

CIVIL SERVICE ACT

1993 (PNDCL 327)

Section 1-Establishment and continued existence of the Civil Service

(1) The organisation in existence immediately before the coming into force of this Act known as the Civil Service is, and shall, subject to this Act, continue to be, the Civil Service, in so far as the continuation is consistent with article 190 of the Constitution .

(2) In accordance with article 190 of the Constitution, the Civil Service forms part of the Public Services of Ghana.

(3) The Service comprises service in a civil office of the Government.

Section 2-Object of the Service

The object of the Service is to assist the Government in the formulation and implementation of government policies for the development of the country.

Section 3-Functions of the Service

(1) For the purpose of achieving its object, the Service shall

- (a) initiate and formulate policy options for the consideration of the government,
- (b) initiate and advise on government plans,
- (c) undertake the necessary research for the effective implementation of government policies,
- (d) implement government policies,
- (e) review government policies and plans
- (f) monitor, co-ordinate and evaluate government policies and plans
- (g) perform functions that are incidental or conducive to the achievement of the object specified in section 2, and
- (h) perform such other functions that the Civil Service Council may direct.

(2) In the performance of its functions under subsection (1), the Service shall confer, consult and seek advice and full co-operation of such other government agencies and authorities as may be necessary.

Section 4-Membership of the Service

The following are members of the Service:

- (a) a person serving in a civil capacity in a post designated as Civil Service post by or under this Act in,
 - (i) the Office of the President,
 - (ii) a Ministry,
 - (iii) a government departments at the national level;
 - (iv) any other civil service department established by or under the authority of this Act the emoluments attached to which are paid directly from the Consolidated Fund or other source approved by the Government, and
- (b) a person holding a post designated as Civil Service post created by or under the authority of any other enactment, the emoluments attached to which are paid directly from the Consolidated Fund or other source approved by Government.

Section 5-Office of the Head of the Service

- (1) There is hereby established the Office of the Head of the Civil Service.
- (2) There shall be established in the Office of the Head of the Civil Service the following directorates, divisions and units:
 - (a) Personnel Policy and Management Directorate;
 - (b) Training and Manpower Development Directorate;
 - (c) Management Services Directorate;
 - (d) General Administration Division;
 - (e) General Services Unit;
 - (f) Salaries Administration Unit;
 - (g) Research Unit;
 - (h) Public Relations Unit;
 - (i) Public Complaints Unit; and
 - (j) Civil Service Reform Co-ordinating Unit.
- (3) The composition and functions of the directorates, divisions and units, shall be determined by the Head of the Civil Service.

Section 6-Head of the Service

- (1) There shall be a Head of the Civil Service who shall be appointed by the President acting in accordance with the advice of the Public Services Commission in consonance with article 193 of the Constitution.
- (2) Omitted (This subsection provided that the “Head of the Civil Service shall have the status of a Minister of State”. This is inconsistent with article 193 of the Constitution).
- (3) In accordance with clause (2) of article 193, the Head of the Civil Service shall not hold any other public office.

Section 7-Functions of the Head of the Service

- (1) The Head of the Civil Service shall
 - (a) ensure general efficiency of the Service,
 - (b) have overall charge of all civil servants, and
 - (c) ensure the effective implementation of Government policies and plans for which the Service has responsibility.
- (2) Without prejudice to subsection (1) of this section the Head of the Civil Service shall
 - (a) advise the Government on employment policy formulation within the Service
 - (b) advise on the conduct of management audits and review,
 - (c) initiate action on pay policy for the Service, and
 - (d) determine and advise on manpower limits for the Service.
- (3) The Regulations may further provide for the details of the functions of the Head of the Civil Service.

Section 8-Delegation of functions

The Head of the Civil Service may in writing delegate any of the functions of the Head to the directors and heads in Ministries or departments.

Section 9-Office of the President

[Repealed by the Presidential Office Act, 1993 (Act 463), s.15]

Section 10-Functions of Secretary to the Office of the President

[Repealed by the Presidential Office Act, 1993 (Act 463), s.15]

Section 11-Creation of Ministries and departments of the Government

- (1) There shall be in the Civil Service the Ministries consisting of such departments as the President may determine.
- (2) A Ministry shall be the highest organisation for the respective sector and is
 - (a) constituted of the departments and divisions, and
 - (b) responsible for the sector,Determined by the President, or as provided for by any other enactment.
- (3) Subject to the Constitution, the President may, by executive instrument, published in the Gazette, establish Ministries or re-designate Ministries.
- (4) On the date of publication of an executive instrument under subsection (3), a reference in an enactment in force or a document to a Ministry or Minister with responsibility for a specific sector if otherwise than as provided in the instrument, shall be read and construed as a reference to the Ministry or Minister with responsibility for the sector as published in the executive instrument. [As Substituted by the Civil Service (Amendment) Act, 2001 (Act 600), s. 1].

Section 12-Organisational structure of Ministries

- (1) There shall be established in each Ministry as far as may be applicable,
 - (a) a General Administration and Finance Division,
 - (b) a Planning, Budgeting, Co-ordination, Monitoring and Evaluation Division,
 - (c) a Training and Human Resources Development Division, and
 - (d) a Research, Statistics, Public Relations and Information Division.
- (2) A Division established in a Ministry shall
 - (a) provide administrative support for the political head of the Ministry, and
 - (b) co-ordinate and monitor programmes of the Ministry.

Section 13-Functions of Ministries

A Ministry shall

- (a) initiate and formulate policies taking into account the needs and aspirations of the people
- (b) undertake development planning in consultation with the National Development Planning Commission, and
- (c) co-ordinate, monitor and evaluate the efficiency and effectiveness of the performance of the sector.

Section 14-Government departments at the national level

- (1) A department of the Government created by or under the authority of this Act in a Ministry is a unit under that Ministry.
- (2) The department is responsible for the performance of the functions for which it was created.
- (3) A Department of a District Assembly does not form a part of the Ministry or a national level organisation to which it relates.

Section 15-Special departments

- (1) There may be established by or under the authority of this Act, special departments in the Service.
- (2) A special department shall not be established under this Act unless the department
 - (a) has functions that, in a substantial manner, affect the functions of any other departments, and
 - (b) has functions of a strategic nature that it cannot be established under a Ministry.
- (3) A special department established under this Act shall be under the Office of the President.

Section 16-Review of functional structure

- (1) The functional structure and job content of a Ministry or a Government department at the national and local levels is subject to the periodic reviews that are necessary.
- (2) A review shall be in response to decisions of Government or as a result of review proposals sponsored by the political head of the Ministry concerned.

(3) The report of a review submitted under this section shall be submitted to the Head of the Civil Service who shall forward the report with the comments of the Head to the President for consideration.

Section 17-Contracting out to private persons

The Head of Civil Service may make proposals to the Government to give out on contractual, retainer or commission basis specified occupational areas of the functions of the Service to private organisations.

Section 18-Abolition of office

(1) An existing office or organisation in the Service
(a) which has ceased to merit its continued existence, or
(b) which on review or organisational structure of the office is found to be no longer necessary,

may be abolished by the Head of State acting in consultation with the Civil Service Council and the Public Services Commission.

(2) An officer who loses employment as a result of abolition of an office under subsection (1) shall be redeployed to an analogous position within the Service without loss of service, pay or seniority.

(3) An officer affected by abolition of office shall, while waiting to be redeployed, receive his normal emoluments in full; but where after two months from the date of abolition of the post, it has not been possible to redeploy the officer, that officer shall be discharged and given the compensation that the Government may determine.

(4) An officer affected by this section shall be entitled to the normal retirement benefits under the pension laws applicable to that officer.

Section 19-Appointment of chief director

(1) The President may, acting in accordance with the advice of the Civil Service Council established under section 35 given in consultation with the Public Services Commission, appoint chief directors for the Service.

(2) A chief director appointed under subsection (1) shall hold office as the bureaucratic head of the Ministry or office to which that chief director is assigned.

(3) A chief director is a public officer.

(4) The appointment of a chief director shall be on the terms and conditions that are specified in the letter of appointment.

Section 20-Functions of a chief director

(1) A chief director of a Ministry is the chief adviser to the Minister on the policies and other matters related to the sector and shall, in relation to the Ministry,

- (a) provide leadership and guidance for determining policies and objectives within the sector and the implementation of those policies and objectives,
 - (b) co-ordinate work programmes and provide rules, guidelines and procedures to facilitate the achievement of targets set by the Ministry,
 - (c) ensure the effective organisation and development of training programmes consistent with sectoral policies and programmes,
 - (d) establish systems for effective inter-ministerial and sectoral collaboration and co-operation to avoid duplication and to achieve harmonization of programmes,
 - (e) develop systems of effective work-flow and feed-back on the activities within the sector, and
 - (f) initiate plans and programmes to activate and accelerate the decentralization of the relevant sector where required.
- (2) Without prejudice to subsection (1), a chief director shall in relation to the Ministry,
- (a) recommend the disbursement of budgetary allocation in accordance with prevailing financial regulations,
 - (b) recommend leave of absence for directors and heads of organisations as well as ensure the effective organization and co-ordination of leave of absence within the sector,
 - (c) request for action programmes and budget from the implementing agencies,
 - (d) ensure the establishment by the implementing agencies of proper codes of conduct for administrative, financial and operational transactions,
 - (e) recommend major changes in the organisation structures of the implementing agencies,
 - (f) recommend actions involving disposal of capital assets, and
 - (g) ensure the development and enforcement of an effective system of discipline within the sector.

Section 21-Delegation of authority

The Minister or the Head of the Civil Service or both may delegate to a Chief Director the powers that are considered necessary.

Section 22-Directors

- (1) The President shall appoint in accordance with article 195 of the Constitution, directors for the Ministries and Government departments.
- (2) A director appointed under subsection (1) shall hold office as a civil servant.

Section 23-34 Repealed

[Repealed by Local Government Service Act, 2003 (Act 656), s.35 (1)(c)].

Section 35-The Civil Service Council

- (1) The governing body of the Civil Service is the Civil Service Council consisting of
 - (a) the chairman,
 - (b) one retired Justice of the Superior Court of Judicature,

- (c) the Chairman of the Public Services Commission,
 - (d) the Head of the Civil Service,
 - (e) one retired senior civil servant,
 - (f) one representative of the National Development Planning Commission,
 - (g) one representative of the Civil Servant Association, and
 - (h) two other persons one of whom is a woman.
- (2) In accordance with clause (1) of article 70 of the Constitution, the members of the Council shall be appointed by the President acting in consultation with the Council of State.

Section 36-Functions of Civil Service Council

The functions of the Civil Service Council are,

- (a) to deliberate on the overall Government policy relating to the management of the Service and suggest improvements or modifications to the Government,
- (b) to promote collaboration between institutions of higher education for training of civil servants for effective civil service performance,
- (c) to advise and promote policies aimed at ensuring that the cost of the Service to Government is not excessive,
- (d) to periodically review the objectives of the Civil Service in relation to political, economic, social and cultural changes,
- (e) to make proposals for enhancing the relationship between the Government as employer and the members of the Civil Service, and
- (f) perform any other functions assigned to it under this Act

Section 37-Meetings of the Civil Service Council

- (1) The Council shall meet at least once in every three months.
- (2) The tenure of the chairman and members shall be four years, but may be renewed.
- (3) The quorum at a meeting of the Council is five.
- (4) Except as otherwise provided in this Act the Civil Service Council shall regulate the procedure for its meetings.

Section 38-Committees and Co-option of Members

- (1) The Council may co-opt a person to assist it at any of its meetings except that a person co-opted shall not vote on a matter for decision before the meeting.
- (2) The Council may for the effective performance of its functions appoint committees composed of members or non-members or both.

Section 39-Ministries advisory boards

- (1) There shall be established in every Ministry a ministerial advisory board consisting of
- (a) the Minister responsible for the Ministry as the chairman,
 - (b) the Deputy Secretary of the Ministry,
 - (c) the chief director; and
 - (d) one representative each of the
 - (i) three public sector organisations, and
 - (ii) three private sector organisations,with which the Ministry has the most dealings.

Section 40-Functions of ministerial advisory board

- The functions of the ministerial advisory boards are,
- (a) to promote constant interaction between the Ministry and the users of its services, and
 - (b) to advise the Minister on adjustments in policy directions, planning objectives and operational strategies.

Section 41-Meetings of the board

- (1) A ministerial advisory board shall meet at least once in every three months.
- (2) Minutes of meetings of the board shall be submitted regularly to the Head of the Civil Service.

Section 42-The Civil Service advisory board

- (1) There is hereby established the civil service advisory board consisting of
- (a) the Head of the Civil Service as the chairman,
 - (b) a member of the Public Services Commission,
 - (c) the Director-General of Ghana Institute of Management and Public Administration,
 - (d) the Commandant, Ghana Armed Forces,
 - (e) the Chief Labour Officer,
 - (f) Omitted (the Chief Director, Office of the Head of the Civil Service,
 - (g) the president of the Ghana Government Pensioners' Association,
 - (h) one representative of the Ministry of Finance, and
 - (i) one representative of the Civil Servants Association.

(2) The Board shall meet at least three times in a year.

(3) The Board may for its meetings co-opt a person, but a co-opted person shall not vote on a matter for decision before the Board.

Section 43-Functions of the civil service advisory board

The functions of the civil service advisory board are to advise the Head of the Civil Service in the performance of the functions of office under this Act.

Section 44-Advisory committees at regional and district levels

[Repealed by Local Government Service Act, 2003 (Act 656), s.35 (1)(d)].

Section 45-Staff appointment advisory boards

The Regulations may provide for the establishment of staff appointment advisory boards in the Service at the Ministerial, Departmental Levels.[As amended by Local Government Service Act, 2003 (Act 656), s.35(1)(e)].

Section 46-Disciplinary committee

(1) There shall be established within the Service, disciplinary committees which shall be responsible for promotion of discipline in the area of administration that may be specified.

(2) Regulations may provide for the membership and operation of the disciplinary committees.

Section 47-Civil service committee on administrative reforms

(1) There is hereby established a civil service committee on administrative reforms.

(2) The objective of the committee is to monitor, guide and sustain administrative reforms initiative in the Service.

(3) The Regulations shall provide for the membership and any other functions of the committee.

Section 48-Other committees in the Service

(1) The Council may, by legislative instrument establish any other statutory committees that are necessary for the effective achievement of the purpose of this Act.

(2) Without prejudice to subsection (1), the Head of the Civil Service may, in consultation with the Council, by administrative instructions establish administrative committees that are necessary for the purposes of this Act.

Section 49-Creation of civil service posts

- (1) Posts in the Service shall be created by Regulations made under this Act.
- (2) Posts created under any other enactment but designated as civil service posts are civil service posts for the purposes of this Act.
- (3) The Regulations creating posts in the Service shall specify in relation to each post the name of the post, the salary scale attached to the post and the qualifications for the post.
- (4) The Regulations shall designate and specify the categories and classes of posts in the Ministries and departments in the Service.
- (5) The Regulations designating a post under this section shall specify whether the post is a departmental or a general post.

Section 50-Departmental posts

- (1) The Regulations may provide that the departmental posts specified in the Regulations shall constitute a department under such name as may be specified in the Regulations.
- (2) The Regulations may provide that a department or departments specified in the Regulations together with other additional departmental posts as are specified in the Regulations shall constitute a department under the name specified in the Regulations.

Section 51-Filling of vacancies

A vacancy in a service post shall be filled

- (a) by promotion, that is by appointing a civil servant who will move from one grade to a higher grade with an immediate increase in salary,
- (b) by transfer within the Service, that is by appointing a civil servant who will move from one grade to another grade without an alteration in salary,
- (c) on reduction in status, that is by appointing a civil servant who will move from one grade to a lower grade with an immediate reduction in salary,
- (d) by recruitment, that is by appointing a person
 - (i) who is not a civil servant to the service, or
 - (ii) who would cease to be a civil servant if the appointment were not made.

Section 52-Power of appointment

The power to appoint persons to hold or act in an office in the Civil Service is vested in the President in accordance with article 195 of the Constitution.

Section 53-Delegation of power of appointment

- (1) The President may, subject to clause (2) of article 195 of the Constitution delegate any of the functions under this section by directions in writing to the Council or to a member of the Council or to any public officer.
- (2) Where a delegation is made under subsection (1), the Regulations shall specify the appointing authority for the categories of posts in the Service for which the delegation of authority to appoint has been made.

Section 54-Reporting of vacancies

Vacancies occurring in all posts shall be reported to the appropriate appointing authority and also to the Office of the Head of the Civil Service.

Section 55-Qualifications for appointment

A person shall not be appointed to a civil service post unless that person possesses the qualifications approved for entry to that post.

Section 56-Advertisement of posts in the Service

The Regulations shall prescribe

(a) posts which shall not be filled unless there has been public advertisement, and

(b) post for which no public advertisement is required.

Section 57-Appointment of convicted persons

A person who has been convicted of a criminal offence involving fraud, dishonesty or moral turpitude shall not be employed in the Service.

Section 58-Recruitment of Ghanaian resident outside Ghana

(1) Where a vacancy in a prescribed category is to be filled by recruitment of a Ghanaian resident outside the Republic, the appointing authority shall request the Public Services Commission to advertise the vacancy in newspapers outside the Republic and initiate the appropriate recruitment procedure.

(2) Costs involved in processing recruitment shall be borne by the organisation requesting the recruitment.

(3) The Public Services Commission shall inform the appropriate appointing authority of the results which the appointing authority may accept or reject.

(4) A Ghanaian resident outside the Republic who has already attained the compulsory retiring age may be employed on contract.

Section 59-Recruitment of non-Ghanaian resident outside Ghana

The Regulations shall prescribe the method for recruitment of non-Ghanaians resident outside the Republic and the terms and conditions applicable to that recruitment.

Section 60-Probation period

(1) An appointment by recruitment to a civil service post is subject to satisfactory service in that post for a probationary period of one year.

(2) An appointment by promotion to a civil service post is subject to satisfactory service in that post for a trial period of one year.

Section 61-Posting

(1) The Head of Civil Service is responsible for the posting of administrative officers, secretarial officers, personnel officers, executive officers and other classes of officers as may be prescribed.

(2) The Head of Civil Service shall be responsible for the posting of departmental grade officers in central government agencies.

(3) [Repealed by Local Government Service Act, 2003 (Act 656), s.35 (1)(f)].

(4) [Repealed by Local Government Service Act, 2003 (Act 656), s.35 (1)(f)].

(5) The Head of the Civil Service may be consulted in any of the postings made under this section.

Section 62-Engagement of staff

(1) A request for the engagement of civil servants by a central Government agency shall have the prior approval in writing of the Head of the Civil Service.

(2) Application for approval shall indicate the availability of budgetary provision for the appointments.

Section 63-Mode of filling vacancies

(1) A vacancy in a civil service post shall be filled in accordance with the relevant scheme of service, by promotion, transfer or recruitment.

(2) Promotions shall be made on the basis of merit.

(3) A person who to the knowledge of the appointing authority has attained the prescribed voluntary retiring age shall not be appointed by recruitment except on a limited engagement.

(4) A person who to the knowledge of the appointing authority has previously been dismissed or removed from any of the Public Services shall not be appointed by recruitment to a post in the Civil Service without the prior approval in writing of the Public Services Commission.

Section 64-Method of appointment

(1) Appointments to civil service posts shall be made by a letter of appointment addressed to the person appointed and signed by or on behalf of the appointing authority.

(2) A letter of appointment shall specify the terms and conditions of the appointment.

(3) A person not already holding a civil service post shall not be appointed to the Service unless that person has been medically examined and found to be fit for appointment.

Section 65-Limited engagement

- (1) Where a vacancy in civil service post is filled by recruitments the person recruited may be appointed on a limited engagement.
- (2) The letter of appointment of a person appointed to a post on a limited engagement
 - (a) shall specify the period of the engagement, and
 - (b) may provide that this Act and a statutory instrument made under it shall apply subject to the modifications that are set out in the letter of appointment.

Section 66-Conditions of Service

The Regulations or administrative instructions may provide, as appropriate,

- (a) for the determination of the salary scales of civil servants,
- (b) for the award of increments of salary, and the payment of allowances and any other additional remuneration,
- (c) for the regulation of hours of work,
- (d) for the grant of earned vacation leave as a right,
- (e) for the regulation of any other forms of leave including leave with or without pay, sabbatical leave, maternity leave and casual leave,
- (f) for the making available to a civil servant, with or without charge, housing, accommodation, medical treatment and any other facilities,
- (g) for the presentation of petitions, and
- (h) for any other matters relating to the terms and conditions of service of civil servants.

Section 67-Engagement in consultancies

Civil servants may engage in paid consultancies and other income-generating activities subject to the prescribed conditions.

Section 68-Civil servants associations

- (1) A civil servant may form or join any association.
- (2) A civil servant shall not form or join an association where such membership conflicts with the performance of functions as a civil servant.

Section 69-Health and safety conditions

Heads of Ministries and departments shall ensure that in every civil service premises, reasonable, satisfactory and safety measures are taken, and equipment are provided for the health and protection of the staff and for the observance of general instructions on safety.[As amended by Local Government Service Act, 2003 (Act 656), s.35(1)(g)].

Section 70-Circumstance for leaving the Service

The circumstances under which a civil servant may leave the Service are

- (a) on dismissal or removal in consequence of disciplinary proceedings,
- (b) on compulsory retirement,

- (c) on voluntary retirement,
- (d) on retirement for medical reasons,
- (e) on resignation in accordance with the prescribed conditions,
- (f) on the expiry or any other termination of a limited engagement,
- (g) on transfer to an approved employment,
- (h) on the abolition of the post held by that civil servant, or
- (i) in the case of a civil servant on probation, on the making of an order indicating failure to prove the required competency during the period of the probation and shall cease to be in the Service.

Section 71-Compulsory retirement

- (1) A person holding a civil service post shall in accordance with article 199 of the Constitution retire from the Service on reaching the age of sixty years;.
- (2) Subsection (1) does not prevent the appointment of a person who is more than sixty years of age on a limited engagement for two years at a time not exceeding five years in total.

Section 72-Voluntary retirement

A person holding a civil service post other than on a limited engagement may, in accordance with clause (2) of article 199 of the Constitution, retire from the Service at any time after attaining the age of forty-five years.

Section 73-Retirement for medical reasons

- (1) A civil servant shall retire from the Service if, in accordance with the prescribed procedure, it is found that he is incapable, by reason of infirmity of mind or body which is likely to be permanent, of discharging the duties of office.
- (2) Subsection (1) shall not prevent a civil servant found incapable from being moved to grade to which his infirmity will not prevent the discharge of the duties of office.

Section 74-Transfer, secondment to approved employment

- (1) The Regulations may provide for the transfer or secondment of a civil servant to employment in another public service or to other approved employment.
- (2) A civil servant may be transferred at the request of that civil servant.

Section 75-General definition of misconduct

- (1) An act done by a civil servant without reasonable cause constitutes a misconduct if the act
 - (a) amounts to a failure to perform in a proper manner any duty imposed on that civil servant, or
 - (b) contravenes an enactment relating to the Service, or

- (c) is otherwise prejudicial to the efficient performance of the functions of the Civil Service, or
 - (d) tends to bring the Civil Service into disrepute.
- (2) The conviction of a civil servant for an offence involving fraud, dishonesty, or moral turpitude, constitutes a misconduct which tends to bring the Service into disrepute.

Section 76-Particular types of misconduct

Without prejudice to the generality of section 75, it is misconduct for a civil servant

- (a) to be absent from duty without leave or reasonable excuse,
- (b) to be insubordinate,
- (c) to be intoxicated during office hours,
- (d) to use, without the consent of the prescribed authority, property or facility provided for the purposes of the Service for some purpose not connected with official duties,
- (e) to engage in a gainful occupation outside the Service without the consent of the prescribed authority,
- (f) to engage in an activity outside official duties which is likely to lead to the taking of improper advantage of the position in the Service of that civil servant,
- (g) to fail to submit reports or information or both as prescribed under this Act,
- (h) to make unauthorised disclosure of classified and unclassified official information or document to a private person or to another public officer.

Section 77-Penalties

(1) The penalties specified in this section may be imposed in disciplinary proceedings in respect of misconduct or unsatisfactory service:

- (a) dismissal, that is termination of appointment with forfeiture of retirement benefits where applicable,
- (b) removal, that is termination of appointment with or without a reduction in retirement benefits where applicable,
- (c) reduction in status, that is removal from one grade to another grade with an immediate reduction in salary,
- (d) surcharge,
- (e) reduction in salary, that is an immediate adjustment of salary to a lower point in the salary scale attached to the post in question,
- (f) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years,
- (g) stoppage of increment, that is non-payment for a specified period of an increment otherwise due,
- (h) suspension from duty with consequent loss of pay and allowances for a period not exceeding fourteen days,
- (i) reprimand.

(2) For the purposes of this Act, dismissal, removal and reduction in status are major penalties and all other penalties are minor penalties.

Section 78-Disciplinary authority

- (1) Subject to this Act, the Council is the disciplinary authority for civil servants.
- (2) The Council may delegate its power under this subsection (1).

Section 79-Proceedings for misconduct

- (1) Disciplinary proceedings in cases of misconduct shall be either summary or formal.
- (2) No major penalty shall be imposed on an officer in summary proceedings not arising out of a conviction.

Section 80-Conduct of disciplinary proceedings

- (1) Regulations shall be made providing for the conduct of disciplinary proceedings in cases of misconduct or unsatisfactory service.
- (2) Regulation made under subsection (1) governing cases of misconduct shall include provision
 - (a) requiring a written charge to be preferred in disciplinary proceedings,
 - (b) enabling the accused in formal proceedings to call appropriate witnesses,
 - (c) enabling persons to be compelled to give evidence or produce exhibits in formal proceedings,
 - (d) specifying that a major penalty imposed by a disciplinary authority on a civil servant holding a post in specified categories shall not take effect unless confirmed by the Council,
 - (e) enabling the accused to appeal against any decision involving the imposition of penalty, not being a decision that requires confirmation by the Council under paragraph (d) of this subsection, and
 - (f) specifying person or bodies to whom appeals shall lie.

Section 81-Retirement benefits

- (1) Subject to this Act and any other law relating to pension, a civil servant shall on retirement from the Service or termination of service, be entitled to such terminal awards that are for the time being applicable to that civil servant.
- (2) Pension payable to any officer in the service is exempted from tax.

Section 82-Expenses of the Service

The expenses of the Service, including salaries, allowances, gratuities and pensions are a charge on the Consolidated Fund.

Section 83-Official language

The official language of the Civil Service is English and accordingly written and oral communications, examination questions and answers and any other transactions in the Service shall be expressed in that language.

Section 84-Half-yearly reports by civil service organisations

Civil service organisations shall submit to the Head of the Civil Service half yearly reports relating to

- (a) programme performance,
- (b) administrative development,
- (c) manpower data, and
- (d) any other information that may be required.

Section 85-Annual report by Head of Civil Service

(1) Within three months after 31st December of each year, the Head of Civil Service shall prepare an annual report giving details of the administration of the Service during the preceding twelve months.

(2) The Annual report shall be submitted to the Council.

Section 86-Grievance machinery

A civil servant who feels aggrieved by a decision made on a matter relating to the terms and conditions of service of that civil servant may seek redress through the machinery that is available to that servant.

Section 87-Conflict of interest

A civil servant shall avoid a situation where the personal interests of that civil servant conflict or are likely to conflict with the performance of the functions of the office of that civil servant, in accordance with article 284 of the Constitution.

Section 88-Recognition and award system

(1) There shall be instituted awards for meritorious performance in the Civil Service.

(2) The Regulations shall provide for the institution of the meritorious award system.

Section 89-Declaration of assets

A civil servant who holds the office of

(a) head of a Ministry, government department or any other equivalent office in the service, or

(b) an ambassador,

shall, on appointment and at the end of the term of office submit to the Auditor-General a written declaration of the property or asset owned by, or liabilities owned by, that servant whether directly or indirectly.

Section 90-Oaths to be sworn by civil servants

(1) Persons recruited into the Civil Service shall swear the oath of allegiance, the oath of secrecy and the official oath set out in Part One of the Schedule.

(2) The oath specified in Part One shall be taken by the civil servants as specified in column 2 of Part Two and shall be administered by the authority or person specified in column 3.

(3) A civil servant shall be considered for the first promotion unless evidence is made available of the compliance with subsection (1) by that civil servant.

Section 91-Regulations

(1) Subject to this Act, the President on the advice of the Public Services Commission and the Civil Service Council may, by legislative instrument, make the Regulations that are necessary for the effective implementation of this Act. [As substituted by the Civil Service (Amendment) Act, 2001 (Act 600), s.2(a)].

(2) Without prejudice to the generality of subsection (1), the Regulations may provide for (a) [Repealed by the Civil Service (Amendment) Act, 2001 (Act 600), s.2(b)(i)].

(b) the creation of civil service posts, the qualification for entry into the posts and the conditions attached to the posts,

(c) the categories of civil service posts,

(d) the list of departments and offices that come under the Service, [As Amended by the Civil Service (Amendment) Act, 2001 (Act 600), s.2(b) (ii)].

(e) the scheme of service,

(f) matters relating to ministerial, departmental, regional and district staff appointments,

(g) the procedure of disciplinary committees,

(h) staff welfare,

(i) the functions of units established in the Office of the Head of the Civil Service,

(j) matters relating to acting appointments,

(k) appointments of dismissed public officers,

(l) promotions generally,

(m) posting, transfer, secondment, and attachments,

(n) leave,

(o) the procedure for engagement in consultancies and income generating activities by civil servants,

(p) the health and safety of staff,

(q) training and human resources development,

(r) matters relating to leaving the service,

(s) matters relating to misconduct and penalties,

(t) the disciplinary authority for specified classes in the Service,

(u) disciplinary procedures.

(3) Subject to this Act and to the Regulations made under this section, the Head of the Civil Service may in consultation with the Council and the Public Services Commission, issue administrative instructions that are necessary for the effective functioning of the Service.

(4) Without prejudice to the generality of subsection (3), administrative instructions may be issued in respect of

(a) the code of conduct,

- (b) office administration,
- (c) staff welfare,
- (d) the mode for implementing functions,
- (e) computerisation,
- (f) the signing of official letters,
- (g) the setting up of administrative committees,
- (h) details of functions of any branch, sector or unit,
- (i) the chain of authority in the Service,
- (j) overseas training,
- (k) movement in the Service,
- (l) remuneration, and
- (m) general services.

Section 92-Application of Act to civil servant serving abroad

This Act applies to a civil servant holding a post in the Civil Service and serving abroad subject to the prescribed modifications.

Section 93-Interpretation

In this Act unless the context otherwise requires,

"approved establishment" includes an establishment in existence by virtue of an enactment or establishment approved by the Government and an approved employment;

"appropriate or competent authority" means the person or organisation designed to take a final decision under this Act on an issue or in relation to a civil servant;

"bureaucratic head" includes the chief director in the Ministry, head of department and secretariat at the national level, the regional co-ordinating director and the district co-ordinating director;

"category" means a group of grades of the same level and sufficiently similar in responsibilities, degree or supervision exercised or received, experience or skill and any other attributes as that make them equal in status;

"class" means a cluster of grades in the same discipline or specialization the members of which relate to common scheme of service;

"Council" means the Civil Service Council established under section 35;

"District Assembly" include Metropolitan Assembly and Municipal Assembly;

"functional structure" means the pattern of job-sharing within the organization;

“functions” include powers and duties;

“Government” means as authority by which the executive authority of Ghana is exercised;

"grade" means a series of posts with the same title and salary or salary scale;

"organizational structure" means the pattern of relationship between the various institutions within the Service;

"political head" includes the sector head of the Ministry, and the Minister;

"posting" means being shifted from one's post in one Ministry or department to the same post in the same class in another Ministry or department or being moved on promotion to the next higher grade in the same class in another Ministry or department;

"prescribed" means prescribed by the Regulations to give effect to this Act or prescribed by administrative instructions issued under this Act;

"previous seniority", in relation to a civil servant, includes the seniority immediately before that servant entered the current post, persons who entered their current posts by recruitment being treated as having no previous seniority except as between two or more of these persons, and previous seniority shall be assessed according to age;

“region” means a region of Ghana;

“Regulation” means the Regulations made under section 91, or under any other section of this Act;

"salary conditions" means the salary attached to the post, or where a salary scale is attached to the post, means the higher point on the scale;

"secondment" means movement of a civil servant from the Civil Service to an approved establishment outside the Civil Service;

"seniority data" in relation to a civil servant, means the data on which that servant entered the current post or, if that servant has suffered loss of seniority while holding that post, means the date on which that servant is deemed to have entered the post;

"transfer" means moving from a civil service post to another post in an approved employment outside the Civil Service or moving from a departmental post to an analogous post in another department within the Service;

"vacancy" includes a prospective vacancy.

Section 94-Repeal and saving

(1) The following are hereby repealed:

Civil Service Act, (C.A. 5);

Civil Service (Disciplinary Code Regulations) (Revocation) Decree, 1973 (NRCD 197);

Civil Service (Amendment) Decree, 1978 (SMCD 199);

Civil Servant (Amendment) Decree, 1967 (NLCD 134); and

Section 7 of the Constitutional (Consequential and Transitional Provisions) Decree, 1979 (AFRCD 56).

(2) Notwithstanding the repeal of the enactments specified in subsection (1) of this section, any regulations, notices, orders, directions, appointments and all other acts lawfully made or done under the repealed enactments and in force immediately before the coming into force of this Act shall until amended, altered, revoked, cancelled or modified under this Act, continue in force as if made under the corresponding provisions of this Act and with such modifications as may be necessary having regard to the provisions of this Act.

(3) Any administrative structure or committee in existence by virtue of an enactment repealed under subsection (1) and in existence immediately before the coming into force of this Act shall, until re-organised under this Act continue under this Act subject to such modifications as may be necessary.

SCHEDULES

FIRST SCHEDULE

[Section 11 (2)]

Ministries of the Civil Service

1. Ministry of Communications.
2. Ministry of Defence.
3. Ministry of Education, Youth and Sports.
4. Ministry of Energy.
5. Ministry of Environment and Science.
6. Ministry of Finance and Economic Planning.

7. Ministry of Food and Agriculture.
8. Ministry of Foreign Affairs.
9. Ministry of Health.
10. Ministry of Information.
11. Ministry of Interior.
12. Ministry Justice.
13. Ministry of Lands and Forestry.
14. Ministry of Local Government and Rural Development.
15. Ministry of Manpower Development and Employment.
16. Ministry Mines.
17. Ministry of Parliamentary Affairs.
18. Ministry of Presidential Affairs.
19. Ministry of Railways and Harbours.
20. Ministry of Regional Co-operation and New Partnership for African Development (NEPAD).
- 21 Ministry of Roads and Transport.
22. Ministry of Tourism and Modernisation of the Capital City.
23. Ministry of Trade and Industry.
24. Ministry of Women and Children Affairs.
25. Ministry of Works and Housing.
26. Ministry of Aviation.
27. Ministry of Private Sector Development.

SECOND SCHEDULE

[Section 90]

OATHS

PART ONE

THE OATH OF ALLEGIANCE

I do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to Republic of Ghana as by law established; that I will uphold the sovereignty and integrity of Ghana; and that I will preserve, protect and defend the Constitution of the Republic of Ghana (so help me God).

THE OATH OF SECRECY

I holding office of do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person, any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for my official duties or as may be specially permitted by law (so help me God).

THE OFFICIAL OATH

I do (in the name of the Almighty God swear) (solemnly affirm) that I will at all times will and truly serve the Republic of Ghana in the office of and that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana as by law established, (so help me God).

PART TWO

Nature of Oath Persons to take Oath Persons to administer Oath

Oath of Allegiance

All Civil Servants

Head of State or the Chief Justice or other person designated by the Chief Justice.

Oath of Allegiance

All Civil Servants

Head of a Ministry or person authorised by him.

Official Oath

All Civil Servants

Head of State or other person designated by him.

Made this 6th day of January, 1993.