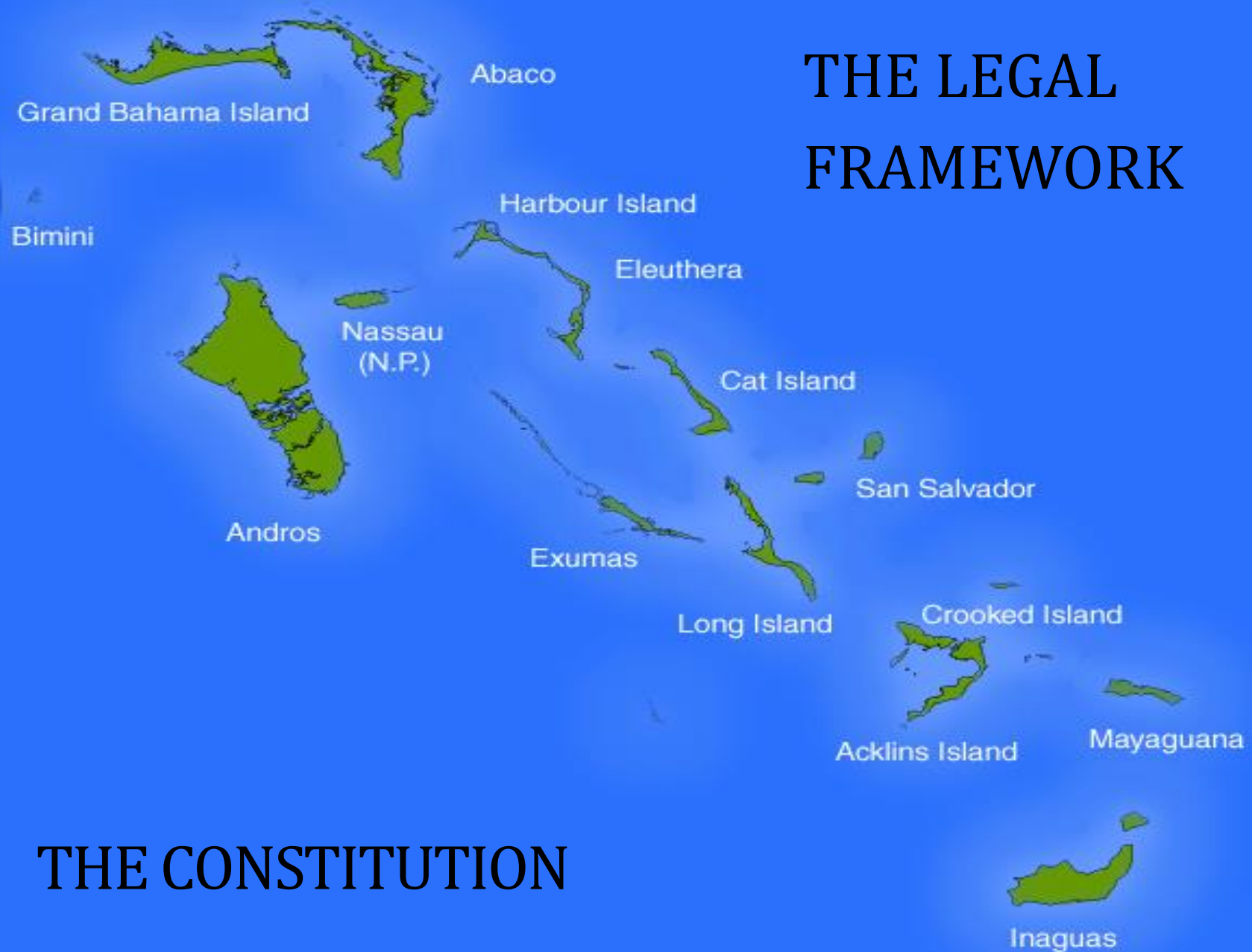


# **THE ROLE AND FUNCTION OF THE PUBLIC SERVICE COMMISSION**

# THE LEGAL FRAMEWORK



## THE CONSTITUTION

# THE CONSTITUTION

## The Constitution Chapter 107 (1)

There shall be a Public Service Commission for The Bahamas which shall consist of a Chairman and not less than two nor more than four other members, who shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal.

# APPOINTMENT OF MEMBERS

- No person shall be qualified to be appointed as a Member of the Public Service Commission if he is a member of either House or a public officer.
- Term of office cannot exceed a maximum period of three (3) years
- “A former member of the Public Service Commission shall not, within a period of five (5) years commencing with the date on which he last held or acted in that office, be eligible for appointment to any office power to make appointments to which is vested by this Constitution in the Governor- General acting on the recommendation or in accordance with the advice of the Public Service Commission” (**Article 107 (1), (2), (3), (6)**).

# **MEMBERS OF THE PUBLIC SERVICE COMMISSION**

Rev. Dr. James Moultrie – Chairman

Mrs. Ruth Millar – Member

Mrs. Barbara Barnes – Member

Ms. Theresa Deleveaux – Member

Mrs. Samita Ferguson - Member

# LEGISLATION AFFECTING THE WORK OF THE PUBLIC SERVICE COMMISSION

- Chapter VIII of The Bahamas Independence Order, 1973 (The Constitution) makes provision for the Public Service Commission (PSC).
- The Public Service Commission Regulations (PSCR) 1971
- Other legislation affecting the Commission include:
  - The Public Service (Delegation of Powers) Order, 1974
  - The Public Service (Offices of Responsibility) Notice (1970) as amended by The Public Service Offices of Responsibility (Amendment) Notice 1976
  - The Public Service Act as amended

# THE ROLE AND FUNCTION OF THE PUBLIC SERVICE COMMISSION

- Power to make appointments to public offices and to exercise disciplinary control over persons holding or acting in such offices **(Article 108 of the Constitution)**.
- Power to make appointments to the office of Permanent Secretary, Head of Department or office of similar status, is vested in the Prime Minister after consultation with the Public Service Commission **(Article 109 of the Constitution)**.
- Power to make various appointments by the Prime Minister after consultation with the Public Service Commission **(Articles 111, 112 and 113)**.

- The Governor-General on the advice of the Public Service Commission has granted Delegated Power to the Permanent Secretary, Ministry of the Public Service and National Insurance to make appointments.

*Such Appointments are made at the lower levels of the Public Service, to be later confirmed by the Public Service Commission. The Ministry of the Public Service and National Insurance must advise the Public Service Commission whenever such appointments are made. Such persons may become Permanent and Pensionable by the Public Service Commission on the recommendation of the relevant Ministry and the Ministry of the Public Service and National Insurance (Article 110 of the Constitution).*



## THE PUBLIC SERVICE COMMISSION IS ALSO CHARGED WITH:

- promotions and transfers of public officers  
(Part III- PSC Reg. 15 (1) and (2);
- approval of In-Service Awards and oversee Training Programs for admission or advancement in the Public Service (Part III -PSC Reg. 16 and 21);
- determination of appointments and extension of probationary service (Part IV -PSC Reg. 26, 27 and 28);
- discipline of Public Officers (Part V- PSC Reg. 29- 35);
- notification of vacancies (Part III – PSC Reg. 17);
- maintenance of a confidential report system (Part III- PSC Reg. 19);
- principles and procedures applicable to selection for acting appointments (Part III – PSC Reg. 20).

# THE PUBLIC SERVICE BOARD OF APPEAL

- The Constitution also provides for the Public Service Board of Appeal which is an independent Board established to consider appeals from public officers to safe guard their rights (Articles 114-115).
  - All public officers can appeal to the Public Board of Appeal (Part V – PSC Reg. 36)
  - Weekly paid officers can appeal to the Public Service Commission (Article 110, Arrangement of Subsidiary Legislation and General Order 1195)

# CONCLUSION

- The Public Service Commission is not responsible for policy matters regarding recruitment and terms of service. These are matters for the policy makers (Cabinet and/or Ministry of the Public Service and National Insurance).
- Essentially the role of the Public Service Commission is to ensure impartiality in appointments and promotions and to ensure appointments are made on the basis of merit, which includes qualifications and in accordance with performance (Employee Performance Appraisal Record). Appointments and promotions must be free from patronage, prejudice or pressure (**Part III - PSC Reg. 18 and 19**).
- Unions may also be involved with government in making policy, but once policies are made, the Public Service Commission is guided by them.

- The Public Service Commission is the official watchdog of the Public Service to ensure equity, justice and fair play.
- To preserve its independence, the Public Service Commission does not answer to any Minister of the Government. The Members are appointed by the Governor-General on the advice of the Prime Minister, and can only be removed for cause (**Article 107 of the Constitution**).