

Human Resources Management & Development Policy Manual

Government of Lesotho





**Human Resources Management
& Development Policy Manual**

Acknowledgements

This manual was produced with the assistance of GTZ



Foreword



The management of human resources in the Public Service has been guided by the Public Service Act and Public Service Regulations, and other relevant laws, which were generally interpreted through Government Circulars. These fragmented pieces of information made access to information difficult, particularly in offices where records were poorly managed.

The Public Service should be an environment characterised by transparency, uniformity and consistency in the application of procedures. It was imperative, therefore, that a comprehensive manual to guide the management of human resources be developed. Thus the Human Resources Management and Development Policy Manual was approved by the Cabinet on 1 November 2007.

This Manual provides guidelines for promoting fairness, objectivity and transparency in the acquisition of human resources. It also sets out a systematic approach to managing training and development, employee relations and HIV & AIDS workplace programmes across the public service. Apart from this, the manual facilitates for smooth implementation of the Public Service Act 2005, Public Service Regulations 2008 and other laws within the public service.

The manual will serve as a point of reference for heads of departments, line managers, human resource management and development practitioners throughout the public service. It will be revised bi-annually to align it with best practices in human resource management and to accommodate other necessary policies as well as those that are currently being developed, for example, the policy on performance management and performance related pay.

I urge all civil servants to familiarise themselves with this user-friendly document and call on heads of departments to ensure adherence to the provisions of this manual.

May I take this opportunity to thank all Human Resources Officers and all stakeholders who contributed tirelessly during the development of this document.

My profound gratitude is also extended to our Development Partners, GTZ and Irish Aid for making this wish come true.

S.H. Sekatle

Honourable Minister
Ministry of the Public Service
Government of Lesotho

Abbreviations and Acronyms

AIDS	-	Acquired Immune Deficiency Syndrome
BCC	-	Behaviour Change Communication
CAO	-	Chief Accounting Officer
HIV	-	Human Immunodeficiency Virus
HR	-	Human Resources
HTC	-	HIV Testing and Counselling
IEC	-	Information, Education and Communication
MPS	-	Ministry of the Public Service
OVC	-	Orphans and Vulnerable Children
PS	-	Principal Secretary
PSC	-	Public Service Commission
PSIRP	-	Public Sector Improvement and Reform Programme
T&D	-	Training and Development
TNA	-	Training Needs Analysis

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Chapter 1

HUMAN RESOURCES POLICY MANUAL

1. Background

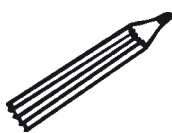
Poverty reduction is one of the development goals for Lesotho Government. This goal will be achieved through various strategies, which among other things include the Public Sector Improvement and Reform Program (PSIRP). The aim of the PSIRP is to improve service delivery in the Public Service through improved public financial management, decentralisation of public services to local authorities and improved management of human capital in the Public Service. In an effort to improve the management of human capital in the public service, the Ministry of the Public Service took an initiative to transform the personnel administration into the human resources development and management function due to the shortcomings experienced with the old personnel administration. This was also to align the function with current best Human Resource Management practices.

The transformation process took various phases, which involved development of new human resources cadre structure, development and introduction of an assessment centre approach for development assessment and recruitment, recruitment of staff into the new structure, and training of staff. The final phase of the process requires development and implementation of Human Resources policies that guide the human resources functions across the Public Service. It is on this basis that this policy manual, containing the following policies, is developed pursuant to Section 10 (2) of the Public Service Act 2005:



Recruitment and Selection Policy

This Policy is based on national strategic principles provided by the Lesotho Government's Mission, Vision and Values. It provides guidelines for recruiting best-qualified and skilled workforce in a transparent, objective, fair and just manner so as to promote efficiency and effectiveness across the Public Service.



Training and Development Policy

The Government of Lesotho views training and development as a concerted, deliberate and continuous effort to enhance the productivity of public officers through the acquisition of skills and knowledge to perform current and future jobs to acceptable standards, while at the same time, gaining personal fulfilment. The Training and Development Policy is intended to provide general guidelines in the management and administration of training and development of public officers to ensure cost-effectiveness in the development, utilization and retention of human resources in the public sector in accordance with national priorities.



Employee Relations Policy

Effective management of conflict and employee dissatisfaction requires a systematic and orderly mechanism to control conflict and to enhance mutual trust between public officers and the employer. Moreover, harmonious working relations between public officers and the employer are essential for enhanced performance in an organisation. This policy therefore provides the framework for managing the relationship between the organisation, individual public officers and groups of public officers within the Public Service. It outlines mechanisms for grievance and discipline handling, and dispute settlement in the workplace.



HIV and AIDS Workplace Policy

The Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS) are public health problems that have a devastating effect on human life and have vast socio-economic, employment and human rights implications. The impact of the epidemic includes inter alia;

- Cost implications arising from absenteeism and lost productivity as people become sick.
- Loss of life resulting in loss of skilled and experienced personnel.
- High benefit cost as the government pays gratuities when officers die at a high rate.
- High medical costs incurred by both the Government, people infected and affected by HIV and AIDS.
- Stigma associated with HIV and AIDS.
- Loss of employment by breadwinners as a result of illness.
- Child and/or old person headed households.
- Orphans and vulnerable children (OVCs)

The HIV and AIDS pandemic affects every workplace and every public officer, and is surrounded by ignorance, fear, prejudice and discrimination. The workplace in particular has been an area where discriminatory practices have been perpetrated through practices

such as unnecessary pre-employment HIV testing, dismissals for being HIV positive and the denial of equal employee benefits.

The Government therefore recognizes the seriousness of the HIV and AIDS epidemic in Lesotho and its impact on the national economy, public officers and their families. The Government seeks to manage the HIV and AIDS epidemic within a comprehensive Employee Assistance Programme.

In managing HIV and AIDS in the workplace and combating discrimination and prejudice, an HIV and AIDS Workplace policy that addresses all relevant aspects of HIV and AIDS is necessary.

2. Objectives of the Policy Manual

- To provide clear guidelines for application of human resources functions and systems.
- To maintain consistency and predictability in decision-making.
- To ensure transparency and accountability in human resources management and development.
- To promote adherence to the rules and regulations governing the Public Service.
- To maintain quality standards in the management of human resources.
- To provide a basis for protecting the rights of the employer and the employee.

3. General Guidelines for the Policy Manual

In order to facilitate implementation of this policy manual,

3.1 The Ministry of the Public Service shall:

- Avail copies of this policy manual to all Heads of Departments and Heads of Human Resources Units, who in turn, shall make copies accessible to all public officers.
- Sensitize all Heads of Departments, Human Resources personnel, Line managers and all other public officers about the policy manual.
- Coordinate and monitor implementation of the policy manual and facilitate policy manual reviews.

3.2 All line Ministries, Departments and Agencies shall:

- Ensure that line managers and Human Resources personnel induct all public officers on the application of this policy manual and ensure adherence to it.

4. Compliance

Non-compliance with this policy is misconduct liable for disciplinary action in accordance with the provisions of the disciplinary code.

5. Policy Manual Review

The Ministry of the Public Service shall facilitate bi-annual review of the policy manual to ensure that it remains-up-to date.

Chapter 2

RECRUITMENT AND SELECTION POLICY

1. Definition of Terms

In this policy the following words and expressions shall have the meanings as set out opposite them:

Advertising: Method of inviting applications from suitable candidates in order to fill vacant positions.

Appointment: A job offer to a successful candidate by the Public Service Commission (or any other appointing authority).

Appointment letter: A formal letter written to a successful candidate for a job. It includes terms and conditions of employment.

Assessment Centre Approach: A method used to select suitable candidates for particular positions using competency based structured interviews, series of simulation exercises and/or tests observed by trained assessors. The candidates' potential to perform is measured against predetermined competencies or factors, which are derived from the job descriptions.

Development Assessment: It identifies the potential of a candidate for future career using the same method as an assessment centre approach, however, there is no element of selection involved, no question of passing or fail.

Exit Interview: An exercise conducted with officers leaving the public service in order to establish their reasons for leaving.

Induction: The process of orientating public officers about the Public Service mandate and set up, its structures, systems, processes, procedures, rules and regulations on assumption of duty.

Job Analysis: Collection of information pertaining to a specific job, assessing the nature and complexity of the work performed or to be performed and the competencies required.



Job Description: A detailed outline of the purpose, scope, duties and responsibilities of a particular job.

Job Design: Organising tasks, duties and responsibilities into a productive unit of work.

Job Specification: A detailed description of all necessary formal qualifications and competencies required to perform a particular job.

Job Profile: It is a detailed statement of the job purpose, key performance areas, key performance outputs, necessary knowledge, skills, competencies and required personal attributes.

Job Interview: A formal and timed discussion between appointed panel of interviewers and prospective employee, to establish the suitability of the candidate to the position in question on the basis of the job specifications and requirements.

Objectives: Intermediate targets that lead to the realization of overall goals.

Political Appointee: Any person nominated by the Honourable Minister responsible for the Public Service to serve in a political position.

Promotion: It is an upward mobility of a public officer, based on merit after a fair and open competition, to a job within the public service, which has greater scope of duties, responsibilities and accountability. It is accompanied by higher pay.

Recruitment: A process of filling a vacancy; it includes advertising the position internally and externally using circulars and media, head hunting, screening applications against set criteria for the purpose of short listing, interviewing, appointment and placement.

Redeployment: The process of repositioning a public officer within the Public Service from one position to a different one with different job requirements but similarly graded.

Reference: A clear, unbiased and comprehensive description of a candidate's abilities and behaviour.

Screening: A process of assessing job applications against set criteria for the job as indicated in the advertisement for the purpose of short-listing for selection.

Selection: A process where suitable applicants are selected against set criteria for appointment.

Statutory Position: Is a public post to which a person is appointed through an Act of Parliament to carry out a special assignment.

Transfer: A move to a position, which has similar responsibilities and pay within the Public Service.

Variation in Establishment: Changes in establishment, e.g. abolition, creation, re-designation, re-grading, transfer of a position.

Human Resources Officers: Refers to all officers performing human resources functions regardless of their designation.

2. Objectives

- To provide guidelines to be followed in recruitment and selection of suitable candidates, and in the management of staff mobility e.g. redeployment, promotion, demotion and transfer of public officers.
- To provide guidelines on different selection methods, e.g. the Assessment Centre Approach as a fair and scientific tool.
- To promote fairness, equity and transparency in selection of candidates

3. Policy Guidelines

3.1 Generic Guidelines

- The recruitment process shall be equitable and aligned to the Public Service Legislation and other Government policies.
- The recruitment and selection process shall be ethical, professional and will respect public officer's inalienable right to privacy and confidentiality.
- All public officers and prospective employees shall have an equal opportunity to apply for, and be selected to positions for which they qualify in terms of the inherent job requirements.
- The recruitment and selection will only take place if it supports public service requirements.
- Non-political positions will be advertised internally and externally through circular notices and media before being filled. Employment agencies shall be utilised where applicable.
- The inherent job requirements shall serve as criteria for selection to ensure job applicants will not be discriminated against.
- All recruitment and selection activities and decisions should be documented and stored securely for five years to permit future reference.
- The various assessment tools used for selection shall be developed on the basis of inherent job requirements.
- The recruitment, selection and placement of public officers shall be a shared responsibility between Human Resources Officers and Line Management.
- Bachelors Degree holders shall enter at Grade F while Bachelors Degree holders in areas officially identified, as scarce skills shall enter at Grade G, for example, BSc. Engineering.
- Diploma holders in areas officially identified, as scarce skills shall enter at Grade F, for example, Engineering, Pharmacy, Laboratory Sciences, Nursing and Environmental Health.
- All graduates shall be subjected to a development assessment for placement and career development.



4. Needs analysis for establishment requirements

- The needs analysis for variation in establishment is the responsibility of Human Resources officers, but shall be conducted in close consultation with relevant Line Management.
- The compilation of job profiles shall be done according to the standardised process and templates for job design.
- New and updated job profiles shall be authorized by the Ministry of the Public Service.
- The creation of new positions shall be authorized by the Ministry of the Public Service.
- All relevant information about the position shall be compiled and attached to the application to fill the vacancy (declaration).
- All vacancy declaration shall be authorized by the Chief Accounting Officer.

5. Advertising

- All positions shall be advertised internally and externally using circular notices, media and employment agencies whenever applicable.
- Human Resources officers shall compile the advertisement in consultation with relevant Line Management.
- The job description and the job profile shall be used as the main source document in the compilation of job advertisements. The advertisement shall be formulated in such manner that it does not allow direct and indirect discrimination.
- Adverts should indicate:
 - The concerned Ministry and its mission;
 - the job title;
 - the job responsibilities and reporting lines;
 - the location of the job;
 - outputs and tasks as contained in Job Profile;
 - the job specification;
 - competencies (knowledge, skills, and attitude) required;
 - remuneration package;
 - terms of appointment;
 - the contact person;
 - that applications shall be tendered in a relevant application form;
 - where application forms can be obtained;
 - disclaimer notifying applicants that if they do not receive any correspondence within 30 days after the closing date, their application has been unsuccessful;
 - the closing date.
- The closing date for all job advertisements shall be one (1) month from the date of publication.

- A database of all advertisements and applications shall be kept safely for twelve (12) months.

6. Screening

- Screening of applications is the responsibility of Human Resources officers and relevant Line Managers.
- The inherent job requirements as contained in the advertisement shall be the criteria for including or excluding candidates on the screened list.
- All screening decisions must be recorded and filed with the other documentation of the recruitment process and stored for five (5) years.
- Screening shall be done by two or more people, one from the Human Resources department and the other a relevant Line Manager.
- In the case of scarce skills, where suitable candidates could not be identified through screening, head hunting and referrals shall be used to source candidates.

7. Preliminary Interviews and Auditions

- All candidates who meet job requirement for positions at Grade G and below shall be subjected to preliminary interviews.
- Where applicable, candidates who meet job requirements in specific areas shall undergo Auditions.
- Each applicant on the interview-list shall be informed about the selection process.
- The candidates' responses during the interview shall be documented.
- All questions must be based on the inherent job requirements, that is, they should relate to the knowledge, skills, abilities and human attributes essential for the job.
- A minimum of three to a maximum of six candidates shall be interviewed per position.
- Human Resources officers shall guide panel members on the interview process.
- The interview process shall be ethical, professional and will respect the candidates inalienable right to privacy and confidentiality.
- All candidates should respond to the same set of interview questions which will be determined in advance. Additional questions may be formulated to clarify and elicit more information after a response from the candidate.

8. Assessment Centre Approach

8.1 Development Assessment

- Candidates entering Grade F and G shall undergo development assessment for determining their potential, their competency profile and suitability to perform in a certain career or job.
- Development Assessment shall only be used for proper placement, for establishing training needs and for future career development.



- Human Resources Officers and Assessors shall constitute the panel that gives feedback and counsels. Human Resources Officers shall select, in consultation with Line Management, the position that comes closest to the recommendations of the assessment report.
- The individual development report shall be explained to the relevant Line Manager and agreement between Human Resources Officer, Line Manager and officer shall be reached on how to implement the development strategy as outlined in the report.

8.2 Competency Assessment for Selection

- For recruitment into Grade H and upwards candidates shall undergo competency assessment conducted by certified assessors, to determine suitability for appointment to a senior position.
- The procurement of assessment services shall be the responsibility of the line ministries.
- Human Resources officers, Line managers and certified Assessors shall form part of the assessment panel. Where necessary, a relevant technical expert and an independent observer will be invited to be part of the assessment panel.
- Human Resources Officers shall conduct a briefing session for potential candidates on the assessment process at least two days prior to the assessment.
- Assessment tools shall be verified and validated by the Assessors.
- Standardised (coaching based) feedback procedure including Individual Development Plans shall be provided for all candidates in assessment reports.
- A candidate who has been assessed for a position shall not be subjected to assessment for a similar position within a period of twelve months from the date of assessment. His/Her report shall be considered for short-listing to the Public Service Commission.
- Candidates shall be allowed a minimum period of twelve months to acquire skills prior to being re-assessed for the same or similar position.
- It shall be the responsibility of the candidate who has undergone assessment together with the Head of Human Resources and the line Manager to develop him/her on the basis of assessment results.
- In cases where a candidate is in disagreement with the assessment results, the grievance procedure should be followed.
- The Head of Human Resources shall file all records of the recruitment process, including assessment proceedings' records, for a period of five (5) years after which the file shall be destroyed.

9. Reference Checks

- Reference checks shall be conducted for all candidates.
- A list of reference questions, prepared by Human Resources Officers shall be used in reference checking. The questions shall be based on the requirements of the job. A telephonic interview shall be conducted with the candidate's referees and/or previous employer.

- If concerns are identified during the reference check, Human Resources Officer shall consider other options, such as additional reference checks.
- When a decision is made not to offer a candidate a job based on the outcome of the reference check, the basis of the decision shall be documented.
- All information obtained in the reference check shall be documented.

10. Job Offer / Appointment

- Appointments into the public service shall be on either of the following terms:
 - permanent and pensionable;
 - contract;
 - temporary;
 - casual.
- The job offer is only done once the process of selection has been concluded, therefore, an offer of employment, verbally or otherwise, before the selection process is concluded, is unethical.

10.1 Negotiating release

- Negotiation for the release of a candidate is only applicable within the Public Service.
- Once the most suitable candidate for an internal position has been identified, and before the job offer is made, Human Resources Officers shall inform the candidate's current manager and discuss the date of release.
- When determining the date of release, the interest of the public officer and the employer shall be jointly considered.
- The negotiated release date will not exceed fifteen (15) working days from the date the job offer is made unless reasonable justifications can be made for an extended period and is authorized by the relevant Head of Department.
- A release period of one calendar month should be allowed for external appointees.

10.2 Job offer

- An offer of appointment shall not be made to an officer unless the officer submits to the Head of Department, a certificate of medical fitness, excluding HIV and AIDS test, obtained from a registered medical practitioner or hospital.
- Once the successful candidate accepts the offer, Human Resources shall issue a letter of Appointment.
- Human Resources Officers in consultation with the relevant Line Manager shall ensure that all logistical arrangements regarding the date of assumption of duty, time, location, office, furniture, stationery, etc. are in place.
- All new public officers shall sign the Declaration of Oath of Office and Secrecy before assumption of duty.

10.3 Medical examination

- A candidate shall undergo medical examination excluding HIV and AIDS testing by a registered medical practitioner or hospital.



- Public officers shall undergo medical examination as per the requirement of a new job (e.g. foreign service, police, army).
- Information gleaned from the medical examination report is confidential and access to it is limited to Human Resources Officers.

11. Job Placement and Induction

- Newly appointed public officers shall be oriented by Human Resources Officers and the Line Manager within the first two to four (2–4) weeks after appointment.
- The content for the generic induction programme shall include:
 - ministerial vision, mission, values and core functions;
 - ministerial structure;
 - Codes of Good Practice
 - Human Resources policies;
 - overview of Public Service Legislation;
 - procedures and systems pertaining to the specific environment.
- Line Managers shall induct employees on the following:
 - departmental vision, mission and values;
 - current developments in the department;
 - department's functions and operational plan;
 - role of the public officer in terms of the departmental initiatives;
 - performance contract for the newly appointed.

12. Formal Induction

Human Resource Officers shall arrange for formal induction within six months of appointment for newly recruited public officers.

13. Confirmation

Human Resource Officers should process confirmation for public officers upon an officer's satisfactory completion of one full year of service.

14. Staff Mobility

14.1 Promotion

- Promotion within the public service shall be after a fair and open competition.
- It shall be based on merit, which is ability, qualifications, knowledge, skills, and aptitude.
- A public officer who is appointed on probation and has not completed his/her probationary period shall not be eligible for promotion.

14.2 Transfer

- A public officer is liable for transfer to any public office inside and outside Lesotho.
- A public officer shall be notified at least three (3) months prior to the transfer, however, where operational requirements dictate otherwise, the officer shall be liable for immediate transfer.
- A transfer shall be effected under either of the following circumstances:
 - rotation for capacity building (job enrichment, job enlargement);
 - exposure for a better understanding of an organisational set up;
 - to fill a vacancy.
- Public officers proceeding on transfer shall be accorded all entitlements as outlined in the Conditions of Employment.

14.3 Secondment Appointment

- A public officer may be appointed on secondment to an organisation outside the Public Service or a parastatal for a period of three (3) years with a possibility of extension.
- Secondment shall be considered under the following circumstances:
 - where government has established a need for an officer to undertake an assignment in a semi-autonomous body or an organisation outside the Public Service;
 - where government establishes a need for human capacity building and as a result attaches a public officer to a relevant organisation outside the Public Service for purposes of skills development;
 - where a public officer makes an application for secondment. In this case the Minister of the Public Service may consider the application and approve if such a secondment will benefit the public service and the public officer.

14.4 Special Assignment

- A public officer may be temporarily assigned duties of a different or similar nature and of a similar or differently graded position within the public service.
- Special assignments shall be considered under the following circumstances;
 - where there is a need to fill vacant positions in the Foreign Service, and
 - the assignment period shall not exceed three (3) years, with a possibility of extension;
 - where a public officer is assigned to a non-political position (including that of a Secretary or Chauffeur) in the office of a government minister, the duration of which shall depend on the minister's tenure of office;
 - where a minister identifies a need for a public officer to undertake specific projects, the duration of which shall depend on the life of the project.



14.5 Retrenchment

- Retrenchment occurs under either of the following circumstances:
 - where there has been reorganisation of a Ministry/Department/Agency;
 - where there has been a reduction in the establishment or abolition of a Department or positions.
- The employer shall issue a written notice of not less than three (3) months prior to the envisaged retrenchment to the public officers and/or their representatives. Sensitization and counselling shall take place two (2) months prior to the retrenchment date.
- The employer shall within five (5) working days from issuance of the notice, consult with public officers and/or their representatives to disclose in good faith all the relevant information regarding the envisaged retrenchment.
- The employer shall set up criteria for officers to be retrenched
- The employer shall give preference by way of a transfer to a similar job grade to public officers who are going to be affected by retrenchment should an equivalent vacancy occur in any department throughout the Public Service.
- Remuneration packages must be prepared and be ready a month before the retrenchment date.

14.6 Redeployment

- Redeployment shall only be effected for operational requirements under either of the following conditions:
 - for purposes of job enrichment;
 - where a division, department etc is abolished;
 - when a public officer is unable to perform due to ill health;
 - where a public officer is misplaced;
 - when a position no longer contributes to the achievement of the objectives of the department, ministry or agency.
- Public officers must be redeployed to similarly graded positions where they can perform according to their abilities and competencies.
- Public officers must be prepared and sensitized in advance about their new placement.
- Concurrences by the relevant Chief Accounting Officer(s) shall be sought before redeployment is effected.
- Redeployment shall be authorized by the Public Service Commission or any other appointing body.

15. Exit interviews

- Exit interviews shall be conducted by Human Resources Officers for positions at Grade F and upwards at the termination of employment or where a public officer has requested a transfer to another ministry.
- The data collected from the exit interviews shall be analysed, documented and used to inform policy and to improve the Conditions of Service.

16. Recruitment and Selection Process Steps

Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Needs Analysis for Establishment Requirements	Analyse need for either filling a vacancy, creating new position or funding a positions.	GP 102 Variation Forms	HR Head Line Manager	HR Head
	Liaise with management for confirmation and approval		HR Head	HR Head
	Declare vacancy		HR Head	CAO
	For new creations: obtain approval from MPS		HR Head	MPS
	For positions originally not budgeted for, obtain approval from MPS		HR Head	MPS
	Determine how the position shall be filled (e.g. advertisement, transfer, redeployment)		HR Head Line Manager	CAO
	Submit the recommendation for approval	Memo GP 102	HR Head	CAO
Job analysis	Develop a Job Profile: Set up interview with job stakeholders (incumbent, direct supervisor, direct reports etc).	Job Analysis Template (MPS, HR and MSD)	HR Head Line Manager	HR Head
	Identify job, title, purpose, objectives, position within the organisational structure, reporting lines, scope of responsibilities and accountabilities, tasks and activities to be undertaken, job range, key performance areas, outputs and performance indicators Job specifications (that is, qualifications, knowledge, skills, competencies required etc).			
Advertisement	Draw advert according to advertisement guidelines	Advert template	HR Head	CAO
	Obtain resources/funding for advertisements,	Requisition form	HR Head	HR Head
	Advertise		HR Head	CAO
	Acknowledge receipt of application,	Standard letter, electronic, telephonic	HR Head	
	Compile a database of all applicants		HR Head	



Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Screening	Draw and prioritise the list of criteria for screening based on the job specification as advertised.	Applicant analysis Sheet	HR Head	
	Analyse applications against the requirements.	Analysis sheet	HR Head Line Manager	
	Agree on any additional job related criteria to set in order to reduce the pool of candidates		HR Head Line Manager	
	Determine a list of potentially most suitable candidates for preliminary interviews.		HR Head Line Manager	

Preliminary Interview	Determine the date and venue for the interviews.		HR Head	HR Head Line Manager
	Identify and inform the interview panel members.	Standard letter, e-mail, telephone, radio	HR Head	
	Inform interviewees		HR Head	
	Do a detailed briefing of the process and jobs based selection criteria with the panel prior to the interview and decide on the interview questionnaire.		HR Head	
	Prepare interviewing documentation	Questionnaire Score sheet Short list GP 103, 104, 102	Line Manager	
	Prepare documentation / notes on the interviews and the panel decisions and comments.	Template	HR Head	

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Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Assessment Centre	Identify registered assessors and invite relevant Line Manager who shall be part of the assessment panel.		HR Head	
	Make logistical arrangements Choose and prepare assessment tools and material.	Requisition Form Purchasing Order	HR Head	
	Invite and brief candidates		Assessors, relevant HR Line Managers	
	Assess candidates.		HR Head Assessors, relevant Line Manager, Technical expert where necessary	
	Compile assessment report and forward to HR Head.	Report	Assessors	
	Provide feedback to candidates.		Assessors	
	Compile shortlist.	Short list	HR Head	
Reference checking	Obtain the candidate's permission on the relevant consent form.	Application form	HR Head	
	Speak to the referee or the person who wrote the reference and/or the previous employer.	Reference check-sheet	HR Head	
	Make accurate notes of the information provided.		HR Head	
	Feed the information back to the Line Manager and assessment panel members.		HR Head	
Recommendation to Commission	Compile and submit short-listed candidates for consideration for appointment.	Concurrence Minutes with all supportive documentation	HR Head	
	Obtain PS and Minister's approval.		HR Head	CAO
	Forward docket to Public Service Commission (PSC).		HR Head	
	Obtain interview arrangements from PSC.		HR Head	
	Confirm receipt of invitation letter by PSC with candidates.		HR Head	



Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Negotiate release (internal applications)	Approach the releasing manager with a request for release.		HR Head	Line Manager
Appointment	Inform the candidate of the medical requirements for the job.		HR Head	
	Refer for medical examination.		HR Head	
	Obtain medical examination report.		HR Head	
	Confirm fitness for the job.		HR Head	
	Prepare and issue letter of appointment.	Standard appointment letter	HR Head	
	Ensure that appointee completes all relevant Human Resource forms, including letter of acceptance.	Refer to the checklist	HR Head	
	Arrange for the appointee to be sworn in.		HR Head	
	File Documentation		HR Head	
Job placement	Inform staff in the department of the new appointment.		HR Head Line Manager	
	Prepare the office and equipment for the new appointee prior to arrival.		Line Manager HR Head	
	Meet the new appointee on date of arrival and introduce to staff.		HR Head	
	Induct the new employee to the place of work and the job.		Line Manager	
	Sign the performance agreement with the appointee.	Performance Contracting form	Relevant Line Manager, appointee	
	Conduct the placement interview.		Line Manager, HR Head	
Exit interview	Conduct an exit interview	Questionnaire Report	HR Head	
	Analyse and document the exit interviews		HR Head	
	Present the exit interview report to the CAO	Report	HR Head	
	Use the information for policy making and/or for corrective measures	Policy	CAO	CAO Other primary stakeholders

17. Staff Mobility Process Steps

Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Promotion	Declare Vacancy	GP 102	HR Head	CAO
	Advertise the vacant post	Circular Notice	HR Head	CAO
	Analyse applications against the requirements	Analysis sheet and GP 104 date stamped	HR Head	CAO
	Obtain PS and Minister approval, for short listed candidates	Concurrence (memo)	HR Head	
	Obtain interview arrangements from PSC	Letter to PSC	HR Head	
	Confirm that applicants received invitation letters from PSC		HR Head	
	Implement PSC decision	GP 114	HR Head	
	Issue casualty return denoting salary change	GP 30	HR Head	

Transfer	In the case where the Ministry initiates the transfer, notify the affected public officer OR In the case where the public officer initiates the transfer validate the officer's application letter	Letter	HR Head	CAO
	Obtain releasing Ministry's approval	Concurrence (memo)	HR Head	CAO
	Recipient ministry to forward duly filled vacancy report form and concurrence memo to the Ministry of the Public Service	GP 102	HR Head	CAO
	Obtain releasing Ministry's approval	Concurrence (Memo)	HR Head	CAO
	MPS to forward the request to PSC	Cabinet I with all supportive documentation	HR Head	
	MPS to implement PSC decision	Letter	HR Head	CAO
	Releasing Ministry to issue casualty return denoting salary stoppage	GP 30	HR Head	CAO
	Recipient Ministry to issue casualty return denoting salary payment	GP 30	HR Head	CAO



Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Secondment Appointment	Appointment letter by nominating ministry to be forwarded to MPS	Concurrence (memo) with all supportive documentation	HR Head	CAO
	MPS to obtain the approval of the Minister	Concurrence (memo)	HR Head	CAO
	MPS to forward the request to PSC	Cabinet I with all supportive documentation	HR Head	CAO
	In the case where an officer initiates the secondment, application by the officer to be seconded should be forwarded to the HR from the Ministry	Letter	HR Head	CAO
	Obtain Minister's approval	Concurrence (memo)	HR Head	CAO
	Submit application to MPS	Forwarding letter by the ministry with all supportive documentation	HR Head	CAO
	MPS to submit a request to PSC	Cabinet I with all supportive documentation	HR Head	CAO
	MPS to implement PSC decision	Letter	HR Head	CAO
Special Assignment	Application letter by nominating ministry to be forwarded to MPS	Concurrence (memo) with all supportive documentation	HR Head	CAO
	MPS to obtain Minister's approval	Concurrence (memo)	HR Head	
	MPS to submit a request to PSC	Cabinet I with all supportive documentation	HR Head	
	Implement PSC decision	Letter	HR Head	
Retrenchment	Submit applications for variation in the establishment to MPS	Letter	HR Head	
	MPS to analyse application and advice accordingly or approve	Letter	HR Head	
	Notify officers who will be affected by the change	Letter	HR Head	
	Notify MPS about the officers who will be affected by the change	Letter	HR Head	
	MPS to submit a request to PSC	Concurrence (memo) with all supportive documentation	HR Head	
	MPS to implement PSC decision	Letter	HR Head	
	Prepare remuneration packages		HR Head	CAO

Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Redeployment	Identify officers to be redeployed and suggest suitable positions to occupy and submit to MPS	Letter	HR Head	CAO
	Notify the officers who will be affected by the change	Letter	HR Head	CAO
	Suggest suitable positions to occupy and submit to MPS	Letter	HR Head	CAO
	Forward the request to PSC	Cabinet I with all supportive documentation	HR Head	
	Implement PSC decision	Letter	HR Head	

Chapter 3

TRAINING AND DEVELOPMENT POLICY

The Training and Development Policy provides guidelines for developing officers' skills, knowledge and attitudes through a systematic training and development approach which will create a highly skilled human resource base, and stimulate a culture of productivity, efficiency, effectiveness, professionalism and accountability in the delivery of public services.

1. Definition of terms

Accreditation: the status of training provider's institution, which meets the standards and regulations, stipulated by an official training authority.

Attachment: posting an officer to a different ministry, institution or agency to learn more about his/her current job.

Bonding agreement: a legal contract that a public officer signs with government prior to proceeding on study leave, binding the public officer to serve the government for a specified period.

Exchange programmes: where a public officer may be attached to an outside organization or ministry to acquire experience and gain insight into the mode of operation of that organization; in exchange an officer from the destination organization or ministry is attached to the officer's organization or ministry for the same purpose.

Formative assessment: an ongoing assessment conducted throughout a training programme. It is used to provide feedback on the trainee's progress so that facilitators can adjust course material where necessary.

Guarantor: a giver of guarantee, this can either be a parent, guardian or spouse.

Induction: a structured training process whereby new public officers are introduced to their new work environment in a manner that will facilitate early productivity.

Long-term training: full-time training aimed at acquiring academic and professional qualifications.

Mentoring programme: a programme whereby experienced managers provide professional guidance and coaching to junior officers which should be structured into the systematic programme.

Part-time training: long term training intended for acquisition of academic and professional qualifications while the public officer is on full-time employment.

Points of contact: any office designated as a liaison office between the donor organization or country and the government, e.g. National Manpower Development Secretariat, Ministry of Foreign Affairs. Etc.

Rotation: posting an officer to different but relevant departments or sections of the ministry to facilitate learning, broadening of knowledge and experience.

Scarce Skills: specific skills which are required and either unavailable in Lesotho, or in such limited supply, and command a significant market premium in its rate of pay at a material time.

Short-term training: functional training and development offered for a period that does not exceed six (6) months.

Skills transfer: a formal process whereby a public officer transfers knowledge and skills to another in a structured manner.

Study Tour: the formally structured visit of a public officer to internal or external agencies to learn and observe the mode of operation and exchange experiences and ideas.

2. Objectives of the Training Policy

- To provide and maintain clear guidelines which promote consistent management decisions in the administration of training and development.
- To facilitate the co-ordination of training efforts in order to maximize available resources and minimize waste.
- To strengthen the commitment to lifelong learning.
- To promote public officers' access to training and development.

3. Generic policy guidelines

- Public officers are eligible for training and development in accordance with the Public Service Regulations and this policy.
- In deciding on any training and development for a public officer, the needs of the government will take precedence.



- In pursuit of this policy, the ministries/department/agencies will:
 - regularly and actively take steps, through appraisals, task and job analyses, recognizing gaps, and other appropriate means, to identify training and development needs for both individuals and groups of staff;
 - within available resources, provide staff with opportunities to participate in training and development activities inside and outside the organization;
 - fully evaluate at individual, team and organizational levels, the benefits and effectiveness of investments in training and development activities;
 - provide career and personal development.
- In pursuit of this policy, public officers will:
 - co-operate and participate, where appropriate, in activities and processes which are designed to identify training needs;
 - attend and fully participate in any activity which is relevant to skills development;
 - actively put into practice the new skills and knowledge gained through training and development; and
 - participate in any activities meant to evaluate the impact of training interventions.

4. Purpose of training and development

- To strike a balance between skills development and academic training in the workplace.
- To improve performance of public officers in their present roles for quality service delivery.
- To prepare public officers for future roles, careers and professional development.
- To improve morale and motivate staff.

5. Training needs analysis

- All training and development in the public service will be guided by national development policies. Every line ministry will undertake annual training needs assessments for all their departments, sections, units, teams and individual officers in order to determine priorities and to prepare training and development plans.
- On the basis of these assessments, line ministries will prepare training plans for submission to the Ministry of the Public Service at the beginning of each financial year.
- When deciding on the type of training and development an officer should follow, the needs of both the ministry and the public officer will be taken into account; in cases of uncertainty the needs of the ministry will take precedence.

6. Types of training and development

6.1 Induction programmes

This is a type of training to orientate new officers in the public service in order to settle them in.

- **In-house induction:** Within the first two to four (2-4) weeks of arrival all new staff will undergo in-house induction. The training may cover both core and functional areas, and will be arranged and designed by HR departments within the respective ministries.
- **Formal induction:** Within six (6) months of joining the public service all new staff will go to the Lesotho Institute of Public Administration and Management (LIPAM) for formal introduction to the purpose of the Lesotho public service, and its structure, rules and scope of its operations. It is the responsibility of the relevant HR department to ensure that all new staff undergo formal induction. This induction is compulsory and is a prerequisite for every public officer's training.
- Types of formal induction:
 - Clerical Induction: this is for newly recruited clerical staff.
 - Graduate Induction: this is for newly recruited graduates.
 - Management Induction: this is specific to newly recruited managers and directors to orientate them into their new work environments and newly assumed responsibilities.

6.2 On the Job Training

This type of training is provided to ensure that an officer acquires skills while on the job. Departmental Heads will provide either of the following five types of on-the-job training:

- **Attachment:** An officer may be attached to an outside organisation or Ministry to acquire experience and gain insight into the operations of a similar organisation or Ministry for a period not exceeding six (6) months.
- **Exchange programmes:** Where possible exchange programmes may be arranged between institutions or agencies at local, regional and international levels and shall not exceed six (6) months.
- **In-house-training:** Head of Department shall arrange periodic in-house-training sessions to address particular problems or needs of the organisation. External Consultants may be contracted as facilitators.
- **Rotation:** Head of Department will post officers to different but relevant sections of the Ministry, in order to enable them to learn about the specific functions and responsibilities of the section with a view to broadening their knowledge and experience, for a period not exceeding three (3) months.
- **Study tours:** Public officers may be allowed to undertake study visits to internal or external agencies to learn and observe their mode of operation and exchange experiences and ideas.



6.3 Formal Training and Development

- Based on development needs identified by training needs assessment, performance appraisals and/or assessment reports, and subject to availability of resources, management will facilitate either short term or long term training.
- **Short-term training:** Training of a duration of one (1) day and up to, but not exceeding six (6) months subject to the following terms:
 - a public officer will earn full salary during short-term training;
 - where the Government of Lesotho is the sponsor, payment of tuition, accommodation and meals will be according to the certified rates recommended by the training institution's programme and 10% of the applicable rate of subsistence allowance will be provided for incidentals.
 - where tuition, accommodation, meals and fares are provided by the host country or organization, an officer will be eligible for payment of 10% of subsistence allowance rate applicable to that country to cover incidental expenses;
 - where there is partial sponsorship, the ministry will provide for other expenses not covered in accordance with certified rates recommended by the training institution's programme;
 - where an officer expects to incur expenditure exceeding subsistence allowance provided, as per the operational requirement of the trip, the officer may apply for accountable tour imprest.
- **Part-time training:** Public officers will be allowed to undertake part-time training while remaining in full-time employment with Government. This training will involve periodic block release of officers from work for a cumulative maximum period of eight (8) weeks for every year of study.
- **Long-term training:** Any type of training for the duration of more than six (6) months will be considered long-term training. A public officer will go on long-term training subject to approval of the study leave by the honourable Minister responsible for the Public Service.
- Applications for study leave will be prepared by the respective Ministries at least (3) three months before training is due to start and submitted to the Ministry of the Public Service for approval at least 3 weeks prior to training.

7. Eligibility for Long-Term Training

- Public Officers will be eligible for long-term training and awarded study leave under the following conditions:
 - permanent and pensionable and have successfully completed the probationary period;
 - upon nomination by a ministry for studies relevant to the officer's duties, and in accordance with the ministerial annual training plan
 - below fifty (50) years of age,

- public officers who are aged fifty (50) years and above, may be granted study leave to pursue higher degrees or if pursuing diplomas or first degrees in fields which will result in acquisition of skills that are classified as scarce skills, provided they will be able to serve the bonding agreement.

8. Bonding Agreement

- A public officer will be required, together with his/her guarantor, to sign a bonding agreement before the study leave can be granted, binding him/her to serve the Government of Lesotho for a period stipulated in the bonding agreement. A public officer may be granted another study leave while still serving the bond only if the field of study has been identified as a scarce skill, e.g veterinary, engineering, medical field etc.
- If a public officer terminates his/her service before the bonding period expires, the following will apply:
 - the public officer will immediately pay the outstanding amount of the loan, which will be the gross salary multiplied by the bonding period not served, plus interest at the rate of 5% p.a. This amount has to be paid once, not in instalments, before the officer resigns.
- If the public officer fails to pay the loan amount, terminal benefits accruing to the officer will settle the loan.
- Public officers who do not participate in the contribution pension scheme shall be required to pay twenty percent (20%) of their salaries in the first six months of their study period and ten (10%) from the dependants allowance for the remaining study period. This money shall be used to pay the loan in case the officer terminates her contract before honouring the bonding agreement.
- The funds above will be reimbursed once the officer has served her/his bonding period.
- If the above conditions are not met, legal action will be instituted against the officer and/or the guarantor.

9. Emoluments during Study Period

- A public officer who is granted study leave will be paid salary and dependants allowance as follows:
 - full salary for the first six (6) months of training;
 - dependants allowance (50% of gross salary) for the remainder of the training period.
- Public officers are not entitled to full salary while they are on vacation during the course of their study leave and shall not resume duties of their substantive post until they have completed their training.



10. Annual Leave while on Study Leave

- An officer who is on study leave will not earn any leave. However, on completion of training he/she will be granted ten (10) working days leave to settle down.

11. Training and Development Budget

- Ministries will compile annual training budgets for short-term training, supported by detailed justification indicating the need and value to be added by proposed training interventions.
- Training budget estimates shall include tuition/consultancy or registration fees, fares, accommodation, meals and incidental expenses.

12. Types of Funding

12.1 Government Funding

- **Long-term training:** Government, through National Manpower Development Secretariat, will fund long-term training in accordance with the Loan Bursary Regulations.
- **Short-term courses:** Ministries will budget for short courses in accordance with the ministry's training plan.

12.2 Donor funding

- For donor-funded training programmes, once nominees for available courses have been identified, ministries/departments/agencies will channel applications through designated national points of contact. Applications should be accompanied by all documentation required by the sponsoring body. The conditions and contractual obligations for funding by sponsors should be given careful consideration in order to ensure that they do not conflict with ministerial training and/or operational plans. Contracts with sponsors will only be authorized and signed by officers authorised to do so.
- All funding received from donors is reckoned as Government funding for purposes of Government Loan Bursary Administration.

13. Training Service Providers

- Ministries/Departments/Agencies will engage training institutions duly accredited by the national qualifications authorities in the respective countries for all training including, inter alia, academic, vocational, technical and professional, undertaken locally, regionally and internationally.
- The appointment of training service providers will be managed, where applicable, in accordance with the government procurement procedures. Only providers who meet requirements for a specific training intervention as stipulated in the tender invitation will be considered for selection.

- Reference checks will be conducted to validate the selected training provider's track record.
- Local providers will be given first preference, provided their service is of the required quality and a competitive price.

14. Preparing Learners

- Before commencing their training, candidates will be informed of the training course objectives, the expected outputs, and the conditions of training through relevant documentation.
- Every public officer commencing training will be responsible for familiarizing him/herself with the entry requirement of the institution(s) or countries of study, including HIV testing requirements, and ensuring compliance.

15. Skills Transfer

- Line Managers, in consultation with HR Officers, will design mentorship programmes to facilitate the transfer of skills acquired through specific training programmes. In cases where a public officer with specialized skills is appointed on contract, ministries/departments/agencies will assign counterparts to understudy him/her to ensure transfer of skills within the duration of the public officer's contract. Quarterly reviews will monitor progress regarding skills transfer based on the skills transfer plan.
- Officers who are about to retire will be assigned counterparts to mentor in order to ensure skills transfer. This mentoring programme should be taken at least a year (12 months) to ensure sufficient time for skills transfer as part of succession planning. Officers who opt for early retirement will also be assigned counterparts to mentor in order to facilitate skills transfer. In these circumstances mentorship should take at least three (3) months.
- Mentees and mentors will complete progress reports monthly or quarterly, as applicable.
- For scarce skills, mentoring programmes will be a continuous process.

16. Training Evaluation

- All training interventions will be evaluated and feedback will be provided to the provider and other stakeholders e.g. development partners, participants etc. Formative assessments will be implemented for all training interventions.
- Upon completion of training, public officers shall develop action plans for implementation within six (6) months of completion of training in order to demonstrate application of skills acquired to the workplace.

The application of skills and knowledge acquired will be assessed based on the individual's performance on the action plan within six months of completion of a training programme.



17. Training Reports

- Upon completing a training course, every officer will write a report detailing: the title of course, the course objectives, the course content, the methods of instruction used, the relevance of training to officer’s duties, the benefits of attending the programme; and finally a description (with a detailed work/implementation plan) of how the officer will apply the lessons learned in the workplace for improved productivity.
- Each line ministry will subsequently compile the reports into a ministerial training activity reports copied to the Ministry of the Public Service. The reports will be evaluated and used as reference material.
- Ministries/Departments/Agencies will maintain a training profile of its officers, which will be updated as and when officers acquire additional certificates. Every six months this profile will be submitted to the Ministry of the Public Service for input into a public service skills database which will be established and maintained for future reference and use in policy decisions.

18. Monitoring

- Ministries/Departments/Agencies will submit training plans to the Ministry of the Public Service at the beginning of every financial year. At the end of the year they will also submit training report detailing the short courses attended, the officers on study leave, the officers currently serving bonding agreements and those in breach of bonding agreements.
- Line Ministries will request progress reports every six months from academic institutions to monitor the performance of those officers on long term training. These reports will be copied to the Ministry of the Public Service.
- Officers will be offered the necessary support where possible to ensure studies are successful.

19. Academic and Professional Qualifications

Once a public officer has attained an academic or professional qualification, he/she will submit a copy of his/her thesis/dissertation to the Ministry of the Public Service for registration and use as reference material.

20. Process steps for T&D policy implementation

Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Determine skills needs (3.5)	Analyse the required skills to perform a job	Strategic plan; Performance appraisal; Assessment reports; job profiles, training evaluation reports	Head of HR	
	Compile a database for available skills	Template	Head of HR	
	Conduct gap analysis i.e. compare what is required with what is available and note the gap	Analysis form	Head of HR	
	Compile training and development plan for the ministry	Training plan/ template	Head of HR; line manager	CAO

Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Funding/ budgeting (3.12)	Obtain information about cost per course e.g. tuition, accommodation, fares, etc.	Quotations	Head of HR	
	Compile a budget	Budget template	Head of HR	
	Obtain approval and revise if required	Budget template	Head of HR	CAO
	Compile applications for special funding when required	Relevant application documentation	Head of HR	CAO
	Compile applications for special funding when required	Relevant application documentation	Head of HR	CAO
	Approve training expenses	Budget	Line manager	CAO
	Monitor monthly expenses against budget and update the budget	Budget	Head of HR; line manager	

Appoint training providers (3.13)	Agree with line management on relevant training programme	Training plan;TNA	Head of HR; line manager	
	Identify internal service providers and approach them for programme design	Analysis form/training plan	Head of HR; line manager	CAO
	Where programmes cannot be designed and offered internally, invite tenders (as per government tender procedures)	Tender documents	Head of HR	Tender Board
	Evaluate the provider on the basis of the tender specifications and verify accreditation for short listed providers	Tender invitation	Head of HR; line manager	

Determine skills needs (3.5)	Conduct reference check for the short listed	Reference forms	Head of HR	
	Agree on the best qualified and/or most cost-effective provider within the budget	Checklist form	Head of HR; line manager	
	Submit recommendations to the Tender Board	Tender Board forms	Head of HR; line manager	CAO
	Inform successful/unsuccessful providers	Standard letter	Head of HR	
	Compile and sign contract	Contract	Head of HR	CAO



Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Preparing the trainee (3.14)	Inform candidate about objectives and conditions of the proposed training		Head of HR; line manager	
	Communicate the expected learning outcomes		Head of HR	
	If going for long-term training, explain conditions of study leave and sign bonding agreement with the candidate prior to resumption of studies	Bonding agreement	Head of HR	CAO
	Appoint mentor (if applicable)	Appointment letter/ template	Head of HR; line manager	

In-house programme development	Determine the learning outcomes	The learning objectives	Head of HR; T&D; line manager	
	Design the training programme and develop training material		Head of HR; T&D; line manager	
	Evaluate the training material	Evaluation checklist	Line manager	
	Finalise the training material		Head of HR; T&D; line manager	
	Prepare a training proposal and present to head of department for approval	Template	Head of HR; line manager	CAO
	Prepare the learning aids	Checklist	Head of HR; T&D	

Training facilitation	Make logistical arrangement for training	Checklist	Head of HR, T&D	
	Conduct the training	Training Notes	Head of HR; T&D Line manager; external consultants where applicable	
	Conduct formative assessment	Template	Head of HR, T&D	
	Provide feedback to the stakeholders	Template	Head of HR, T&D	

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Macro-process	Sub-process	Forms/documents	Responsibility	Authorisation
Support the learning	Appoint a mentor/coach	Appointment letter	Head of HR; line manager	
	Provide guidelines for coaching and mentoring	Guidelines	Head of HR	
	Monitor on-going performance of candidate on a quarterly or half-yearly basis	Template	Head of HR	
	Follow up on allowances (if applicable) and give feedback to the trainee	Application forms	Head of HR;	Head of HR
	Complete progress report on learning		Head of HR; line manager	
	Co-ordinate and monitor application of learning during internships	Template	Head of HR; line manager	
Evaluate learning	Conduct formative assessment jointly with training providers	Template	Head of HR; T&D	
	Provide feedback to all stakeholders	Template	Facilitator; HR officer	
Monitoring and reporting (3.19)	Compile a monthly training report	Template	Head of HR; line manager	
	Forward training to MPS	Savingram	Head of HR	
	Update the skills database	Training Reports	Head of HR	
	Review training and development plan and adjust accordingly	Training & Development Plan	Head of HR & line manager	

Chapter 4



EMPLOYEE RELATIONS POLICY

The Employee Relations Policy serves as a guiding principle for the creation and maintenance of harmonious working relations between the employer and the employee and/or recognised staff associations.

1. Definition of Terms

Arbitration: a process whereby an impartial third party settles a dispute between two parties in disagreement and makes a final and binding decision upon the parties.

Association: a public officers' staff association that may be formed under section 22 of the Public Service Act 2005.

Collective bargaining: a process of negotiations entered into between a recognised public officers' association and the employer in respect of any matter of mutual interest, with the purpose of reaching a collective agreement.

Commission: the Public Service Commission.

Conciliation Board: a board established to conciliate disputes of interest between the employer and the public officer.

Constitution: the Constitution of Lesotho.

Council: the Public Service Joint Advisory Council.

Disciplinary action: an action taken by management against a public officer who fails to abide by the rules and regulations governing public officers.

Dispute of interest: a dispute over employment matters to which a public officer does not have an established right.

Dispute of right: a dispute arising from breach or contravention of law, contract of employment or collective bargaining agreement by either employer or employee.

Employer: the Government of Lesotho represented by Ministries, Departments and Agencies.

Essential service: a service, which if interrupted will endanger life, personal safety or health of the whole or any part of the population.

Grievance: a feeling of dissatisfaction or injustice, which a public officer encounters in the work place and is formally brought to the attention of the management.

Head of Department: a Principal Secretary in charge of a Government Ministry or in a case of a Government Agency or Department which is independent of the Ministry, the person in charge of that agency or department in accordance with the provisions of the principal law for the time being in force relating to the Public Service.

Minister: the Minister Responsible for the Public Service.

Strike: withdrawal of labour by public officers in furtherance of a workplace dispute.

Tribunal: an appeal body dealing with disputes arising from grievances or disciplinary action.

2. Objectives

- To empower supervisors to manage in line with their responsibilities and with equity and integrity.
- To provide a basis for creating a conducive working environment in which public officers will participate meaningfully in decisions that affect them.
- To maintain consistency in handling indiscipline and grievances and in settling disputes.
- To provide a framework for managing conflict in the workplace in order to achieve long-term stability and organizational goals.
- To promote individual and/or collective interactive relationships between the employer, public officers and/or their recognized staff associations.
- To provide public officers with a channel of communication regarding feelings of discontent to management and to give management an opportunity to address or alleviate such grievances or discontent.

3. Grievance Handling

Inherent in the employment relationship is conflict of interests. It is for this reason that the Government is committed to establishing a clearly defined grievance procedure in order to manage conflict within the Public Service.

3.1 Generic Guidelines

- Grievances shall be settled as early as possible and at the lowest level of supervision or management.



- Public officers shall be accorded an opportunity to raise their complaints or dissatisfaction without fear.
- It is the obligation of the employer to handle public officers' grievances fairly, effectively and timely.
- A public officer shall be afforded a fair hearing.
- The grievance procedure shall not be used by an employee for processing, stopping or negating a disciplinary matter or any procedure which has its own dispute or appeal procedure.
- No public officers/representatives shall suffer any prejudice or victimisation in their employment as a consequence of lodging a grievance or attending to one.
- All parties involved in accordance with Oath of Office and Secrecy shall protect the confidentiality of cases with regard to grievances and allegations.
- The rules of natural justice shall apply.

4. Stages of Grievance Procedure

4.1 Informal Grievance

- An aggrieved public officer shall raise his or her grievance with his or her immediate supervisor.
- The immediate supervisor shall informally resolve the grievance within a reasonable time, which shall not exceed forty- eight (48) hours or two (2) working days.
- If the grievance is not resolved, the aggrieved public officer shall request that a formal hearing be instituted using the appropriate grievance form.
- The grievance shall be submitted to the Head of Section or Department within five (5) working days after the informal grievance hearing.

4.2 Formal Grievance Hearing

- The public officer shall state his/her grievance in writing, providing sufficient detail of the nature of the grievance with possible solution(s) and hand this to the next level supervisor/manager.
- On receipt of the grievance, the Head of Section or Department shall arrange for a hearing within five (5) working days thereof.
- At a formal grievance hearing, the following persons shall attend:
 - the public officers' sectional head as the chairperson;
 - the public officers' immediate supervisor;
 - the public officer as the complainant;
 - the respondent;
 - the public officer's representative (colleague from within the department or ministry or agency)
 - witnesses, if any;
 - the representative of the Human Resources Department who shall be the secretary and advisor on policy issues at the hearing.

- The aggrieved public officer and the respondent shall have a right of representation during a grievance hearing which shall not include the right to legal representation.
- The aggrieved public officer, supervisor and respondent(s) shall have the right to cross-examine.
- If the grievance is resolved, details of the resolution must be recorded and placed in the personal files of the parties involved.
- If still dissatisfied with the decision reached at the hearing, the aggrieved public officer has the right to appeal to the Head of the Department and will file the appeal within five (5) working days from the date the decision was made.

4.3 Appeal Hearing

- On receipt of the appeal from the aggrieved officer, the Head of the Department shall arrange for the appeal to be heard within five (5) working days from the date of receipt of the appeal.
- At the appeal hearing, the following persons shall attend:
 - the Head of Department who shall be the chairperson;
 - the public officer's immediate supervisor;
 - the appellant;
 - the respondent;
 - the public officers' representative (colleague from within the department or ministry or agency);
 - witness(es), if any, and
 - representative from the Human Resources Department who shall be the secretary and advisor on policy issues at the hearing.
- The appellant and the respondent(s) shall have a right of representation during the appeal hearing which shall not include the right to legal representation.
- The appellant, the supervisor and the respondent(s) shall have the right to cross examine.
- If the public officer is not satisfied with the decision of the appeal hearing and wishes to pursue the matter, he or she may declare a dispute and shall within five (5) working days from the date the decision was made, refer the matter for conciliation or arbitration depending on the nature of the dispute. Alternatively the matter may be referred to the Public Service Tribunal.

4.4 Collective Grievances

A collective grievance is when more than one public officer is involved in the grievance.

- The procedure to be followed in the case of a collective grievance is the same as that of an individual grievance.
- In the case of a collective grievance, the number of representatives to be elected by the group to handle the grievance on their behalf shall be decided by the public officers themselves, but shall not exceed five (5) in number. The representatives elected must be part of the aggrieved public officers and/or a colleague or a representative of a registered Staff Association.



- The person against whom the grievance has been declared may have a representative present at the grievance discussion, and this does not include the right to legal representation.

5. Discipline

Disciplinary action shall be taken as a corrective measure in instances of unacceptable behaviour (which includes, but not limited to misconduct and negligence).

5.1 Generic Guidelines

- Discipline must be applied in private between the public officer and his/her supervisor (except where witnesses and/or interpreters are required). Before a formal disciplinary action is instituted, the following shall apply:
 - a clear explanation of the unacceptable behaviour/performance shall be communicated to the officer;
 - a clear explanation of what further disciplinary action could be taken and what it could result in if the public officer fails to correct his/her behaviour or improve his/her performance.
- Where circumstances warrant disciplinary action, a public officer will be notified of the charge laid against him/her in writing and that corrective action is necessary in the particular circumstances.
- The chairperson at a disciplinary inquiry must at least be on a supervisory level.
- The initiator of disciplinary action must be at least one level higher than the alleged transgressor.
- A formal disciplinary hearing against a staff association representative or a public officer who is an office bearer of a staff association will not be instituted before notification of forty eight (48) hours or two (2) working days of the staff association has occurred.
- The purpose of the Disciplinary Hearing shall be to:
 - clarify the alleged breach of discipline;
 - hear and review all the relevant facts and evidence;
 - reach a fair and just conclusion and be seen to do so;
 - give a public officer an opportunity to state his/her case.
- A public officer shall have a fair hearing, but where circumstances warrant, a disciplinary action can be instituted in absentia provided there is evidence of the supervisor's failed attempts to locate the public officer.
- In determining the appropriate sanction, the Head of Section or Department shall take into consideration the mitigating factors of the case and bear in mind that disciplinary measures are not punitive but taken to correct behaviour.
- The sanction shall be commensurate with the nature of the offence that has been committed.
- The sanction shall be fair and consistent with disciplinary action previously taken in other similar circumstances.

- Depending on the circumstances and the seriousness of the matter in question, disciplinary action may be invoked progressively or independently and take one of the following forms:
 - verbal warning or counselling;
 - written warning;
 - final written warning.
- The rules of natural justice shall apply

5.2 Disciplinary action procedure

In the event of a breach of discipline by a public officer, the public officer shall be liable to disciplinary action, the procedure of which shall be in stages set out in this Part.

■ Verbal Warning

In the event that a public officer commits a misconduct of a minor nature and/or it is for the first time, the officer's immediate supervisor shall:

- identify the real problems and causes;
- work out solutions to the problem;
- ensure that the public officer knows what is expected of him/her;
- warn the public officer verbally of the possibilities, for example, a misconduct charge in case of repeated misconduct;

The verbal warning shall not be recorded in the public officer's personal file.

■ Written warning

A written warning may be issued if the supervisor is still not satisfied with the officer's behaviour or conduct after a verbal warning has been given, or if the officer commits another misconduct

- If the supervisor considers a misconduct to be of a serious nature or is a repeated misconduct, the warning shall be reduced to writing.
- The supervisor must make it clear (when a written warning is issued), that formal disciplinary action is being taken.
- The supervisor shall cause the public officer to sign the written warning.
- Failure to sign the written warning shall not invalidate the warning.
- The written warning shall be recorded in the public officer's file and be valid for a period of six months. A copy shall be given to the public officer and his/her representative.
- An invalid written warning may be used as supporting evidence in mitigation in future hearings.

■ Final written warning

- A final written warning may be issued if previous warnings have had no effect or if the misconduct is of a serious nature.



■ Disciplinary Hearing

- If a public officer commits the same misconduct after being given a written warning, or commits a misconduct that warrants a disciplinary hearing, the supervisor shall:
 - » *arrange for a disciplinary hearing to be conducted as soon as possible after the transgression incident;*
 - » *give the public officer adequate notice of at least 48 hours or two working days before a disciplinary hearing is held;*
 - » *allow the public officer to have a representative who shall be a colleague within his Department or Ministry. The right to representation under this part shall not include the right to legal representation.*
- The following persons shall attend a disciplinary hearing:
 - » *the public officer's Head of Section who shall be the Chairperson;*
 - » *the public officer's immediate supervisor (complainant);*
 - » *the public officer (defendant);*
 - » *the representative of the Human Resources Department;*
 - » *the public officer's representative;*
 - » *witnesses, if any.*
- The complainant will confine his/her case to these charges only.
- Relevant information must be provided to the public officer and his/her representative to enable them to prepare for the disciplinary hearing. This may include the disciplinary record of the individual concerned.
- The supervisor, public officer and his/her representative have a right to cross examine.
- Evidence of mitigation and aggravating circumstances must be taken into account.
- At the end of the hearing, the Head of Section shall decide on the penalty which may be:
 - » *a final written warning, which shall be signed by the public officer, be recorded in his/her file and be valid for a period of twelve (12) months;*
 - » *either of the sanctions that appear under 6 in this policy.*
- Where dismissal of a public officer is being contemplated, the chairperson shall recommend this to the Chief Accounting Officer.
- The Chairperson is responsible to ensure that the proceedings are properly recorded.
- The HR Representative has the right to caucus with the Chairperson or the public officer's representative at any stage during or after the hearing on substantive and procedural fairness.
- The HR Representative and the public officer's representative will jointly caucus with the Chairperson, if necessary, before guilt and disciplinary sanction is determined.

- If the public officer refuses or fails to attend a hearing without a valid reason, management reserves the right to proceed in his/her absence and the public officer should be informed accordingly.
- **Appeal Hearing**
 - If the public officer is dissatisfied with the decision reached at the disciplinary hearing, he/she shall file his/her appeal with the Head of Department within 5 working days from the date on which the decision was made.
 - On receipt of the appeal, the Head of Department shall arrange for the appeal to be heard within five (5) working days of receipt thereof.
 - The following people shall attend the appeal hearing:
 - » *the Head of Department who shall be the Chairperson;*
 - » *appellant;*
 - » *respondent (supervisor);*
 - » *a public officer's representative (a colleague from his/her Department or Ministry);*
 - » *the representative of the Human Resources Department;*
 - » *witnesses, if any.*
 - The right to representation under this Part does not include the right to be represented by a legal practitioner.
 - The appellant, the respondent and his/her representative and the supervisor shall have the right to cross examine.
 - If the appellant is not satisfied with the decision of the appeal hearing and wishes to pursue the matter, he/she may declare a dispute and shall, within five (5) working days refer the dispute to the Conciliation Board or Arbitration depending on the nature of the matter. Alternatively the matter may be referred to the Public Service Tribunal.
 - Once a dispute has been declared it shall be dealt with in accordance with the Code on Dispute Resolution.
- **Suspension with pay**
 - In the event of transgression of a serious nature the Ministry/Department/Agency reserves its right to suspend the transgressor with full pay after notification for either of the following reasons:
 - » *to protect both the Ministry/Department/Agency and the public officer on probable incrimination during the investigation;*
 - » *to stabilize the work environment in order that a proper investigation towards certain irregularities be conducted;*
 - » *to minimize any risk and or potential damage to the Ministry/Department/Agency during the investigation;*
 - » *to protect and secure witnesses in order for due process to follow.*



- Suspension with pay may only be considered after proper consideration by the relevant Head of Department and the Human Resources Representative. The Head of Department will authorise the suspension.
- Suspension with pay may not exceed three (3) calendar months; however, such period may be extended where necessary.
- Suspension with pay may only be considered while an investigation towards certain irregularities is being conducted; such suspension will continue until the final outcome of the investigation and or of the disciplinary hearing have been made known.
- In the event where the suspension has to be withdrawn for whatever reason during the investigation, the relevant Head of Department shall notify the public officer about the withdrawal of the suspension.

6. Sanctions

If a disciplinary enquiry proves that a public officer has committed a misconduct, a sanction including, but not limited to the following, may be imposed against him/her.

6.1 Written warning

For a misconduct of a serious nature or where misconduct of a minor nature continues after a verbal warning.

6.2 Final written warning

A final written warning may be issued if previous warnings have had no effect or if the misconduct is of a serious nature.

6.3 Suspension without pay

Suspension without pay is a disciplinary sanction and should only be considered as an alternative measure where extraordinary mitigating circumstances exist in evaluating whether a public officer should be dismissed or not. Suspension without pay may not exceed three (3) months.

6.4 Dismissal: may be considered appropriate under the following circumstances:

- where other forms of discipline have been applied to the officer, but he or she does not correct his or her behaviour;
- where the officer has already received a final written warning and commits a similar misconduct and no other disciplinary sanction appears to be appropriate;
- where the misconduct is of a very serious nature and of such gravity that it makes a continued employment relationship intolerable.

7. Settlement of Disputes

Disputes shall be resolved by public officers or registered staff associations and employer using the three dispute resolution mechanisms, namely conciliation, arbitration and the Public Service Tribunal, depending on the nature of the dispute.

7.1 Disputes of interest

- Disputes of interest shall be referred to the Conciliation Board in accordance with the procedure laid out in the Code on Dispute Resolution.
- The Conciliator shall attempt to resolve the dispute within thirty (30) days of receipt of the referral and issue a certificate as to whether the matter has been resolved or remains unsolved.
- Where the parties reach an agreement, it shall be written and signed by both parties.
- The agreement must be clear and reflect the intention of the parties.
- If the dispute remains unresolved, the party who wishes to pursue the matter shall refer it for Arbitration or Tribunal for a final determination.

7.2 Disputes of right

- Disputes of right shall be referred for arbitration on agreement by concerned parties.
- The parties to a dispute involving essential services may agree to refer the matter to the Tribunal.
- The parties shall agree on the Arbitrator whose costs shall be incurred by the employer.
- The Arbitrator shall resolve the dispute within thirty (30) days of receipt of the referral and issue an arbitration award, which shall be final subject to review by the Labour Court.
- If one of the parties does not agree to refer the matter for arbitration, the party who wishes to pursue the matter shall refer it to the Tribunal for a final determination.
- A party to a dispute may be represented by a legal practitioner, a colleague at his or her Ministry/Department/Agency or staff association representative. The party whom he or she represents shall incur costs for a legal practitioner.

7.3 Public Service Tribunal

- A dispute may be referred to the Tribunal by a party who wishes to pursue the matter under the following circumstances:
 - where the matter has failed to be resolved by conciliation;
 - where parties to a dispute of right do not agree to refer the matter for arbitration;
 - where the parties to a dispute involving essential services agree to refer the matter to the tribunal.
 - where the matter has failed to be resolved by following grievance procedures as laid down in the Grievance Code.



- The decision of the Tribunal shall be final and binding subject to review by the Labour Court.
- A party to a dispute may be represented by a legal practitioner, a colleague at his or her Ministry/Department/Agency or staff association representative. The party whom he or she represents shall incur costs for a legal practitioner.

8 Collective Bargaining

8.1 Generic Guidelines

- Public officers shall have a right to collective bargaining by forming staff associations.
- Collective bargaining as a process shall:
 - serve to reconcile the conflicts, demands and requirements between organized workforce and management/employer;
 - consist of sub-processes which are negotiations between recognized staff association and the employer (hereinafter referred to as “parties”) in relation to conditions of employment which may amongst others include:
 - remuneration and benefits;
 - leave;
 - terms of employment, etc.

8.2 Recognition Agreement

- The parties shall draw a recognition agreement (hereinafter referred to as “agreement”) which shall contain the following:
 - the scope of the agreement;
 - the rights of the employer and the public officer’s representative;
 - collective bargaining machinery;
 - duration of the agreement;
 - compliance with the agreement;
 - subject(s) for negotiation;
 - recognition of a workplace officer’s representative (shop steward), his or her nomination, rights, duties and termination of his or her office;
 - that agreements or protocols should be in writing and made available to both parties;
 - internal disputes settlement procedure to be followed if during the process of negotiations an agreement cannot be reached between two parties;
 - addresses of both parties and their signatures.

8.3 Collective Bargaining Procedure

- For a public officers staff association to be recognised as a collective bargaining unit or agent, it shall be registered and be representative of fifty percent (50%) of the group of public officers within an agreed constituency.

- During the collective bargaining process there shall be no obligation on the part of management to recognize a staff or public officers association which is not sufficiently representative of the officers.
- Once an association is representative of the public officers, the employer or management shall have to recognize it and enter into a recognition agreement with it.
- When the employer and the public officers' representatives or association have reached consensus, the two parties shall sign a written agreement (herein referred to as "collective agreement") and shall abide by that agreement for a stipulated period.
- The collective agreement shall guide the employer and the public officers' representatives/association on how to exercise their rights and give effect to their obligations to bargain collectively.

8.4 Bargaining in Good Faith

- When the employer has recognised a public officers' association, the employer and the public officers' association shall have an obligation to bargain in good faith.
- Bargaining in good faith requires the parties to have a genuine desire to reach an agreement, and the following conducts are consistent with such a desire:
 - respect for each other;
 - preparing for negotiations;
 - attending meetings on time;
 - considering proposals made by the other side;
 - disclosure of information.

8.5 Collective Bargaining Machinery

- The Public Service Joint Advisory Council consisting of an equal number of members appointed by the Minister Responsible for the Public Service and members appointed by any registered staff association representing the general body of public officers shall serve as the collective bargaining machinery.
- Main functions amongst others shall be:
 - to secure cooperation between the employer and the general body of public officers in matters affecting the Public Service with a view to increase efficiency in the public service combined with the well-being of public officers;
 - to provide machinery for dealing with general grievances;
 - to bring together the experience and different points of view of representatives of ministries, departments and agencies of the public service.

Chapter 5



PUBLIC SERVICE HIV AND AIDS WORKPLACE POLICY

1. Glossary of Terms and Concepts

In this policy, unless inconsistent with or otherwise indicated by the context, the following words and expressions shall have the meanings as set out opposite them:

Affected Employee: A public officer who is affected by HIV and AIDS because his/her immediate family member is HIV positive.

Agency: Refers to Statutory Bodies; Independent Electoral Commission, Office of the Ombudsman, Public Service Commission, Office of the Attorney General, and Office of the Auditor General.

AIDS: Acquired Immuno Deficiency Syndrome, is the last and most severe stage of the disease caused by HIV and is characterized by signs and symptoms of severe immune-deficiency, where the body loses the ability to fight against infections because the immune system is weakened;

AIDS related illness: Any opportunistic infection caused by the weakening of the immune system as a result of HIV.

Carer groups: Refers to groups of volunteers assisting; caring and supporting HIV infected and affected people in a holistic manner in and out of the workplace.

Disclosure: Telling someone about your HIV status.

Family: Public officer's legal spouse and children. (Public Service Regulations,2008)

Harassment: Any behaviour that threatens or torments a public officer based on their HIV and AIDS status.

HIV: The Human Immuno-Deficiency Virus, the virus that weakens the immune system.

HIV and AIDS: Any condition or status relating to HIV and AIDS.

HIV testing: Any medical test done to determine the HIV status of a person.

Infected Employee: A public officer who has been tested and diagnosed as HIV positive.

Informed consent: An agreement given to a HTC counsellor to conduct an HIV test on an individual who understands and agrees to such an HIV test. Informed consent implies that the individual understands what the test is, why it is necessary and the benefits, risks, alternatives and social implications of the outcome. Written consent should be obtained where possible.

Occupational exposure: Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or OPIM that may result from performance of official duties.

Partial Disclosure: Revealing one's HIV status to selected individuals only.

Post exposure prophylaxis: A course of antiretroviral drugs which is thought to reduce the risk of seroconversion after events with high risk of exposure to HIV. To be effective, it must be started as soon as possible after exposure and ideally within two (2) hours and generally not later than thirty six (36) hours post exposure.

Post-test Counselling: Counselling provided after receiving HIV test result.

Pre-test counselling: Counselling done before an HIV test, to ensure that an officer has sufficient information to make an informed decision about having an HIV test.

Public Officer: Any persons employed by the Government

Reasonable accommodation: Any modification or adjustment to a job or the working environment that will enable an infected and affected public officer to remain productive.

Shared confidentiality: Refers to the process whereby the HIV and AIDS status of infected public officers is revealed to the immediate family members and/or caretakers of an infected person. In a high-risk work environment, where the disease is easily transferable, shared confidentiality will be extended to include the supervisor and any other members of the team who may be affected through working with the infected public officer. However, written consent of the public officer is required.

Support group: A group of fellow public officers infected and affected providing moral, social and financial support to each other.

Workplace: Ministry, Department, Agency where a public officer is deployed.

Workplace Programmes: HIV and AIDS interventions designed for a particular workplace.



2. Rationale

The HIV and AIDS Workplace Policy provides guidelines for combating the pandemic in the public service by prevention, treatment, care, support and for mitigating its impact on the infected and affected public officers. This policy will serve as a basis for development of HIV and AIDS Programmes by all Government Ministries/Departments/ Agencies.

3. Objectives

- 3.1 To provide for prevention of new infections in the workplace;
- 3.2 To provide for treatment, care and support to public officers infected and affected with HIV and AIDS;
- 3.3 To encourage voluntary counselling and testing of public officers;
- 3.4 To provide equal employment opportunities to all public officers regardless of HIV and AIDS status.
- 3.5 To protect the fundamental human rights and dignity of HIV infected public officers and those with AIDS.
- 3.6 To prevent discrimination and remove stigmatization of such public officers.

4. Scope

This policy applies to all public officers of the Lesotho Government.

5. Legal and regulatory framework

This policy will be operating within the legal and regulatory framework of, among others, Section 10(2) Public Service Act, 2005, Public Service Regulations, 2008, National AIDS Policy and National Gender Policy.

6. Policy Guidelines

6.1 Generic Guidelines

- 6.1.1 Respect for person
HIV and AIDS should be perceived in all respects like any other comparable life-threatening illnesses.
- 6.1.2 Equality and non-discrimination
 - a) Employers shall accord all public officers an opportunity and access to counselling.
 - b) All public officers infected and affected by HIV and AIDS, shall be accorded equal opportunities including equal access to employment and reasonable accommodation.
 - c) Public officers infected and affected by HIV and AIDS shall not be discriminated against directly or indirectly. This includes allowing public

officers who are HIV positive to continue employment if they are medically fit and capable of achieving reasonable performance standards.

6.1.3 Right to information

Public officers shall be informed and educated about HIV and AIDS. Strategies to achieve this will include establishing and implementing appropriate training, education and awareness programmes on HIV and AIDS prevention.

6.1.4 Confidentiality

- a) The Government shall treat all personal medical information, whether written, oral or in electronic format, obtained from the public officer or third parties, as strictly confidential, in accordance with existing legal and medical norms.
- b) Such information shall be used solely in connection with the execution of duties of employment and not for the benefit or knowledge of any third party.

6.1.5 Inclusiveness

All stakeholders including officers infected and affected by HIV and AIDS should be given an opportunity to participate in identifying appropriate interventions, strategies and programmes for fighting HIV and AIDS.

6.1.6 Healthy working environment

- a) Ministries/Departments/Agencies shall create a working environment that is supportive, sensitive and responsive to public officers infected and affected by HIV and AIDS and that encourages public officers to take personal responsibility for preventing further spread of the pandemic.
- b) Public Officers shall promote a culture of responsibility in which they will not put themselves or others at risk of infection.

7. Policy Measures

7.1 Recruitment, Selection and Placement

7.1.1 The Government shall recruit, select and place best qualified public officers irrespective of their HIV and AIDS status.

7.1.2 No public officer may be required by the Government to undergo an HIV test except on the written consent of the public officer where conditions of employment warrant e.g. army etc.

7.2 Performance Management

7.2.1 The physical and emotional health and well being of all public officers shall be protected and reasonable accommodation must be made for public officers infected and affected by HIV and AIDS related condition as long as the public officer can maintain a reasonable level of work performance.



- 7.2.2 Infected public officers should be treated empathetically and in exactly the same way as other terminally ill staff with regard to performance related issues.
- 7.2.3 If the performance of an HIV positive public officer is adversely affected due to ill-health, the Head of Department shall take the following into consideration:
- a) the officer shall be placed in an alternative position where he/she is able to perform
 - b) the manager shall consider adjusting the work schedule (hours) or place of work, to provide for more convenient circumstances for the public officer.

7.3 Training and Development

- 7.3.1 Ministries/Departments/Agencies shall implement orientation and educational programmes to educate public officers on HIV and AIDS.
- 7.3.2 All training and development initiatives shall not discriminate against public officers living with HIV and AIDS.
- 7.3.3 All high-risk job holders (i.e. paramedics, firemen etc) in the Public Service shall have compulsory training on HIV and AIDS within their particular work environment.

7.4 Discipline and Grievance Handling

- 7.4.1 An HIV positive officer who has to undergo disciplinary action shall be dealt with in accordance with the Disciplinary Code.
- 7.4.2 Public officers who have grievances relating to HIV and AIDS must raise their concerns in accordance with the Grievance Code.

7.5 Harassment and victimisation

- 7.5.1 Harassment and victimisation of HIV positive public officers shall lead to disciplinary action taken against the perpetrators.
- 7.5.2 If an infected public officer is being victimised or harassed at work, the employer has a duty to protect and support the said public officer.

7.6 Universal Precautions

- 7.6.1 Public officers in occupations which carry high risk of exposure or infection to HIV shall be encouraged to undergo pre-employment and periodic HIV counselling and testing failing which officers shall not be liable for compensation.
- 7.6.2 Where an occupational accident which carries the risk of exposure or infection to HIV has occurred, HIV testing may be undertaken by all involved parties with their informed consent.
- 7.6.3 The Government shall supply the appropriate medical test and the necessary antiretroviral therapy (post exposure prophylaxis) to a public officer involved in an occupational accident, which may result in HIV infection and such an officer

shall be compensated in accordance with the Public Service Compensation Policy provided the HIV status of the public officer was known prior to infection.

- 7.6.4 Head of Department shall take reasonable steps to assist the public officer with the application for compensation including:
- a) providing information to affected public officers on the procedures to be followed in order to qualify for a compensation claim;
 - b) assisting with the collection of information, which will prove that the public officer was occupationally exposed to HIV.

7.7 Funding of HIV and AIDS programmes

Ministries/Departments/Agencies shall prepare budgets for the implementation of this policy and maintenance of programmes.

7.8 Benefits

HIV and AIDS infected public officers shall be entitled to the same benefits as other public officers.

7.9 HIV testing and counselling (HTC)

- 7.9.1 Every public officer shall have easy access to HIV testing as part of a health care service provided by the Ministries/Department/Agencies.
- 7.9.2 The testing shall be conducted:
- a) by an HIV and AIDS Testing and Counselling competent person;
 - b) with the informed consent of the officer being tested, however the officer's right may be overridden for the benefit of individual and/or the public good;
 - c) provided pre-and post-test counselling is offered;
 - d) with confidentiality of a public officer's HIV status.
- 7.9.3 Ministries/Department/Agencies shall create opportunities for continuous and free voluntary HIV pre- and post test counselling for public officers.

7.10 Disclosure

Heads of Departments must establish mechanisms to encourage openness, acceptance and support for public officers, who voluntarily disclose their HIV status, including:

- a) encouraging persons openly living with HIV and AIDS to conduct or participate in education, prevention and awareness programmes;
- b) encouraging the establishment of support groups and carer groups;
- c) ensuring that public officers who are open about their HIV and AIDS status are not unfairly discriminated against, victimized, harassed or stigmatized.



7.10.1 Full Disclosure

A public officer may choose to fully disclose his/her HIV status to the employer or public officers and/or the general public.

7.10.2 Partial Disclosure

A public officer may choose to disclose his/her HIV status to selected and specified individuals of his/her choice. This information shall not be disclosed to others without the public officer's written consent.

7.10.3 Non Disclosure

A public officer may choose not to disclose his/her HIV status. However, the officer's right may be overridden for the benefit of the individual and/ or for the public good.

7.11 Prevention

Long and short-term measures to reduce the HIV transmission amongst vulnerable groups in the public service and the impact of HIV and AIDS will include; awareness and education programmes, condom distribution and universal precautions.

7.12 Treatment, Care and Support.

Ministries/Departments/Agencies shall develop and support programmes geared towards treatment, care and support of HIV&AIDS infected and affected officers.

7.13 Impact mitigation

Ministries/Departments/Agencies shall reduce the vulnerability of people affected by HIV and AIDS epidemic through a number of measures that will be elaborated in the HIV and AIDS workplace programme.

7.14 Implementation of HIV and AIDS programmes

- a) Implementation of strategies to deal with and reduce the direct and indirect costs of HIV and AIDS to the Lesotho Government shall include: Information, Education and Communication (IEC), behaviour change communication (BCC), HIV and AIDS Testing and Counselling (HTC), condom distribution, treatment, care and support and impact mitigation.
- b) HIV and AIDS shall be mainstreamed in all other Government policies, procedures, systems, budget and plans etc.

7.15 Dissemination of this Policy

This policy shall be disseminated and implemented throughout all Ministries, Departments and Agencies.

7.16 Monitoring and Evaluation and Reporting

- a) The Ministry of the Public Service shall monitor and evaluate implementation of this policy and facilitate policy review.
- b) Ministries/Departments/Agencies shall establish HIV and AIDS Programme Coordinators to deal with HIV and AIDS mainstreaming and implementation of HIV and AIDS Policy, Programmes and interventions in the workplace.
- c) Every Ministry/Department/Agency shall implement and report to the Ministry of the Public Service on the implementation of policy.

7.17 Compliance

Non-compliance with this policy is misconduct liable for disciplinary action in accordance with the provisions of the disciplinary code.

7.18 Policy Review

The Ministry of the Public Service shall facilitate the review of this Policy by all stakeholders every two years.

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