



REPUBLIC OF NAMIBIA

**STATEMENT TO THE NATIONAL ASSEMBLY BY THE RIGHT
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PRIME MINISTER

ON the Progress made on a Framework for:

- (a) Compulsory Declaration of Interests and Remunerative Work
Outside Public Service Employment; and**
- (b) Performance Agreement by Permanent Secretaries**

01 JULY 2015

Hon. Speaker

Hon. Members of the National Assembly

I rise to inform this august House on the status of declaration of interests and remunerative work outside public service employment by all staff members, members of the services and members of the Regional Councils.

Hon. Members, Section 17 of the Public Service Act, 1995 (Act 13 of 1995) provides that:-

A staff member shall place all his/her time at the disposal of the Government and shall therefore not perform or engage to perform remunerative work outside his/her employment in the Public Service. However, on application by a staff member, permission may be granted to perform or engage in remunerative work outside his/her employment in the Public Service. The Permanent Secretary of an Office/Ministry/Agency (OMA), on the advice of the Public Service Commission (PSC), may grant such approval in case of officials below the level of Permanent Secretaries, on condition that such work will not be related to his/her official duties or will hamper the performance of such duties in any way.

The purpose of this policy is to regulate this matter in an open and transparent manner in order to protect the interests of the Public Service by ensuring that staff members and member of the services place the whole time

at the disposal of the Government; and to prevent unfair competition between staff members and persons in the private sector; and a possible conflict of interest.

In terms of Section 35 of the Public Service Act, the Prime Minister may issue Public Service Staff Rules (PSSR). A PSSR was developed under the Act that prescribes the procedure a staff member must follow when applying for permission to do remunerative work outside employment in the Public Service and how the applications should be dealt with.

The following factors are taken into account when applications for remunerative work are considered:

- (i) The nature and extent of the work and the relation thereof to the normal duties which the staff member or member of the services performs in the Public Service;***
- (ii) If the work will in any way hamper the performance of the official duties of the staff member or member of the services;***
- (iii) The general availability of persons outside the Public Service to undertake the work to be performed;***
- (iv) If the work is of an educational, cultural or physical recreational nature which is in the interest of the Public service or of a specific community or where the***

staff member concerned possesses special qualifications, talents or abilities which would make it either difficult or impossible to find a person with these attributes outside the Public Service;

(v) If the work will be performed outside the prescribed official hours of attendance; and

(vi) If the work is of such a nature so as not to cause an embarrassment to the Government in any way.

1. Over time, government became concerned about the increased number of Public servants involved in work outside the Public Service and the impact it may have on ^{public} the service delivery. There were also concerns that the monitoring of the system is not adequate. It was therefore decided to put a moratorium on further approval of requests to do remunerative work outside the Public Service and to undertake a study to investigate how the system can be improved.

The following conclusions were made from the study;

1.1. The need for Industry specific policy

1.1.1. The Investigations found that the measures in the PSSR are of general application, whereas some OMAs operate in quite unique environments, and therefore requiring industry specific policies.

^{It was thus recommended that *inter alia*}
1.1.2. Should develop industry specific policies based on their respective peculiar environment, but subject to the approved framework. Such policies will, however, still be approved by the Prime Minister on recommendation of the Public Service Commission.

1.2. The need for Awareness

1.2.1. The Study also underlined the need for staff members to be conversant with the policies. The primary responsibility for implementing the Policy lies with an individual staff member in ensuring that he/she complies fully with all the provisions of the policy. However, just as important is the OPM as custodian of the policy, and the supervisors in the government Offices, Ministries and Agencies to ensure compliance and ^{act on} ~~report~~ cases of non-compliance by staff members.

1.2.2. Robust awareness creation strategies were therefore identified as a critical requirement and these include *inter alia* the following:

- Incorporating the measures on remunerative work outside employment in induction programmes.
- Conducting information sharing sessions.
- Distribution of flyers.
- Ensuring access to the policy framework.

1.3. The need for a sound system for Monitoring and evaluation

This includes having defined period for the validity of the permission granted to public servants to do remunerative work outside of the Public Service and subjecting this approval to periodic review with the possibility to terminate it in case of identified adverse impact on service delivery or possible conflict of interest.

1.3.1. Validity of permission

(a) The permission granted in terms of the pre-revised measures was open-ended. This has now been revised to provide that permission granted to perform remunerative work outside employment only be valid for 12 calendar months and may be renewed upon expiry, subject to the agreed approval process.

(b) A database on the Human Capital Management System (HCMS) which is currently under development will assist the monitoring and evaluation process by ensuring the establishment of a database on approved requests and the nature of businesses involved.

1.3.2. The need to continuously monitor the Impact on service delivery

- (a) The management of work outside employment does not stop with the granting of permission by the relevant approving authorities. The assessment of the impact on performance is a continuous process.**
- (b) Monitoring of such impact shall be done by the supervisor through the existing performance management assessment tools, e.g. the quarterly review reports. This means, when the staff member's performance is being reviewed, part of the assessment shall include the impact of the engagement in work outside employment on the performance of the staff member. If it is found that performance of remunerative work outside employment negatively impacts on the performance of service delivery of the staff member, a decision may be taken to terminate the authorisation.**
- (c) The engagement in work outside employment should in no way compromise service delivery or violate governance principles. OMA^s are ^{thus} required to guard against and continuously monitor factors that inhibit effective and efficient performance of the Public Service. This relates to time lost as a result of absenteeism (vacation leave, sick leave, time spent on activities not related to the job), use of official resources (telephone, stationary, electronic equipment – email/photo copying), using government premises (offices, buildings) and possible conflict of interest (insight into**

procurement of tenders, access to information of services/products to be rendered).

2. THE NEED FOR DECLARATION OF INTEREST BY PUBLIC SERVANTS

2.1. In order to improve transparent government, government has decided to introduce compulsory declaration of financial interests by public servants.

Regulation 11 of the Regulations issued by the Prime Minister in terms of Section 34 of the Public Service Act was^{thus} amended to ensure such compulsory declaration.

All Permanent Secretaries are expected to declare their interests by end of June 2015, while all staff members shall declare their interest by end of July.

All supervisors will be responsible to ensure that the completed declaration forms of all those staff member under their supervision are submitted to the Human Resource Office and the Department Public Service Management.

Each form will be evaluated against a set of criteria focusing on possible areas of conflict of interest and level of commitment in terms of involvement in remunerative work outside employment in the Public Service. If concerns arise, it will be discussed in detail with the staff member concerned.

INSTUTIONAL FRAMEWORK FOR ADMINISTERING THE SYSTEM

The proper management of the declaration process requires that a component/unit be dedicated to this function. Therefore, a unit will be created in the Office of the Prime Minister to take charge of the central database and the management thereof. In the interim, a number of staff members from the Departments Public Service Commission Secretariat and Public Service Management, have been identified and tasked with the capturing and analysis of the declaration forms received.

PERFORMANCE AGREEMENTS BY PUBLIC SERVANTS

As part of the reform process, the Public Service has introduced a Performance Management System in order to improve service delivery. It is expected that the signing of Performance Agreements Permanent Secretaries and by all Public Servants will be concluded by end of June 2015 and July 2015 respectively.

I thank you for your attention

