

Effectiveness of Disciplinary Procedures and Fairness in the Administration of Justice within Tanzania's Public Service

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Abstract

This study explores the effectiveness of disciplinary procedures and the fairness of justice administration within Tanzania's public service, focusing on legislative clarity and the perspectives of public servants. The research evaluates how well these processes uphold justice and fairness in public service. Drawing on Organisational Justice Theories, the study employs a mixed-methods case study design. Data were gathered through structured questionnaires and key informant interviews with officials from institutions the Public Service Commission (PSC), Labour Court (LC), Controller and Auditor General (CAG), Commission for Mediation and Arbitration (CMA), Local Government Training Institute (LGTI), and Bagamoyo District Council (BDC). Findings reveal ambiguities in the Public Service Act (PSA) of 2002 and the Employment and Labour Relations Act (ELRA) of 2004, resulting in inconsistencies and overlapping disciplinary mechanisms. Justice in disciplinary procedures is moderate, undermined by inconsistent practices, unclear appeal mechanisms, power imbalances, and ethical lapses, including dishonesty and partiality. Challenges such as political interference and conflicts of interest further compromise due process.

The study concludes that justice in discipline management requires clear legislation, ethical conduct, and independent institutions. Harmonising the PSA and ELRA is recommended to address inconsistencies, and discipline managers must adhere to legal frameworks while maintaining professionalism and political neutrality to ensure fairness and integrity in public service.

Keywords: Disciplinary Procedures, Public Service, Organizational Justice, Fairness in Administration of Justice and Tanzania Public Service

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1.0 Introduction

Organisational justice refers to fairness in administrative processes, distinct from judicial justice, based on proof beyond a reasonable doubt. Managing discipline in the public service is considered an administrative process that must align with legal frameworks, making it a quasi-judicial process. Assessing organisational justice involves evaluating the fairness of administrative procedures and actions and ensuring that disciplinary processes are transparent, impartial, and accountable. Inadequate transparency in decision-making can lead to perceptions of bias and arbitrary judgments, eroding trust in the system.

In Tanzania, the public service is governed by regulatory frameworks designed to ensure fairness and accountability in disciplinary actions. However, despite the existence of these frameworks, the system has been criticised for inconsistencies and delays, with employees often feeling excluded from the process or unjustly targeted. This study aimed to explore the effectiveness of discipline management in Tanzania's public service, aiming to uncover the systemic challenges and best practices needed to improve fairness and justice in disciplinary procedures.

1.1 Background of the Study

Managing discipline is required for maintaining productivity in formal and informal employment settings. This necessity arises from the interplay between individual and shared objectives among participants in the production process (Edwards & Whitston, 1989). Employers or resource owners often use discipline as a means of control to align workers with organisational goals and curb unproductive behaviours, such as absenteeism and theft (Dessler, 2011; Opatha, 2017). Conversely, employees seek fairness, which philosophers have defined through various lenses: Aristotle emphasised adherence to established laws, John Locke highlighted the importance of consent from the governed, and John Stuart Mill advocated for consistency in applying rules irrespective of social status (Chroust, 1942; Younkins, 2002).

The pursuit of a disciplined workforce is not a modern concept. Historically, human involvement in production, transforming resources into goods and services to meet diverse needs, has necessitated discipline. This process relies on the forces of production, including land, tools, and labour, as well as the relations of production, which describe the distribution of power within the system and how the outputs are shared (Donham, 2015). Over time, the interplay between these forces and relations has evolved, resulting in various modes of production, each shaped by the specific historical and structural contexts in which it occurred (Shivji, 1986). Under each mode of production, the power dynamics influenced how discipline was enforced and shaped workers' awareness of their role in production. They sparked demands for equitable practices tied to their well-being.

Public service institutions rely on structured disciplinary procedures to maintain order, ensure compliance with codes of conduct, and protect organisational integrity. Transparent and fair systems are pivotal to achieving these goals, particularly when public servants are entrusted with resources and decision-making powers directly impacting citizens (UNDP, 2019). Studies in developed nations reveal that justice-oriented disciplinary processes contribute to employee satisfaction and organisational effectiveness, emphasising the importance of impartiality and procedural fairness (Tyler, 2003).

In Africa, public service systems face unique challenges rooted in colonial legacies, socio-economic constraints, and political instability. Inconsistent application of disciplinary measures and inadequate enforcement of regulations have created environments prone to corruption and inefficiency (Moyo, 2017). Countries such as Kenya and Ghana have made strides in reforming their public service disciplinary systems by introducing performance-based

evaluations and grievance mechanisms (World Bank, 2021). However, systemic issues persist, often tied to insufficient capacity and political interference.

In Tanzania, the framework for managing discipline in public service is grounded in several key legal and policy documents. These include the Constitution of the United Republic of Tanzania (CURT), 1977; the Public Service Management and Employment Policy (PSMEP), 2008; the Public Service Act (PSA), 2002; the Public Service Regulations (PSR), 2003; the Employment and Labour Relations Act (ELRA), 2004, the Public Service Disciplinary Code of Good Practice (PSDCGP), 2007, the Labour Institutions Act (LIA), 2004, and the Standing Orders for Public Service (SOPS), 2009.

Each of these laws plays a vital role in discipline management. For instance, the PSA, 2002, and the PSR, 2003, outline procedures for handling disciplinary matters, including the jurisdiction and principles involved. These principles emphasise due process, such as the right to be heard, the opportunity to respond, and the conduct of hearings. General Power of Attorney (GPA), 2020, mandates the Attorney General's involvement in cases where the government or its institutions are defendants, formalising such disputes as government matters. Similarly, the Labour Institutions Act 2004 requires the labour commissioner to escalate legal controversies from the Labour Court to the Court of Appeal. These legal provisions significantly influence how discipline is managed within Tanzania's public service sector.

Two main approaches guide discipline management in Tanzania. The first is the corrective approach, which involves informal disciplinary actions for minor infractions. The second is the sanction approach, which necessitates formal disciplinary proceedings for more serious offences (PSDCGP, 2007). The law also provides guidelines for best practices in disciplinary proceedings, including limiting dismissals to cases of severe misconduct, ensuring dismissals occur only after proper inquiries, addressing offences promptly, and considering mitigating factors.

Several institutions are tasked with overseeing discipline management in Tanzania. Notably, the Public Service Commission (PSC), established under the Public Service Act (PSA) of 2002, serves as both a regulatory and appellate body for public servants. The PSC performs quasi-judicial functions, including administering and interpreting disciplinary policies, ensuring compliance with labour standards, and enhancing capacity through training programs (PSC, 2021). Additionally, it reviews and recommends improvements to laws, regulations, and directives, develops and disseminates guidelines, and conducts research on matters related to human resource management.

Similarly, the President's Office for Public Service Management and Good Governance (PO-PSMGG) was established under Government Notice No. 143 of 2016 as a ministry within the President's Office. Its primary role is to assist the Chief Secretary in managing personnel and administrative matters related to the public service across government institutions. The office is responsible for interpreting and enforcing public service regulations, standing orders, and labour laws, serving as the custodian of all legal frameworks governing public service administration.

The Labour Court (LCo) is another key institution that handles appeals from Registrar decisions, judicial reviews, and revisions. It collaborates with the Attorney General's Office to ensure appropriate legislation is in place and provides guidance on issues affecting public service. These institutions and legal frameworks aim to maintain a disciplined workforce while offering transparent processes for employees to seek justice when infringing on their rights. Despite these mechanisms, discipline management in the public service continues to be defined predominantly by legal and institutional frameworks.

The dynamics of production relations play a significant role in shaping how those in positions of power, such as employers, the government, and its appointed authorities, interact with employees. These relations also influence workers' awareness and ability to advocate for

justice in the face of disciplinary actions. Although governments, as dominant actors in public service employment relations, often enact legislation to promote harmonious workplace relationships, such legal frameworks alone do not guarantee fairness or justice (Williams & Smith, 2006). Reports of inconsistencies and unjust disciplinary practices continue to surface globally, particularly in Tanzania, highlighting persistent challenges.

Instances of injustice in discipline management are widespread, often evidenced by unfair dismissals that lead to legal disputes despite laws that prevent such practices. For example, Estreicher and Hirsch (2014) report that 8,651 court cases related to employment termination in Italy alone were initiated in 2006. Similarly, in France, known for its robust employee protection laws, 39.4% of unfair termination cases filed in 2007 were resolved in favour of employees. In Ireland, the Employment Appeals Tribunal recorded 8,458 unfair dismissal cases in 2011, with employees winning 46% of the cases resolved. These statistics underline the ongoing challenges in ensuring justice in workplace disciplinary management.

In the United Kingdom, statistics indicate that 46,300 unfair dismissal claims were filed between 2000 and 2012 (Employment Tribunal Statistics, 2013). Similarly, in Australia, the 2016–2017 annual report from the Work Commission recorded an average of 280 claims per week (Koehn, 2017). Factors contributing to the success of employee cases include legislation that empowers employees to contest dismissals and the stringent review systems in labour courts, which thoroughly examine lower court decisions upon appeal. Successful cases often result in reinstatement or compensation for employees.

In Nigeria, there have been frequent violations of disciplinary procedures that lead to dismissals, which, when assessed against International Labour Organization (ILO) standards, are deemed unjust (Obidimma et al., 2016). Similar injustices have been reported in South Africa, Malawi, and Kenya (PSC of South Africa, 2016; Anthony, 2017; Dzimbiri, 2016). Researchers such as Kajonga (2013) and Kashoza (2017) highlight comparable issues in Tanzania. This study examines the effectiveness of disciplinary procedures and the fairness of justice administration within Tanzania's public service.

1.1 Theoretical framework

In managing discipline within public service systems, the theoretical framework best aligns with this research is the Organizational Justice Theory. This theory focuses on workplace fairness, particularly how employees make, implement, and perceive decisions. The concept of organisational justice has evolved through different models: distributive justice, procedural justice, and interactional justice. Distributive justice concerns the fairness of outcomes or rewards, while procedural justice focuses on the fairness of the processes through which decisions are made. Interactional justice, on the other hand, addresses the quality of interpersonal treatment during the execution of decisions (Greenberg, 1990). These components are vital in evaluating the fairness of disciplinary procedures in public service, ensuring that employees feel treated equitably.

A key strength of the Organizational Justice Theory is its broad applicability to various organisational settings, including the public service sector, where fairness and transparency are crucial in maintaining trust and efficiency (Tyler, 2006). The theory provides a useful lens for assessing disciplinary procedures, emphasising the process's perceived fairness and outcomes. This can be particularly relevant when evaluating public sector disciplinary mechanisms in Tanzania, as the theory highlights potential gaps in transparency and consistency, often noted as challenges in such systems (Shivji, 1986). The theory also aligns with the constitutional and legal frameworks governing public service discipline in Tanzania, emphasising the need for procedural fairness, such as the right to be heard and the opportunity to respond (Public Service Act, 2002; Public Service Regulations, 2003).

However, the theory has some limitations. One weakness is its focus on formal procedures and the assumption that employees' perceptions of fairness are solely influenced by these

processes, without fully considering the broader socio-political context, such as political interference or cultural biases that might influence disciplinary actions (Sharma, 2017). Additionally, applying organisational justice can be challenging in practice, especially in settings with limited resources or where political dynamics play a significant role (Moyo, 2017). Despite these limitations, the Organizational Justice Theory remains highly relevant to the study of managing discipline in Tanzania's public service, offering a valuable understanding of the factors that affect procedure, fairness and the potential reforms needed to improve the system that provides justice.

2.0 Methodology

This study employs a pragmatism research paradigm, which supports a mixed-methods approach to exploring the effectiveness of disciplinary procedures and fairness in administering justice within Tanzania's Public Service. Combining these methods provides a well-rounded understanding of the issue, enhancing the validity of the findings through data triangulation. Data were collected from 35 participants across six key institutions responsible for public service regulations, labour relations, and dispute resolution. The quantitative and qualitative data were collected via structured survey questionnaires administered to 35 respondents from various public service organisations, focusing on their perceptions of disciplinary procedure, legislation, fairness, and experiences with disciplinary actions. The sampling methods that are purposeful and convenient, as well as snowball sampling, were employed to ensure diverse representation and reduced bias, which strengthened the generalizability of the results.

In addition to the surveys, qualitative data were gathered through semi-structured interviews with five key stakeholders from the Public Service Commission, the Labour Court, CAG Office, CMA, LGTI and the Bagamoyo District Council. These interviews aimed to capture the perspectives of discipline managers on issues like the clarity of procedures, challenges in maintaining fairness, and political interference. The qualitative data provide deeper insights into the reasons behind perceived inefficiencies in the disciplinary process, supplementing the quantitative findings with more context.

The data analysis followed rigorous methods: the quantitative data were analysed using descriptive and inferential statistics, including chi-square tests, to identify relationships between variables. The qualitative data were analysed thematically using Braun and Clarke's approach, which involved coding the data and identifying recurring themes. The integration of these two data sets allowed for a more comprehensive interpretation, as the qualitative findings provided explanations for the quantitative trends. Ethical approval was obtained for the study, ensuring participants' confidentiality, voluntary participation, and consent, with steps taken to protect their privacy.

2.1 Results and Discussion

2.1 Clarity of Laws and Procedures Governing Discipline Management

This section examines the clarity of legislation and procedures that govern discipline management in Tanzania's public service and their role in ensuring justice. Discipline management is an administrative process requiring well-defined legislation to uphold justice. For justice to be realised, discipline managers must be competent and ethical, but above all, the governing laws must be transparent and straightforward. The study first evaluates the clarity of legislation regulating discipline management and whether legislative clarity influences justice.

For legislation to be considered clear, it must be precise, free from ambiguity, and not subject to reasonable disagreement during interpretation (Re, 2019). When ambiguity exists, it undermines uniformity, predictability, and consistency in discipline management, key prerequisites for justice. Survey responses varied, as shown in Table 3.1. A significant portion of respondents, 10 (28.6%) and 7(20.0%) agreed that the legislation is clear and free from conflicting provisions. However, 4(11.4%) and 5(14.3%) respondents disagreed, and 6(17.1%) remained undecided, indicating notable scepticism among some participants. These mixed

perceptions suggest that the clarity of legislation remains questionable. As such, the findings do not conclusively support the assertion that the legislation governing discipline management is unequivocally clear.

Table 3.1: Clarity of Legislation Governing Discipline Management

The Legislation are clear with no ambiguity	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	I Don't Know	Total
Frequency	10	7	3	4	5	6	35
Percentage	28.6%	20.0%	8.6%	11.4%	14.3%	17.1%	100%

Source: Researcher field Data, compiled (2024)

Also, the Pearson Chi-Square were computed from the collected data obtained. Then, the researcher compared it with the expected frequencies under the null hypothesis, stating no association between the variables (i.e., no significant difference between the frequencies in each category).

Table 3. 2: Clarity of Legislation Governing Discipline Management

The Legislation are clear with no ambiguity	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	I Don't Know	Total
Frequency	10	7	3	4	5	6	35
Percentage	8.3	34.7	17.5	25.5	3.3	10.7	100

Source: Researcher field Data, compiled (2024)

To calculate the expected frequencies for each response category, the researcher assumes that the distribution of responses follows a uniform distribution. The expected frequency for each category is calculated by multiplying the total sample size (35) by the proportion of responses.

Table 3.4

Response Category	Observed Frequency	Expected Frequency	$(O - E)^2$	$(O - E)^2 / E$
Strongly Agree	10	2.905	$(10 - 2.905)^2 = 49.348$	$49.348 / 2.905 = 16.98$
Agree	7	12.145	$(7 - 12.145)^2 = 26.205$	$26.205 / 12.145 = 2.16$
Neither Agree nor Disagree	3	6.125	$(3 - 6.125)^2 = 9.515$	$9.515 / 6.125 = 1.55$
Disagree	4	8.925	$(4 - 8.925)^2 = 24.375$	$24.375 / 8.925 = 2.73$
Strongly Disagree	5	1.155	$(5 - 1.155)^2 = 14.982$	$14.982 / 1.155 = 12.97$
I Don't Know	6	3.745	$(6 - 3.745)^2 = 4.998$	$4.998 / 3.745 = 1.34$
Total	35	35	-	37.76

Source: Researcher field Data, compiled (2024)

The Pearson Chi-Square statistic (χ^2) was calculated by summing the values in the last column of the table. This gives: $\chi^2 = 16.98 + 2.16 + 1.55 + 2.73 + 12.97 + 1.34 = 37.76$

The degrees of freedom for a Chi-Square test is calculated as: $df = (k - 1)$ where k is the number of categories (6 in this case).

So, $df = 6 - 1 = 5$.

Using a significance level of 0.05, the critical value for the Chi-Square distribution with 5 degrees of freedom is obtained from a Chi-Square table. For $df = 5$, the critical value is approximately 11.07.

The results of the Chi-Square calculated suggest significant disparities between the observed and expected frequencies for responses regarding the clarity of legislation governing discipline management. The calculated Chi-Square value is 37.76, indicating that the observed distribution of responses significantly differs from the expected distribution under the null hypothesis of no difference.

This implies that respondents' views on the clarity of the legislation are not equally distributed across the categories. The larger differences, such as the large Chi-Square value for "Strongly Agree" and "Strongly Disagree" responses, suggest that respondents perceive the legislation's clarity inconsistently. This points to potential issues with how the legislation is interpreted or understood, highlighting the need for clearer, more consistent legislative provisions to ensure fairness and transparency in the disciplinary process. The clarity of legislation can either promote or obstruct justice. The majority of key informants thoroughly discussed this, summarised in four main points. These include the definition of a 'public servant' in relation to the 'public service office' and its impact on justice, the clarity of the appeal process for public servants, appealing mechanisms and adherence to Legislation by Discipline Managers.

2.2 Who is a 'Public Servant' as the Subject of Discipline Management

The clarity of legislation and procedures in managing discipline in public service hinges on defining who qualifies as a "public servant." This definition is crucial as it determines the relevant disciplinary authorities and appeal bodies for different categories of public servants. Ambiguities in this definition lead to injustice, preventing effective disciplinary action and causing delays or interference in decision-making processes. As defined by legislation, the term "public servant" plays a pivotal role in shaping how disciplinary matters are handled.

The main issue concerns the conflicting definitions of a public servant in two key pieces of legislation: the Public Service Act (PSA) of 2002 and the Employment and Labour Relations Act (ELRA) of 2004. These laws offer different approaches, with the PSA focusing on administrative procedures and the PSC as the appellate body. At the same time, the ELRA provides a court-based system with the CMA as the appellate body and channels the aggrieved person to the labour court. Furthermore, ELRA is a more general law governing employee-employer relationships, applicable to all public service employees, while the PSA specifically regulates public service administration, including discipline. Interviews revealed differing views on the clarity of these laws. Some respondents found the legislation clear, while others identified issues with how the "public servant" is defined.

For example, a CMA representative noted that the PSA, 2002, explicitly states that all public service employees are considered public servants and must use the disciplinary procedures under this law before resorting to the ELRA. Before amendments in 2016, discipline management for public servants was divided into categories, with different processes for civil service employees and those in public institutions or corporations. Under the ELRA, aggrieved employees appeal to the court system, starting with the CMA. In contrast, under the

PSA, the appeal process goes through the PSC and, ultimately, the President, whose decision is final.

Section 31(1) of the Public Service Act (PSA) [RE] 2019, Cap 298, stipulates that employees in executive agencies and government institutions are governed by the laws establishing these entities. This practice dates back to the Public Service Act of 2002. Before the 2016 amendments, certain employees were excluded from being considered public servants, as they did not hold positions within a public service office as defined by Section 3 of the PSA. This definition excluded positions such as parliamentary offices, council or board memberships, and roles in judicial or police services.

However, the 2016 amendments to the PSA clarified that these employees must adhere to the disciplinary processes under the PSA. Sections 31(2), 32A, and 34A reinforce that all public servants, regardless of their position or agency, are subject to the provisions of the PSA, including the requirement to exhaust all internal remedies before seeking remedies under labour laws. Senior officials from the PO-PSMGG and the LGTI office further affirmed that government employees, including those seconded to non-governmental organisations, are considered public servants under the PSA.

The High Court's ruling in the case of Faima Siraji vs. Mbeya Urban Water and Sanitation Authority (2017) reinforced this shift, confirming that employees in public institutions must follow the PSA's disciplinary processes. Therefore, since the 2016 amendments, all employees in public service agencies, including executive agencies and public corporations, are subject to the PSA (2002) for disciplinary matters.

The definition of a "public servant" is generally clear, as it encompasses anyone serving the public or receiving government payment. Disciplinary proceedings for such individuals are outlined in the Public Service Act (PSA) of 2002 and its rules, the Public Service Regulations (PSR) of 2003. Sections 32A and 34A of the PSA 2002 have clarified earlier exclusions in the interpretation clause of the Act, ensuring that all employees covered by the PSA are subject to its disciplinary provisions. However, before the 2016 amendments, employees not mentioned in the PSA's interpretation were excluded from the public servant category, creating confusion.

There is, however, some disagreement regarding the clarity of legislation defining a public service office, which has caused complications in discipline management. This confusion stems from contradictory legal interpretations and High Court judgments. The PSA, 2002 excludes some employees from being considered public servants, and no amendments have been made to address this. Employees in executive agencies, public institutions, and public corporations are still governed by the laws that created them, as indicated in the PSA, 2002. Additionally, the Public Corporations Act of 1992 and the Executive Agencies Act of 1997 establish that CEOs or Boards of Directors are responsible for disciplining employees in these institutions. Disciplinary decisions can be appealed to Board of Directors, internal authorities like the Permanent Secretary or Minister rather than the Public Service Commission (PSC). As a result, some cases are heard by the Commission for Mediation and Arbitration (CMA), while others face judicial review in the Labour Court. The differing judicial interpretations on whether such employees are considered public servants add to the ongoing confusion in the system.

Officials from the Public Service Commission (PSC) and the Attorney General's office highlighted a significant case in which the High Court ruled that employees in public corporations are not classified as public servants under the Public Service Act (PSA) of 2002. The case involved Jeremiah Mwandi, who was dismissed for misconduct by the Tanzania Ports Corporation. The Court ruled that while Mwandi was a public servant, he did not fall under the PSA, 2002, for the purpose of discipline management. The ruling emphasised that not all public servants are covered by the PSA, 2002, as the act only applies to those employed in public service offices as defined by the law.

Further, the court clarified that public servants who fall under the PSA are subject to its disciplinary procedures, and only those whose disciplinary authorities are listed in the Act can appeal to the Public Service Commission (PSC). This has raised concerns about the lack of clarity in the definition of a "public servant," which leads to different interpretations. In similar cases, courts have ruled that the PSA does not govern all public servants, such as those in public corporations. These varying interpretations hinder justice, as appeals can be delayed, leaving public servants uncertain about their rights and procedures. This lack of harmonisation in the legislation complicates the administration of discipline and impedes efficient justice dispensation.

The definition of a "public servant" has been a contentious issue, especially for employees in public corporations, institutions, parastatals, and executive agencies, with courts and administrative bodies offering varying interpretations. For instance, in a case in India, employees who were seconded to a corporation and terminated claimed to be public servants, but the court ruled otherwise. According to Corby and White (2002), public services serve the public but may not necessarily be provided or controlled by the government. In Tanzania, the High Court determined that while all public service employees are public servants, not all fall under the Public Service Act (PSA) of 2002, which may be due to distinctions in the nature of the services provided.

The issue is further complicated by the colonial legacy in Sub-Saharan Africa, which divides public service management into Francophone and Anglophone systems, leading to unclear definitions of who constitutes a public servant. Awodele-Fayomi (2015) argues that the interchangeability of terms like "civil service" and "public service" across Africa adds to the confusion, especially in disciplinary matters. This ambiguity suggests that all individuals performing public service duties, including those in public corporations and parastatals, are public servants. However, it remains uncertain whether they should be governed by the PSA, 2002, in its current form.

2.3 Unambiguous legislative framework for the appeal process

The study highlights concerns about the clarity and fairness of appeal mechanisms for public servants in Tanzania, focusing on the interplay between the Employment and Labour Relations Act (ELRA) of 2004 and the Public Service Act (PSA) of 2002. A key issue is a provision in the Public Service Regulations (PSR, 2003) that positions the President as the final appellate authority in disciplinary proceedings, creating practical challenges for aggrieved employees seeking justice. While some stakeholders argue that presidential decisions can be contested, citing cases like Civil Appeal No. 140 of 2018, others emphasise the difficulty of appealing such decisions due to the President's dual role as the highest authority and primary employer in the public service. This duality raises concerns about bias suppression, as the government bears any compensation for unfairly dismissed employees, potentially undermining impartiality.

Comparisons with systems like Kenya's, where the Public Service Commission (PSC) acts as the final decision-maker, highlight the benefits of independent and streamlined procedures that exclude presidential involvement. Critics argue that Tanzania's system, with the President serving multiple roles including employer, disciplinary authority, appellate body, and head of government, violates principles of impartiality and erodes trust in the appeal process.

Furthermore, the lack of a clear process for challenging presidential rulings raises additional questions, such as whether aggrieved employees should approach the Commission for Mediation and Arbitration (CMA) or proceed directly to the Labour Court. This ambiguity complicates seeking remedies, highlighting the need for clearer appeal mechanisms and more transparent procedures. A participant highlighted two barriers to the CMA addressing a presidential decision: the absence of legal provisions and the perceived authority of the

president. Although the CMA operates autonomously, it cannot contradict the president's decision, as the Public Service Act (PSA) of 2002 explicitly states that the CMA or any court cannot challenge the president's rulings. Section 32(1) of the PSA enshrines this limitation, underlining the legal and institutional constraints aggrieved public servants face. Section 32(1) state that;

"No legal proceedings may be initiated in any court to question whether:

(a) the President appropriately carried out duties assigned under Article 36 of the Constitution or this Act, or

(b) the Commission or its delegate lawfully executed functions delegated to them. These matters are not subject to court review, except as specified in subsection (3)

These provisions indicate that once all disciplinary procedures have been followed, the decisions made by the President or the Public Service Commission (PSC) cannot be subjected to judicial review in any court. An official from PSC had the following comment during the interview;

"I understand this provision emphasises the finality of decisions made by the President and the Public Service Commission (PSC) within their constitutional and legal mandates. It reflects the intention to insulate such decisions from judicial scrutiny, ensuring efficiency and respect for the defined roles of these authorities. However, this limitation may raise concerns about accountability and access to remedies for aggrieved public servants. However, individuals may typically challenge such decisions through prerogative orders issued by the High Court, which exercises supervisory authority over lower courts, tribunals, and public bodies. These orders are sought under the provisions of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act, Cap 310, revised edition 2019, beginning from Section 17. Examples of prerogative orders include mandamus, prohibition, and certiorari, which the Court may issue based on the circumstances.

The findings reveal a critical dynamic within Tanzania's public service disciplinary framework, where the President and the Public Service Commission (PSC) decisions are considered final and largely beyond judicial review. This arrangement aims to enhance governance efficiency and preserve the autonomy of these authorities. However, it also raises concerns about accountability and access to justice for public servants dissatisfied with such decisions. While judicial oversight is restricted, aggrieved individuals can seek prerogative orders through the High Court, offering an indirect legal avenue for remedies. Nonetheless, this mechanism is limited compared to full judicial review, creating tensions between operational stability and fairness in protecting individual rights.

Further complicating the situation is the explicit restriction in the Public Service Act (PSA) of 2002, which prevents the Commission for Mediation and Arbitration (CMA) or any court from overturning the President's decisions. Although the CMA operates autonomously under the Employment and Labour Relations Act (ELRA) of 2004, its authority does not extend to challenging presidential rulings. Section 94 of the ELRA outlines the Labour Court's jurisdiction over labour disputes, including appeals, reviews, and complaints. However, the President's decisions remain insulated from these processes, emphasising the institutional constraints faced by public servants seeking justice. This legal framework prioritises governance stability but highlights significant limitations in addressing grievances, leaving public servants with constrained options for seeking justice. Section 32(1) of the PSA enshrines this limitation, highlighting aggrieved public servants' legal and institutional constraints.

3.4 Adherence to Legislation by Discipline Managers

The assessment evaluated how well discipline managers comply with the established legislation governing discipline management. Research highlights that laws and procedures are critical for ensuring justice in public service discipline management (Udom, 2019). However, it is insufficient to have legislation in place; such laws must be clear, well-understood by managers and employees, and consistently followed. The findings indicate that, while these legal frameworks exist, their adherence by discipline managers is inadequate, raising concerns about their effective implementation. This conclusion was based on the study participants' responses, as shown in Table 3.2.

Table 3.2 Adherence to Legislation Governing Discipline Management

Officials adhering to legislation	Frequency	Percentage (%)
Always	5	14.29
Most of the Time	7	20.00
Frequently	8	22.86
Rarely	5	14.29
Never	5	14.29
I Don't Know	5	14.29
Total	35	100.00

Source: Field data compiled by Researcher 2024

The data in Table 3.2 highlights a mixed adherence to legislation governing discipline management among officials. The largest proportion of respondents (22.86%) reported that discipline managers "frequently" adhere to the legislation, suggesting moderate compliance. However, a significant proportion of respondents reported varying degrees of inconsistency. Only a combined 34.29% ("always" and "most of the time") observed consistent adherence to legislation, indicating that strict compliance is not prevalent among discipline managers. About 29% of respondents ("rarely" and "never") indicated poor adherence, raising concerns about the commitment to legal guidelines in managing discipline. Interestingly, 14.29% stated, "I do not know," reflecting a lack of awareness or understanding of the adherence level, which could point to gaps in communication or transparency about compliance.

The findings suggest that adherence to legislation governing discipline management is inconsistent, which could undermine the fairness, transparency, and accountability of discipline processes. The significant proportion of respondents reporting "rarely" or "never" adhering raises questions about enforcement mechanisms and awareness among discipline managers. Addressing these inconsistencies requires strengthening oversight, clarifying legislation, and providing training to ensure better compliance.

Adhere to Legislation as per Institutions

		Institution			Total within institution
		PSC	LGTI	DED-Bagamoyo	
		Count (%)	Count (%)	Count (%)	Count (%)
to Adherence legislation	Always	2(13.33)	1 (20)	1 (6.67)	4 (11.43)
	Most of the Time	2 (13.33)	0 (0)	1 (6.67)	3 (8.57)
	Sometimes	4 (26.67)	1 (20)	3 (20)	8 (22.86)
	Rarely	3 (20)	2 (40)	5 (33.33)	10 (28.57)
	Never	4 (26.67)	1 (20)	5 (33.33)	10 (28.57)
	I Don't Know	0 (0)	0(0)	0 (0)	0 (0)

Total	15 (100)	5 (100)	15 (100)	35 (100)
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Source: Field data compiled by researcher (2024)

After conducting the Chi-square test for the provided data, the final Chi-square value was calculated to be 13.35 with a p-value of 0.021. The p-value of 0.021 is below the commonly used significance level of 0.05. The results suggest that the adherence to legislation differs across the three institutions (PSC, LGTI, and DED-Bagamoyo). The frequencies and percentages reveal variations in the level of compliance. PSC shows relatively higher percentages of adherence (e.g., 26.67% for "Sometimes" and "Never"), indicating that a significant portion of their staff is more familiar or aligned with the legislation. LGTI appears to have a skewed distribution, with higher percentages in the "Rarely" and "Never" categories, suggesting a gap in adherence or understanding. DED-Bagamoyo shows a mix of responses but still significant instances of non-compliance or uncertainty. The differences across institutions highlight the need for institution-specific interventions. It is crucial to identify why some institutions adhere more closely to the legislation and why others, particularly LGTI and DED-Bagamoyo, are falling short. The findings align with the PSC (2021) study, highlighting that a key issue in managing discipline within the public service is the failure to adhere to existing legislation, which calls on practitioners to ensure compliance.

Legislation and procedures are recognised as essential frameworks for managing discipline in the public service to ensure justice (Udom & Okolie, 2019). Despite their importance, the findings suggest that discipline managers demonstrate moderate compliance with the law. However, the questionnaires did not fully capture the reasons behind this compliance, which were instead provided by the interviewees, as detailed below.

The key informants offered varied views on the issue; some expressed optimism, while others were more pessimistic. Most of the coding frequencies came from PSC participants, likely because, as discipline managers, they were more knowledgeable and able to provide detailed insights into incidents and the level of adherence. Ultimately, the findings from both groups aligned. Adherence to legislation can be attributed to the fact that discipline management is a law-laden endeavour that must be carried out in accordance with legal provisions; otherwise, ultra vires are committed. This requires discipline managers to follow the laws. The PSA of 2002 outlines the primary steps to be taken in disciplining employees, which include charging an employee, providing an opportunity to answer the charges, and providing an opportunity to be heard. Sections 35-49 of the PSR, 2003, also outline the procedures to be followed during the proceedings, such as forming an impartial committee.

Similarly, the PSDCGP, 2007, emphasises corrective rather than punitive discipline motives and progressive discipline. This demonstrates that discipline management is impractical in modern public administration if legislation is not followed. 'Additionally, discipline management laws guarantee justice through the presence of the PNJ, which includes the right to be heard, the rule against bias, and the reasoned decision, as well as established institutional mechanisms to enforce and evaluate compliance. According to the key informants, the issue stems from the practitioners, even though the goal of the law is to elicit justice. A senior LC office official confirmed that;

"While the law sets out the framework for fair discipline, it is the execution by the practitioners that often undermines the intended outcomes of justice."(LC official, Dar es Salaam, 2024)

This response from the LC official implies that the effectiveness of discipline management laws in ensuring justice is compromised not by the law itself but by the actions and practices of those responsible for enforcing and implementing the law. It suggests that while the legal framework is designed to promote fairness, issues such as bias, lack of

consistency, or failure to follow due processes by practitioners (such as discipline managers) lead to outcomes that do not align with the principles of justice. This highlights a gap between legal intentions and practical execution, pointing to improved accountability mechanisms for those involved in discipline management to ensure the law achieves its intended objectives.

The ELRA, 2004 stipulates that employers must have accurate personal information for all employees and ensure official communications are formally conveyed. There have been instances where an employee was terminated for absenteeism despite being hospitalised, indicating a blatant disregard for the law and unfair treatment of the employee (Employee from Bagamoyo DC, 15 August 2024). This approach is unjust to the employee, as the employer assumes the employee ignored the charges and did not respond appropriately. In such cases, malicious discipline managers exploit the laws to justify their actions wrongly. According to Section 47(2) of the PSR, 2003;

"a public servant is entitled to be present, examine witnesses, and be heard during an inquiry unless they provide a valid reason for not attending or sending a representative. However, the absence of the accused public servant or their representative will not invalidate the proceedings unless a reasonable explanation is provided".

Section 47(2) of the Public Service Regulations (PSR), 2003, upholds fairness and due process in disciplinary proceedings by ensuring that public servants can be present, examine witnesses, and defend themselves during an inquiry. This provision is vital for preventing unjust treatment, as it guarantees the accused an opportunity to challenge any allegations. It protects the right to a fair hearing and ensures that disciplinary actions are not carried out arbitrarily.

However, the regulation allows for the absence of the accused to be excused if they provide a reasonable cause for not attending or sending a representative. It also clarifies that the absence of the accused will not invalidate the proceedings unless the cause for non-participation is unreasonable. While this balances the rights of the accused with the need for efficient processes, it introduces potential challenges in defining "reasonable cause," which could lead to inconsistent interpretations and applications of the rule.

Another problem identified is the creation of impartial disciplinary committees as outlined in the PSDCGP, 2007. In some cases, these committees are formed based on personal relationships, prioritising the interests of the disciplinary authority over fairness (some revelation from LGTI, cases between 2017-2023). This creates conflicts of interest and compromises their neutrality. According to the URT (2021), forming these committees is fraught with problems; in some situations, the committee does not exist. The committee's primary role is to provide a reasoned decision on whether an infraction occurred and whether it warrants formal or informal disciplinary action under the PSR, 2003. However, in some instances, their recommendations are disregarded, and disciplinary actions are taken without proper clarification of the offence. This lack of responsibility undermines the pursuit of justice, highlighting the need for independent committees with the authority to make decisions, including determining penalties, rather than leaving this to the disciplinary authorities.

3.5 The failure of HRO as expert discipline managers to comply with discipline management standard

HROs are loyal to top management and become what is now known as (CHAWA) in the Tanzanian political system. HROs are better informed than supervisors, who are the direct disciplinarians for employees. Supervisors, unlike HROs, are thought to lack the capacity to handle discipline; therefore, HROs must coach line managers and assist when problems arise. In contrast, it has been demonstrated that supervisors sometimes discipline their coworkers based on their interests rather than following disciplinary procedures (Bagamoyo DC, 25

August 2024). This is influenced by HORs, who disregard existing laws governing disciplinary proceedings.

Furthermore, because HROs must ensure that an effective disciplinary policy is in place and adhered to, they are sometimes involved in unjust processes to protect their boss's interests and expect future returns from their boss. This makes HROs irrational, and they enact stricter regulations, which eventually add time to the field when supervisors are confronted with difficult instances due to policy difficulties and injustice. One interviewee from PSC, for example, commented on this scenario:

One of the problems I can mention is caused by HRO turning into what is currently called CHAWA to their CEOs. This mostly happens when the HRO are selfish and expects returns from their superior, acting in the superior's interest. Moreover, they accept any demand from superiors, which sometimes may be against the law to protect their interest. When this happens, it raises injustice to the accused employee (PSC 3rd August 2024).

The implication of this comment from the key informant from PSC highlights the potential for compromised integrity in the disciplinary process when Human Resource Officers (HROs) prioritise personal gain or loyalty to superiors over adherence to legal and ethical standards. The transformation of HROs into what is described as "CHAWA" (a term implying subservience) suggests that when these officers align too closely with personal interests and the interests of their superiors, they engage in unethical practices, such as accepting demands that could violate the law. This behaviour undermines the fairness of disciplinary proceedings, leading to injustices for accused employees. The implication is that when HROs act in ways that protect the interests of their superiors rather than following due process, it creates an environment where employees' rights are overlooked. The disciplinary process becomes biased and unjust.

Participants from Bagamoyo District Council expressed concerns over political interference in disciplinary actions, particularly highlighting instances where the President and other political leaders imposed penalties on public servants without involving the proper disciplinary authorities or following established procedures. Interviewees from the Public Service Commission (PSC) and the President's Office – Public Service Management and Good Governance (PO-PSMGG) cited cases of employees being dismissed by presidential orders, which were later deemed procedurally flawed and required review. This practice reflects a lack of professional autonomy, as discipline managers often feel compelled to follow political directives rather than adhere to proper protocols. The dominance of responsive competence over professional ethics further illustrates the pressure on managers to prioritise the instructions of political leaders over procedural fairness.

Political interference is rooted in legislation, such as the Constitution of the United Republic of Tanzania (CURT, 1977), which grants the President authority to discipline public employees. This power has frequently been exercised without proper adherence to procedures, resulting in unfair treatment and a lack of transparency. During President Magufuli's administration, dismissing employees for political reasons became widespread, with the term "tumbuatumbua" symbolising this approach. Many dismissals were carried out informally, with public servants often learning of their fate through media announcements. This trend undermined due process and imposed significant financial costs on the government due to flawed or unlawful dismissals.

3.6 Appropriate Appeal Mechanisms in Public Service

Findings from the study indicate that the public service in Tanzania provides room for appeals, as confirmed by majority of respondents across the PSC, CAG, LC, CMA, LGTI, and Bagamoyo, DC. Notably, a significant proportion of PSC and CMA employees highlighted the

availability of appeals, which aligns with the PSC's and CMA's role as an appellate body for public servants. While the findings suggest optimism about the appeal mechanisms, challenges persist, albeit minor in some processes. The legislation guiding discipline management (PSR, 2003; PSDCGP, 2007) emphasises the right to appeal, requiring disciplinary authorities to inform employees of this right. The PSC report (2021) further highlights increased appeals due to growing awareness and the affordability of the process, reflecting progress in ensuring justice within public service discipline management.

However, the Tanzanian public service's discipline management system does not adequately allow for appeals due to certain factors. This is because, as previously stated, there are significant obstacles to its accessibility at various appeal levels. Nonetheless, it is possible to explain explicitly the optimism that it is accessible and available. The legislation, which serves as Tanzania's primary provider and defender of public services, is responsible for the availability of an appeals process. Laws such as PSDCGP 2007, PSA 2002, and PSR 2003 outline the proper procedure for handling appeals from public employees. According to these laws, all public servants' appeals must go through the PSC before reaching the President, whose decision is final.

When discussing the benefits of the appeals process, the LCo official brought up the following function of the appeals mechanism in disciplinary proceedings as outlined in the PSGCGP, 2007:

"The appellate body has to review the procedures [whether procedures outlined in the legislation have been followed], substantive issues [reasonable investigation, fair treatment to the offender, whether evidence was taken from witnesses and evidence was evaluated in terms of balance of probabilities], consistency [whether similar penalty has been given to similar offences] and proportionality factors [if there was possibility of lesser penalty]" (LC respondent, 3rd September 2024).

The appellate process involves verifying whether procedural and substantive matters were appropriately considered, ensuring consistency in punishment and proportionality. These objectives, however, depend on the independence of the appellate authority.

Accessibility is another strength of the appeal process, as it is straightforward, free, and user-friendly, allowing employees to pursue appeals without financial burdens. Employers must legally inform employees of their appeal rights, including the proper channels and timelines, as stipulated in the PSR, 2003. Despite these advantages, challenges remain, as key informants highlight, such as the lack of clarity regarding the appropriate appellate body for public institutions, corporations, and executive agency employees. These employees are often guided by the Acts that established their organisations and the ELRA, 2004, which directs them to appeal through the CMA rather than the PSC. This practice persists despite the PSA, 2002, and its 2016 amendments mandating its applicability to all public servants. A notable example is the case of *Lyakwipa and Maghubo vs. Tanzania Zambia Railway Authority* (Labour Revision No. 68 of 2019), where the High Court ruled that employees of public corporations and executive agencies are not public servants under the PSA, 2002. Therefore, such employees are governed by their establishing Acts and ELRA, 2004, making the CMA the appropriate appellate body for their cases. This ruling highlights the ongoing confusion about the appellate process and underlines the legal framework's need for greater clarity and alignment.

On the contrary, a case involving *Jeremia Mwandi vs. Tanzania Ports Corporation*, Revision No. 06 of 2019, High Court of Tanzania (Labour Division), and *Kigoma* (unreported) demonstrated why employees of corporations should not file an appeal with the Public Service Commission. It ruled that employees in public corporations should not file an appeal with the PSC because they are public servants but do not fall under the PSA. This viewpoint differs

from the previous case, which determined they were not public employees. In this case, the CMA's jurisdiction was questioned, and the court determined that:

I conclude the first issue by joining hands with Mr. Sadiki Alik, a learned advocate, who said that the applicant is not a public servant who falls under the Public Service Act. This does not mean that he is or was not a public servant at all but that for the purpose of the Public Service Act, he is or was not. In the circumstances, it was wrong to rule out that CMA had no jurisdiction to determine the dispute between the parties herein... it is only public servants who fall under the Public Service Act (supra) as per Section 3 (a), (b) and whose disciplinary authorities are mentioned under Section 25 of the Public Service Act and regulation 60 of the Public Service Regulations who are subjected to the internal remedies provided for under the said Act as per Section 32A of the act as amended by Section 26 of Miscellaneous Amendment Act, No. 3 of 2016. The applicant is not among them, as I have herein above explained...the applicant is not subject to those disciplinary authorities and thus not subject to the Public Service Act.

In the case of John Joseph Mwakyoma and others vs. Tanzania Ports Authority (Labour Revision No. 711 of 2019, High Court Labour Division, Dar es Salaam), it was established that the Public Service Act (PSA) of 2002, under Section 3, excludes certain public servants from its governance, despite all being public servants. This inconsistency highlights challenges in accessing appellate mechanisms within the public service. The confusion will persist unless legislative amendments are made to resolve these conflicts. A Labour Commissioner (LCo) official criticised the Labour Commissioner's inaction, noting that the Commissioner is authorised to report contradictions in law to the Court of Appeal. This inaction has led to double standards and inconsistencies in the appeals process. Officials from the Commission for Mediation and Arbitration (CMA) argued that, unless directed otherwise, they would continue handling cases from both public and private organisations, given their legal mandate.

Delays in resolving appeals discourage some employees from pursuing them, viewing the process as a waste of time. Instead, many prefer appealing to the Commission for Mediation and Arbitration (CMA), which is perceived as faster and more accessible due to its regional presence. These findings align with a 2016 study on disciplinary case management in South Africa's public service, highlighting challenges like the lack of appeal timeframes and process manipulation. Such inefficiencies led to cases taking up to three years instead of the intended three months for resolution. Recommendations from the study emphasised the need for speed and precision in appeals, the establishment of specific timeframes for presidential appeals, and strict adherence to these timelines to ensure justice and reduce costs. Similarly, the current study found that cases meant to conclude within 90 days often take up to two years. It is crucial for the PSC, PO-PSMGG, and the Attorney General's office to review and establish practical timelines for appeals while ensuring adherence.

Another significant challenge lies in follow-up procedures at the PSC, which are inefficient and cumbersome. Employees are often attended to by different officers during each visit, leading to wasted time as they repeatedly explain their cases. Visits typically result in long waiting times, minimal progress, and calls for subsequent visits. These inefficiencies stem from poor internal organisation and inadequate staffing. Assigning specific officers to handle individual cases would streamline follow-ups and create a more efficient system.

Furthermore, the PSC's appeal procedures lack clarity, with cases deemed unfair often ordered to start afresh instead of issuing an award. This practice raises concerns about bias and dependency, as the PSC is perceived to favour government institutions over employees. Addressing these issues requires revisiting procedural clarity, improving transparency, and adhering to the PSR of 2003; section 62(3) states that.

"No punishment imposed by a disciplinary authority under the provisions of these Regulations shall be reversed or set aside on the grounds only of any irregularity in the appointment of the inquiry committee or the conduct of the disciplinary proceedings, but' in any case where there is a reversal, and the appellate authority believes that irregularity has occasioned injustice, the appellate authority may direct that the disciplinary proceedings commence de novo".

The PSC's tendency to restart hearings upon identifying irregularities in disciplinary proceedings is perceived as a tactic to protect government interests, often at employees' expense. In contrast, employees who appeal through the CMA often receive significant compensation promptly, barring further reviews by the Labor Court. Consequently, many employees bypass the PSC and opt for the CMA to address grievances, end up their rights denied.

Appealing to the President, though a possibility, is fraught with challenges, such as case follow-up difficulties and prolonged delays. After filing a case, employees must wait for contact from the President's office, as there is no mechanism for proactive follow-up. Additionally, delays are exacerbated by the volume of appeals nationwide and the back-and-forth processing between the President's office, the Chief Secretary, and relevant ministry Permanent Secretaries. Data from the PSC's July 2021 report reveals that out of 153 appeals made between 2019–2021, only 59 (38.6%) were resolved, most affirming the PSC's original decisions. This prolonged process creates frustration among employees, who view it as unjust.

Moreover, decisions by the President, deemed final under the Public Service Regulations (PSR) 2003, cannot be appealed to the Labor Court, limiting further recourse for aggrieved employees. This lack of clarity and accessibility in the process underscores significant gaps in the appellate mechanisms available to public servants. According to LC officials,

"The mechanism is not in labour court: in practice, people challenge the President's or such disciplinary authority's decision through prerogative orders, citing provisions of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act Cap 310 of the revised edition 2019 Section 17 onwards. Prerogative orders, such as mandamus, prohibition, and certiorari, allow the court to make orders on those matters as needed. There are also rules governing these (LC Official 25 July 2024).

Theoretically, procedural justice emphasises the importance of mechanisms to correct errors and ensure fairness (Thibaut & Walker, 1975; Guffey & Helms, 2001). A fair system requires clear hierarchical structures, accessible appeal mechanisms, and impartial third-party interventions for unresolved grievances. Studies by Dessler (2011) and Bendix (2010) affirm the necessity of an impartial appeals body to uphold justice. However, the study reveals that while many respondents perceive the appeals process positively, the system remains inadequate without deliberate legislative action to address its flaws. Failure to resolve these issues will continue to hinder the realisation of justice in public service disciplinary proceedings.

3.0 Conclusion

This study identifies significant challenges in Tanzania's public service discipline management system, particularly regarding the clarity and consistency of laws and procedures. Although the Public Service Act (PSA) of 2002 and related regulations outline the framework for managing discipline, ambiguity in the definition of a "public servant" creates confusion about which employees are subject to these laws. This lack of clarity, particularly concerning employees in public corporations and executive agencies, results in inconsistent application of disciplinary procedures, delays, and a lack of fairness for employees facing disciplinary actions. The conflicting interpretations of the PSA and Employment and Labour Relations Act (ELRA) further complicate the legal landscape, undermining the credibility of disciplinary bodies and leaving employees uncertain about their rights.

The study also highlights significant gaps in the appeal process for public servants. Many employees struggle to navigate a system with unclear procedures, unsure whether to approach the Commission for Mediation and Arbitration (CMA), PSC, the Labour Court, or other relevant bodies. The absence of clear guidance on the correct steps to take exacerbates these challenges, making it difficult for employees to access justice. While an appeal mechanism exists, it is not sufficiently accessible due to its complexity and the lack of procedural clarity in the law. The findings highlight the need for reform to streamline the appeal process, clarify legal provisions, and make it more accessible for employees across the country.

Furthermore, the study points out that the dual role of the President as both the employer and disciplinary authority in Tanzania's public service creates potential conflicts of interest. This concentration of power in the hands of one individual raises questions about the impartiality of the system and limits the opportunities for employees to challenge decisions. Comparisons with other countries, such as Kenya, where an independent Public Service Commission (PSC) plays a central role, suggest that a more balanced and transparent approach could improve fairness. The Tanzanian system, as it stands, allows for limited recourse, with the inability of the CMA to challenge presidential decisions and the inefficiency of the PSC's appeal processes, leaving employees with few options for redress.

Finally, the study reveals systemic issues within the discipline management system, including poor compliance with the legal framework, political interference, and biases in the disciplinary process. Human Resource Officers (HROs), often influenced by political pressures, prioritise loyalty over fairness, compromising the integrity of disciplinary actions. The lack of clear procedures, inefficient administrative processes, and delayed case resolutions within the PSC contribute to employee frustration and perceptions of bias. These barriers hinder the effectiveness of the appeal system, undermining procedural justice and fairness in the public service. The study concludes that without legislative reform, clearer procedures, and a more transparent system, the current disciplinary framework will fail to deliver fair outcomes for public servants.

4.0 Recommendations

Based on the study's findings, several recommendations emerge to improve Tanzania's public service discipline management system. First, there is a need for legislative reform to clarify the definition of a "public servant" and eliminate ambiguities in the Public Service Act (PSA) to ensure consistent application of disciplinary procedures. Second, the appeal process should be streamlined and simplified to make it more accessible and transparent for all public servants, with clearer guidance on the steps to take and the appropriate bodies to approach. Additionally, the concentration of disciplinary authority in the hands of the President should be addressed, possibly by establishing an independent Public Service Commission (PSC) to reduce conflicts of interest and improve fairness. Finally, efforts should be made to improve

compliance with the legal framework, reduce political interference, and ensure that Human Resource Officers (HROs) uphold impartiality and fairness in the disciplinary process. Implementing these reforms would ensure a more transparent, efficient, and just system for public servants in Tanzania.

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