

2019-06-25

**OBJECTS AND REASONS**

This Bill would amend certain enactments relating to the Public Service consequent upon the *Constitution (Amendment) (No. 2) Act, 2019* (Act 2019-16) and would provide for related matters.

*Arrangement of Sections*

1. Short title
2. Amendment of enactments set out in the Schedule

SCHEDULE

**BARBADOS**

A Bill entitled

An Act to amend certain enactments relating to the public service and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

**Short title**

**1.** This Act may be cited as the *Public Service (Miscellaneous Provisions) Act, 2019*.

**Amendment of enactments set out in the Schedule**

**2.** *The enactments set out in column 1 of the Schedule are amended in the respect set out opposite thereto in column 2.*

## SCHEDULE

(Section 2)

## CONSEQUENTIAL AMENDMENTS

Column 1

Column 2

*Enactments**Amendments*

1. *Pensions Act*, Cap. 25      In section 2(1),
- (a) delete paragraphs (b) and (c) and substitute the following:
- "(b) in the case of an officer appointed to serve as a teacher, the Teaching Service Commission;
- (c) in the case of an officer appointed to serve as a
- (i) member of the Police Force, the Prison Service or the Fire Service; or
- (ii) Forensic Scientist, Customs Officer, Immigration Officer or Security Guard,
- the Protective Services Commission;"
- (b) insert immediately after paragraph (c) the following:
- "(d) in any other case, the Administrative, General and Professional Service Commission."

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Pensions Act</i> , Cap. 25 - (Concl'd)	<p>In section 2A, delete the words "section 2 of the <i>Civil Establishment Act</i>" and substitute the words "section 13(1) of the <i>Public Service Act</i>, Cap. 29".</p> <p>In section 8(9)(b), delete the words "<i>Civil Establishment Act</i>" and substitute the words "<i>Public Service Act</i>, Cap. 29".</p> <p>In the <i>First Schedule</i> delete the words "Chief Personnel Officer" and substitute the words "Director General".</p>
2. <i>Public Service Act</i> , Cap. 29	<p>In section 2,</p> <p>(a) delete paragraph (b) of the definition of "Public Service" or "Service" and substitute the following:</p> <p style="padding-left: 40px;">"(b) the office of a member of the Judicial and Legal Service Commission, Teaching Service Commission, Administrative, General and Professional Service Commission or the Protective Services Commission;"</p> <p>(b) delete paragraphs (b) and (c) of the definition of "Service Commission" or "Commission" and substitute the following:</p> <p style="padding-left: 40px;">"(b) Administrative, General and Professional Service Commission established by section 90(1) of the <i>Constitution</i>;"</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Public Service Act,</i> Cap. 29 - (Cont'd)	<p>(c) Protective Services Commission established by section 91(1) of the <i>Constitution</i>;" or;</p> <p>(c) insert immediately after paragraph (c) the following:</p> <p style="padding-left: 40px;">"(d) Teaching Service Commission established by section 93A of the <i>Constitution</i>,".</p>

Insert immediately after section 6 the following:

**"Functions of the Director General**

**6A.** There shall be a Director General, Human Resources, who shall perform the following functions:

- (a) provide human resource management advice to
  - (i) the Service Commissions established under the *Constitution*;
  - (ii) Permanent Secretaries and Heads of Departments;

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Public Service Act</i> , Cap. 29 - (Cont'd)	<p>(b) assist the Minister in the formulation and development of the human resource management policy for the public service;</p> <p>(c) perform the functions relating to the</p> <p style="padding-left: 2em;">(i) recruitment, selection, placement and transfer of personnel;</p> <p style="padding-left: 2em;">(ii) appointment, promotion, discipline and retirement of personnel; and</p> <p style="padding-left: 2em;">(iii) training and development;</p> <p>(d) ensure that each Ministry or Department implements the appropriate human resource systems to adequately manage the Ministry or Department;</p> <p>(e) carry out human resource management audits throughout the public service to ensure that the Ministry or Department complies with the human resource management and development policy; and</p> <p>(f) perform such other functions as may be prescribed.</p>



*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Public Service Act</i> , Cap. 29 - (Cont'd)	<p><b>"Validation</b></p> <p><b>6B.</b> Where, before the commencement of this section, it was provided by any enactment that any act should be done or any function should be performed by the Chief Personnel Officer and that act was purported to have been done or that duty was purported to have been performed by</p> <ul style="list-style-type: none"> <li>(a) the Permanent Secretary, Ministry of the Civil Service;</li> <li>(b) the Permanent Secretary, Ministry of the Public Service;</li> <li>(c) the Director, People Resourcing and Compliance; or</li> <li>(d) the Director General, Human Resources,</li> </ul> <p>that act shall be deemed to have been as lawfully and validly done and that function shall be deemed to have been as lawfully and validly performed as if the act had been done or the function had been performed by the Chief Personnel Officer."</p> <p>In section 19,</p> <ul style="list-style-type: none"> <li>(a) delete the figure "(1)" appearing at the beginning of the section; and</li> <li>(b) delete paragraph (c) and substitute the following: <ul style="list-style-type: none"> <li>"(c) to which the <i>Constitution (Delegation of Functions-Administrative, General and Professional and Protective Services Commission) (Miscellaneous Provisions) Order, 2019</i> (S.I. 2019-) refers, shall be made in accordance with the provisions of that Order."</li> </ul> </li> </ul>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Public Service Act</i> , Cap. 29 - (Cont'd)	<p>In the <i>First Schedule</i>, in the paragraph appearing under sub-heading General,</p> <p>(a) delete the words "Public Service Commission" and substitute the words "Administrative, General and Professional Service Commission";</p> <p>(b) insert immediately after the word "Judicial and Legal Service Commission" the words "Teaching Service Commission";</p> <p>(c) delete the words "Police Service Commission" and substitute the words "Protective Services Commission".</p> <p>In the <i>Second Schedule</i>,</p> <p>(a) in the Code of Conduct and Ethics delete the words "Civil Service" appearing in paragraph 17(2) and substitute the words "Public Service";</p> <p>(b) delete the words "Chief Personnel Officer" in paragraph 26 and substitute the words "Director General, Human Resources".</p> <p>In the <i>Third Schedule</i>, delete the words "Chief Personnel Officer" wherever they appear and substitute the words "Director General, Human Resources".</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Public Service Act</i> , Cap. 29 - (Concl'd)	<p>In paragraph 1(c) of the <i>Fourth Schedule</i>,</p> <p>(a) delete the words "Civil Service" where they appear and substitute the words "Public Service"; and</p> <p>(b) delete the words "Chief Personnel Officer" where they appear and substitute the words "Director General, Human Resources".</p> <p>In the <i>Fifth Schedule</i>,</p> <p>(a) delete the words "Civil Service" appearing in paragraph 1(b) and substitute the words "Public Service"; and</p> <p>(b) delete paragraph 1(d).</p>
3. <i>Public Employees Pensions Act</i> , Cap. 30	<p>In section 2,</p> <p>(a) in the definition of "public employee" or "employee", delete the words "section (2) of the <i>Civil Establishment Act</i>" and substitute the words "section 13(1) of the <i>Public Service Act</i>, Cap. 29";</p> <p>(b) in paragraph (c) of the definition of "public service", delete the word "Establishments" and substitute the words "the Public Service".</p> <p>In section 3(2) and (5) delete the word "Establishments" and substitute the words "the Public Service".</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
4. <i>Service Commissions Act</i> , Cap. 34	<p>In the long title, by deleting the words "the Public Service Commission and the Police Service Commission" and substituting the words "the Administrative, General and Professional Service Commission and the Protective Services Commission".</p> <p>In section 2,</p> <p style="padding-left: 40px;">(a) in the definition of "Chairman", delete the words "the Chairman of the Public Service Commission or the Chairman of the Police Service Commission" and substitute the words "the Chairman of the Administrative, General and Professional Service Commission or the Chairman of the Protective Services Commission";</p> <p style="padding-left: 40px;">(b) in the definition of "Commission" delete the words "the Public Service Commission or the Police Service Commission" and substitute the words "the Administrative, General and Professional Service Commission or the Protective Services Commission".</p> <p>In the definition of "Governor-General's personal staff", delete the words "section 2 of the <i>Civil Establishment Act</i>" and substitute the words "section 13(1) of the Public Service Act, Cap. 29".</p> <p>In section 3(3), delete the words "and the Public Service Commission" and substitute the words "and the Administrative, General and Professional Service Commission".</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
4. <i>Service Commissions Act</i> , Cap. 34 - (Concl'd)	<p>In section 4, delete the word "Establishments" and substitute the words "the Public Service".</p> <p>In section 7,</p> <p style="padding-left: 40px;">(a) delete the words "Public Service Commission in paragraph (b) and substitute the words "Administrative, General and Professional Service Commission"; and</p> <p style="padding-left: 40px;">(b) delete the words "Public Service Commission" in paragraph (d) and substitute the words "Administrative, General and Professional Service Commission".</p> <p>In section 8,</p> <p style="padding-left: 40px;">(a) delete the words "Police Service Commission" in paragraph (c) and substitute the words "Protective Service Commission";</p> <p style="padding-left: 40px;">(b) delete the words "Public Service Commission" in paragraph (c)(iv) and substitute the words "Administrative, General and Professional Services Commission"; and</p> <p style="padding-left: 40px;">(c) delete the words "Police Service Commission" in paragraph (c)(v) and substitute the words "Protective Services Commission".</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
4. <i>Service Commissions Act</i> , Cap. 34 - (Concl'd)	<p>In section 11(1)</p> <p>(a) delete the words "Public Service Commission" in sub-paragraph (iii) and substitute the words "Administrative, General and Professional Service Commission"; and</p> <p>(b) delete the words "Police Service Commission" in sub-paragraph (iv) and substitute the words "Protective Services Commission".</p> <p>In the <i>Schedule</i>, in paragraphs "A" and "B" delete the words "Public Service Commission/Police Service Commission" and substitute the words "Administrative, General and Professional Service Commission/Protective Services Commission".</p>
5. <i>Fire Service Act</i> , Cap. 163	In section 4, delete the words " <i>Civil Establishment Act</i> " and substitute the words " <i>Public Service Act</i> , Cap. 29".
6. <i>Police Act</i> , Cap. 167	<p>In section 6, delete the words section 2 of the "<i>Civil Establishment Act</i>" and substitute the words "section 13(1) of the <i>Public Service Act</i>, Cap. 29".</p> <p>In section 32A(1)(f)(v), delete the words "Police Service Commission" and substitute the words "Protective Services Commission".</p> <p>In section 80(1), delete the words "<i>Civil Establishment Act</i>" and substitute the words "<i>Public Service Act</i>, Cap. 29".</p> <p>In section 81, delete the words "Police Service Commission" and substitute the words "Protective Services Commission".</p>
7. <i>Police Complaints Authority</i> , Cap. 167A	In section 6 delete the words " <i>Civil Establishment Act</i> " in subsection (1) and substitute the words " <i>Public Service Act</i> , Cap. 29".

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
8. <i>Prisons Act</i> , Cap. 168	<p>In section 2, delete the words "<i>Civil Establishment Act</i>" and substitute the words "<i>Public Service Act</i>, Cap. 29".</p> <p>In section 4, delete the words "<i>Civil Establishment Act</i>" in subsection (1) and substitute the words "<i>Public Service Act</i>, Cap. 29".</p> <p>In section 12, delete the words "<i>Civil Establishment Act</i>" and substitute the words "<i>Public Service Act</i>, Cap. 29".</p>
9. <i>Immigration Act</i> , Cap. 190	<p>In section 2 delete the definition of "immigration officer" and substitute the following:</p> <p style="padding-left: 40px;">"immigration officer" means the Chief Immigration Officer, the Deputy Chief Immigration Officer, the Assistant Chief Immigration Officer and Immigration Officer appointed under section 13(1) of the <i>Public Service Act</i>, Cap. 29."</p> <p>In section 25, delete subsections (1), (2) and (3) and substitute the following:</p> <p style="padding-left: 40px;">(1) The Chief Immigration Officer and immigration officers shall be appointed in accordance with section 13(1) of the <i>Public Service Act</i>, Cap. 29.</p> <p style="padding-left: 40px;">(2) The number of immigration officers that may be appointed under subsection (1) and the conditions of service of such officers shall be such as may be determined by the Minister responsible for the Public Service.</p>

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
9. <i>Immigration Act</i> , Cap. 190 - (Concl'd)	(3) The Chief Immigration Officer shall be responsible for the general management and administration of the Immigration Department, and all other immigration officers shall perform such functions as are assigned to them by the Chief Immigration Officer."
10. <i>Pensions Regulations, 1947</i> (S.I. 1947 No. 20)	In regulation 19(5) delete the word "Establishments" and substitute the words "the Public Service".  In regulation 27A(5), delete the words "section 2 of the <i>Civil Establishment Act</i> " and substitute the words "section 13 of the <i>Public Service Act</i> ".
11. <i>Pensions Barbados (Overseas Officers Retirement and Compensation) Regulations, 1968</i> (S.I. 1968/27)	In regulation 2(1)  (a) delete the words "Police Service Commission" and substitute the words "Protective Services Commission";  (b) delete the words "Public Service Commission" appearing in paragraph (c) and substitute the words "Administrative, General and Professional Service Commission."
12. <i>Police Band (Apprentices) Regulations, 1979</i> (S.I. 1979 No. 38)	In paragraph 2(m) of the Schedule, delete the words "Police Service Commission" and substitute the words, "Protective Services Commission".  In paragraph 3(e) of the Schedule, delete the words " <i>Civil Establishment (Part-time Officers) Order, 1980</i> " and substitute the words " <i>Public Service (Part-time Officers) Order, 2018</i> (S.I. 2018 No. 78)."



## Schedule - (Cont'd)

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
13. <i>Service Commissions (Police Service) Regulations, 1964</i> (S.I. 1964 No. 69)	Delete regulation 3 and substitute the following:  <b>"Duties of Director General</b>  3. The Director General, Human Resources shall  (a) submit matters for the decision of the Commission;  (b) designate an officer not below the rank of Deputy Director to attend all meetings of the Commission;  (c) attend meetings of the Commission when required to do so by the Commission;  (d) give effect to the decisions of the Commission;  (e) ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission."
14. <i>Police (Promotion) Regulations, 1998</i> , (S.I. 1998 No. 120)	In regulation 2, in the definition of "Commission", delete the words "Police Service Commission" and substitute the words "Protective Services Commission".  In regulation 7(2), delete the words "Police Service Commission" and substitute the words "Protective Services Commission".

*Schedule - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
14. <i>Police (Promotion) Regulations, 1998, (S.I. 1998 No. 120)-(Concl'd)</i>	In regulation 13, delete the words "Police Service Commission" and substitute the words "Protective Services Commission".
15. <i>Police (Discipline) Regulations, 1998 (S.I. 1998 No. 122)</i>	In regulation 2, in the definition of "Commission" delete the words "Police Service Commission" and substitute the words "Protective Services Commission".  In regulation 19(2)(b) delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".
16. <i>Service Commissions (Public Service) Regulations, 1978 (S.I. 1978 No. 183)</i>	In regulation 2, in the definition of "misconduct", delete the word "Establishments" and substitute the words "the Public Service".  Delete regulation 9 and substitute the following:  <b>"Duties of Director General</b>  9. It shall be the duty of the Director General, Human Resources to  (a) submit, whether in writing or orally, matters for the decision of the Commission;  (b) designate an officer not below the rank of Deputy Director to attend all meetings of the Commission;

*Schedule - (Cont'd)*

## CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
16. <i>Service Commissions (Public Service) Regulations, 1978</i> (S.I. 1978 No. 183) - (Cont'd)	<p>(c) attend meetings of the Commission when required so to do by the Commission;</p> <p>(d) carry out the decisions of the Commission; and</p> <p>(e) ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission."</p>

In regulation 16(1), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".

In regulation 17(2), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".

In regulation 18(1), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".

In regulation 19(1), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".

In regulation 24(1) and (2), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".

*Schedule - (Concl'd)*

## CONSEQUENTIAL AMENDMENTS - (Concl'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
16. <i>Service Commissions (Public Service) Regulations, 1978</i> (S.I. 1978 No. 183)-(Concl'd)	<p>In regulation 27(2), delete the words "Chief Personnel Officer" and substitute the words "Director General, Human Resources".</p> <p>In regulation 32(2), delete the words "Chief Personnel Officer, the Chief Establishments Officer" and substitute the words "Director General, Human Resources".</p> <p>In regulation 33(3)(b), delete the words "Chief Personnel Officer" and substitute the words "Director General".</p>
17. <i>Public Service (Leave Passages) Order, 1966</i> (S.I. 1966/17)	<p>Delete the words</p> <p>(a) "Chief Personnel Officer" appearing in paragraph 5(2) and 11(2) and substitute the words "Director General, Human Resources";</p> <p>(b) "Schedule B to the <i>Civil Establishment Act</i>" whenever they appear and substitute the words "<i>Second Schedule</i> to the <i>Public Service (General) Order, 2018</i> (S.I. 2018 No. 75)".</p>