management of discipline in the public service and majority of the respondents agreed that the legal instruments have had a wider impact in managing employee related grievances and issues. This being the case, this suggests that the occurrence disciplinary issues in the place of legal instruments is attributed to other factors but not necessarily legal instruments which have had an impact of almost 74.4% in managing disciplinary issues among employees in the Public service.

The respondents were also asked on the appropriateness of the legal instruments in managing disciplinary issues in the Public Service and the responses given are presented in the figure below:-

4.5 Respondents perceptions on the appropriateness of Legal Instruments

6. How appropriate are these instruments in managing discipline of Public Servants?

82 responses



Source: (Field Data, 2017)

The findings in figure 4.9 indicate that 73.2% equal to 58 respondents were of the view that the legal instruments are absolutely appropriate in managing disciplinary issues within the Public Service while 12.2% equal to 10 respondents were of the view that the legal instruments are slightly inappropriate if compared with only 12.2% equivalent to 10 respondents who were not certain (neutral) on their appropriateness yet a few of the respondent were of the view that they are absolutely inappropriate. The respondents views draw an implication that, those who collectively agreed that they the existing legal were appropriate considered the positive impact that the instruments have caused on to the management of disciplinary issues in the Public Service while those who were of the view that they are inappropriate considered the increasing number of public servants who are either dismissed or suspended from Service following institution of disciplinary action against them, the reason being weaknesses enshrined within the available legal

instruments and other factors that affect effective implementation of these instruments.

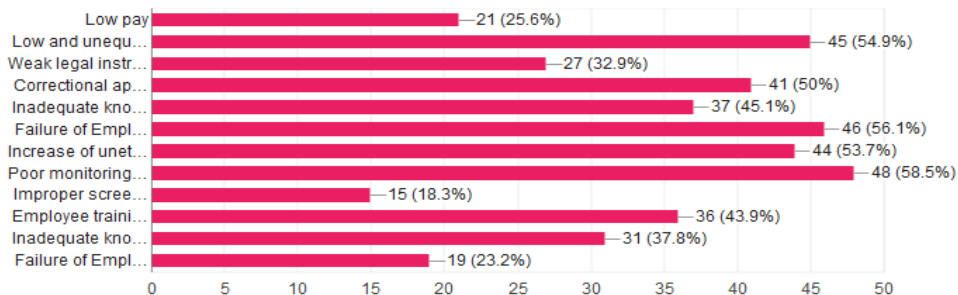
4.6 Factors affecting effective implementation of the legal instruments in the management of discipline across the Service

In determining these study objectives, the respondents were asked to identify factors affecting effective implementation of legal instruments that manages discipline in the Public Service. Among the responses obtained are presented in the figure below:-

Figure 4.10 Issues affecting the Implementation the legal instruments in the management of discipline across the Service

8. Do you believe that the breach of disciplinary rules within the Public Service is a result of any of the following reasons:-

82 responses



Source: (Filed Data, 2017)

The findings in figure 4.10 indicate that there many factors that affect effective implementation of the legal instruments that provide mechanisms and procedures for managing discipline of public servants. The factors include, low pay, low and unequal incentive packages across the Public Service, poorly implemented correctional approach in managing discipline in the Public Service, weak legal instruments which cause mismatch between legal sanctions and offences committed, inadequate knowledge and skills on instruments and procedures for handling disciplinary issues, poor monitoring and supervision among public servants, improper screening prior to recruitment in Public Service, failure or delay of

Employers and disciplinary authority in handling employees' human resources related issues and employee-training not taken as a priority.

As indicated in the above figure, 48 respondents equivalent to 58.5% considered poor monitoring and supervision among public servants is one of the reasons that had accelerated an increase in the number incidents by public servants in violating disciplinary rules. Also, 44 respondents equal to 55% were of the view that failure or delay of Employers and disciplinary authority in handling employees' human resources related issues is another reason that triggers the increase of number of public servants that breach disciplinary rules and principles. This factor was elaborated in the PSC report of 2007 that indicated that teachers are the leading group in the Service in violating disciplinary rules and the leading offence being absenteeism which to some, was caused by Employers who failed or delayed in handling employees issues, for example not attending requests for several permits.

Due to the findings obtained, 45 respondents equivalent to 54.9% were of the view that low and unequal incentive package across the Public Service is another reason that accelerates the incidences of employees in violating the laid down disciplinary rules. Having unequal pay and incentive packages makes some employees who are not ethical and tolerant enough to explore other means of getting extra income so as to compensate themselves.

However, as evidenced in the above figure, poor implementation of correctional approach in managing disciplinary issues was selected by 41 respondents who are equivalent to 50% of 82 respondents. As stated earlier, this instruments lies down principles of managing discipline and emphasize is addressed to reliance on correctional approach in managing disciplinary issues. Altogether, 37 respondents who are equivalent to 45.1% of 82 respondents for this study choose inadequate knowledge by Employers and employees on mechanisms and procedures for managing discipline as a reason that cause public servants to continue breaching disciplinary rules.

Apart from these factors, improper screening prior to recruitment to the Public Service was the least selected reason for breaching disciplinary rules making a score of 18.3%. Despite the fact this factor scored low, it is an indicator that screening of prospective public servants is not done properly and that allows people with bad behaviours to join the Service.

As indicated above, it goes without saying that having effective and appropriate legal instruments for governing discipline is not a guarantee for making employees comply with the said instruments. It requires a lot of other issues to be taken into account so as to ensure that the existing instruments are effective as intended.

4.7 Whether the use of Open Performance Review and Appraisal System (OPRAS) Forms help to prevent incidents of Public Servants in breaching disciplinary rules?

Figure 4.11: Does the use of OPRAS helps to prevent incidents of Public Servants in breaching disciplinary rules.

The findings in figure 4.11 indicate the opinion of the respondents on whether the use of OPRAS prevents public servants from breaching disciplinary rules. OPRAS as a contract between the employer and the employee stipulates what the parties are expected to deliver in line with the planned and budgeted tasks and attributes to be measured by employees.

From the above Figure it indicates that 25 respondents equivalent to 31.3% were neutral as to whether OPRAS prevents incidents of public servants from breaching disciplinary rules, 21 respondents equal to 26.3% disagreed that OPRAS prevents the incidents of public servants in breaching disciplinary rules, 12 respondents who are equal to 21.3% agreed that the use of OPRAS prevents incidents of public servants in breaching discipline related rules.

These responses prove that OPRAS is not implemented fully and its importance is not acknowledged by public servants. For instance, in year 2014/15 only 59,215 out

of 484,123 Public Servants from Ministries, Independent Departments, Executive Agencies, Regional Secretariats, Teachers Service Department (as it then was) and Local Government Authorities filled OPRAS forms (Public Service Commission, 2014/15). However, the findings in the Commissions' Report of 2015/16 showed that 103,296 equivalent to 18.75% out of 550,876 public servants filled OPRAS forms. In view of these responses; it is undisputed fact that despite OPRAS's implementation being a legal requirement as per the Public Service Act, Cap 298, it does not help to prevent incidents of public servants in infringing disciplinary rules and so management of discipline within the Service.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Introduction

This four has sections and the first section provides a summary of the study by pointing out the objectives and the findings of the study as well. The second section provides conclusions of the study in relation to the research objectives and the research questions and the third section provides recommendation and the fourth or the last section gives suggestions made for further studies.

5.2 Summary of the Study Findings

The general objective of the study was to assess the effectiveness of legal instruments that govern discipline in the Tanzania Public Service. The study involved addressing research questions which included determining what are the most used legal instruments by Employers and Disciplinary Authorities in the management of discipline in the Tanzania Public Service, the most widely used approach by Employers and Disciplinary Authorities in managing discipline in the Public Service and what are the factors that affect the effective implementation of legal instruments in the management of discipline across the Service.

In terms of findings, the study has revealed that, there are various legal instruments currently in force in the management of discipline within the Public Service and these include the Public Service Act, Cap 298, the Employment and Labour Relations Act, No. 6 of 2004, the Public Service Regulations of 2003, The Code of Ethics and Conduct in the Public Service, 2005, the Disciplinary Code of Good Practice in the Public Service of 2007, the Standing Orders for the Public Service of 2009, and the findings have revealed that many of the Respondents agreed that the Standing Orders for the Public Service of 2009 is the most widely used and known legal instrument among Public Servants.

Accordingly, the study has revealed that the legal instruments used in the management of discipline within the Public Service have had a wider impact on the management of disciplinary issues within the Service. Even though these instruments have been in place, the study findings revealed that most of Public Servants are not well aware of the legal instruments involved in the management of disciplinary issues and this has affected the way discipline is managed and how difficult it is for an Institution like Public Service Commission which is charged with the function of monitoring compliance of laws, regulations and rules governing Public Service to effectively and efficiently monitor compliance of these instruments but also appeals filed by public servants against Disciplinary Authorities.

The study has also revealed that, the implementation of these legal instruments within the employee discipline management process is faced with certain limitations which include low pay, low and unequal incentive packages, weak legal instruments which leads to having mismatch between legal sanctions and offences committed, poorly implemented correctional approach in managing discipline, inadequate knowledge on instruments and procedures for dealing with disciplinary issues, poor monitoring and supervision among Public Servants, improper screening prior to recruitment in Public Service and employee-training not taken as a priority.

This being the case, it remains prudent that the Public Service Commission has to ensure that correctional approach in managing employee disciplinary issues within the Public Service and this can be implemented by Appointing Authorities or Disciplinary Authorities by emphasizing on the effective use of the Disciplinary Code of Good Practice of 2007 which provides, among others, principles of managing discipline and why correctional approach should be applied.

The review of the decided appeals in the Public Service Commission proved that very few Disciplinary Authorities use correctional approach in handling disciplinary issues. For example, review of 20 appeals from Central and Local Government in appeals lied on unfair dismissal showed the no single Disciplinary Authority quoted

or made any reference to the provisions of the Disciplinary Code of Good Practice in the Public Service of 2007.

However, review of the existing weak legal instruments and policies, bridging the awareness gap of the said laws as well rationalizing and harmonizing pay and incentive package to all public servants towards enhancing more compliance with the rules and regulations and constantly guiding and monitoring employees' actions within the Public Service will ensure effective implementation of the existing legal instruments.

5.3 Conclusion

Management of discipline within the Tanzania Public Service is one of the prime processes that require putting in place a system that not only re-assures compact performance among public servants but also ensure that all the operational and behavioural practices of the Public Service is well driven towards performance and compliance with the laws, rules, regulations and other administrative instructions that govern discipline within the Service. The later makes it paramount of having in place legal mechanisms, rules and regulations which are meant to guide on the actions and on the management of discipline within the Public Service.

In this regard, it remains significant that, legal instruments in place have played a significant role in influencing positive management of discipline among employees within the Public Service. Although there is strict application of these instruments in in relation to discipline, its management process may fall short of relevancy especially where there is direct application of sanctions than the correctional mechanisms enshrined within the said legal instruments.

Never the less, effective management of discipline among employees within the Public Service has to be ensured within having in place legal instruments which are very known by both the Management and the Employees as well and making sure all

factors that affect effective implementation of the legal instruments governing discipline in general are taken into consideration accordingly.

5.4 Recommendations

In reflection of the study objectives and the research questions in relation to the findings of the study, the following recommendations can make Employers, Disciplinary Authorities and Institutions responsible for managing discipline effectively manage disciplinary issues in the Public Service:-

In addressing these study objectives, the researcher relies with what the respondents view in respect to the questions posed to them that sought to understand among others, their understanding in relation to legal techniques and procedures used in the management of discipline in the Public Service, the impact of the existing legal instruments on the management of the discipline within the Tanzania Public Service, factors affecting effective implementation of the legal instruments in the management of discipline across the Service and whether the use of Open Performance Review and Appraisal System (OPRAS) Forms help to prevent incidents of Public Servants in breaching disciplinary rules?

As indicated above, effective implementation of legal instruments governing discipline in the Public Service will be realized by strengthening monitoring and supervision among public servants regardless of the positions that they individually possess. Close supervision and monitoring on day to day basis will make it easy for incidences of breaching disciplinary rules to be detected and prevented as early as possible.

However, harmonization and rationalization of pay, incentives, allowances and other fringe benefits is inevitable across the Service if at all highest level of compliance of the existing rules governing discipline is the outcome that everyone is craving for. The implementation of the powers conferred to the Permanent (Secretary Establishments) in relation to approval of salary, allowances, incentives and fringe

benefits as per Sections 8(3)(d) and 32A of the Public Service Act, Cap. 298 will, to a greater extent, resolve the problem at stake.

Handling employees' human resources related issues timely and fairly is another area of concern that managers need to be reminded and close monitoring and whenever possible, surprise Human Resources Auditing should be conducted so as to identify Employers who fail or delay without reasonable cause to attend employees issues which in turn make them fall in infringing disciplinary rules.

Emphasizing effective implementation of correctional approach in handling disciplinary issues to allow supervisors and supervisees to have friendly relations which nourish their conduct in executing their duties and ensure that disciplinary cases will be handled for the purpose of correcting rather than punishing. The respective authority should ensure that managers understand tools for managing discipline of public servants.

It is high time that the Government really invest in building capacity of public servants along with other development projects. Public servants are the technocrats of the Service and for that they must be a class of technocrats who can compete in today's world. Training will awake their understanding in various issues including how they are supposed to conduct themselves, their rights and obligations in delivering services to the Public.

The use of OPRAS should be strengthened because it is through the same supervisors and supervisee get chance to discuss matters relating to performance of an employee, detecting signs of doing what is not right and basically infringing the laid down principles and rules regarding discipline. If OPRAS is effectively implemented, chances of public servants in violating disciplinary will tremendously decrease.

In view of the above, all these approaches and interventions have to be integrated within the legal and policy frameworks guiding the managing of disciplines within the Public Service so as to ensure public servants comply with the laid laws, regulations, rules and administrative directions that govern discipline in the Public Service.

5.5 Suggestions for further studies

In reflection of the findings of the study, I suggest that a study be conducted on how the level of awareness on laws, regulations and rules governing Public Service influence effective decision making.

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APPENDECES

Appendix I:

Questionnaire Used in the Collection of Data

Introduction:

Dear Participant,

You are cordially invited to participate in this study which intends to assess how effective are the available legal instruments in managing discipline in the Tanzania Public Service. The study is conducted by Ms. Lilian Dennis Francis, a student of Master's Degree in Public Administration (MPA) at the Mzumbe University in Tanzania.

This exercise will take approximately 10 minutes to complete. Kindly note that the questionnaire is guaranteed and made to protect your identity and the answers you give cannot be tracked down and will be treated as confidential. The results obtained from this study will be used solely for academic purposes. Your participation in this research study is voluntary and highly appreciated.

I sincerely appreciate the time from your busy schedule to complete this brief exercise. If you have questions or concerns, please contact me through mobile No. +255 753 904 005 or liliannamshitu@gmail.com

Part A: Demographic Characteristics:

1. What is your Designation/Title:(**Optional and not in abbreviation**)

2. What is your Gender identity?
 - a) Male ()
 - b) Female ()

3. In which age group do you belong?
 - a) 20 – 29 years ()
 - b) 30 - 39 years ()
 - c) 40 – 49 years ()
 - d) Above 50 years()

- e) Please indicate your highest level of education attained.
 - a) Bachelors ()
 - b) Masters ()
 - c) PhD ()
 - d) Other (Please state.....)

- f) For how long have you been working in the Public Service?
 - a) 0 – 10 years ()
 - b) 11 - 20 years ()
 - c) 21 – 30 years ()
 - d) More than 30 years ()

PART B: Effectiveness of Legal Instruments that govern Discipline in the Public Service

1. Do you agree on the existence of legal instruments that govern discipline in the Public Service?

Agree ()

Strongly agree ()

Disagree ()

Strongly Disagree ()

Neutral ()

2. How far are you aware of the said legal instruments governing discipline in the Public Service?

- Slightly aware ()
- Moderately aware ()
- Extremely aware ()
- Not at all aware ()

3. What is the most widely used approach in managing Discipline of Public servants?

- a) Correctional ()
- b) Sanction or punishment ()

4. Kindly tick any three out of the following legal instruments which are mostly used by the Employers and Disciplinary Authorities in managing disciplinary issues:

- The Employment and Labour Relations Act, No. 6 of 2004 ()
- The Public Service Regulations of 2003 ()
- The Code of Ethics and Conduct in the Public Service of 2005 ()
- The Disciplinary Code of Good Practice in the Public Service of 2007 ()
- The Standing Orders for the Public Service of 2009 ()

5. How effective are the legal instruments mentioned in question 5 in providing mechanisms for managing discipline in the Public Service?

- a) Less effective ()
- b) Very effective ()
- c) Extremely effective ()
- d) Neutral ()

6. How appropriate are these instruments in managing discipline of Public Servants?

- Slightly inappropriate ()

Absolutely inappropriate ()

Absolutely appropriate ()

Neutral ()

7. Despite these legal instruments being in force, Public Servants continue to violate disciplinary rules:

Very untrue ()

Untrue ()

True ()

Very true ()

8. Do you believe that the breach of disciplinary rules within the Public Service is a result of any of the following reasons:-

Please select the reasons in order of priority i.e. 1-10 (number 1 is the highest priority)

- Low pay
- Low and unequal incentive package across the Public Service ()
- Weak legal instruments. For example, mismatch between legal sanctions and offences committed i.e. lesser punishments against serious offences ()
- Correctional approach in managing discipline is poorly implemented ()
- Inadequate knowledge on instruments and procedures for managing disciplinary issues for both employees and Employers/Disciplinary Authorities ()
- Failure of Employers or Disciplinary Authorities in performing their responsibilities, example failure or delay in attending employees' human resources related issues ()
- Increase of unethical and immoral conducts among public servants

()

✚ Poor monitoring and supervision among public servants()

✚ Improper screening prior to recruitment in Public service ()

✚ Employee-Training not taken as a priority ()

9. In your opinion, do you think the use of OPRAS helps to prevent incidents of public servants in breaching disciplinary rules?

Agree ()

Strongly agree ()

Disagree ()

Strongly disagree ()

Neutral ()

Thank you for sharing with me your Knowledge!!