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**The Constitution of Barbados**

**CONSTITUTION (TEMPORARY EMPLOYEES)  
(DISCIPLINARY PROCEDURE)  
RULES, 1980**

**Authority:** These rules were made on 15th May, 1980 by the Governor-General under section 63(2) of the Constitution.

**Commencement:** 15th May, 1980.

1. These Rules may be cited as the *Constitution (Temporary Employees) (Disciplinary Procedure) Rules, 1980*. Citation.

2. For the purposes of these rules, Interpretation.  
“deputy” means an officer who

- (a) is employed in a Ministry or Department in the public service;
- (b) is no less than 2 grades above that of the employee who has been charged with an offence; and
- (c) is authorised by a Head of a Ministry or Department to act on behalf of such Head;

“Head of Department” means the Head of the Ministry or Department in which the employee charged with an offence is employed, a Permanent Secretary or, in the case of a teacher, the Chief Education Officer, but does not include the head of a Section or Division of a Ministry or Department;

“misconduct” includes unpunctuality, corruption, dishonesty, false claim against a Ministry or Department, negligence in the performance of duty, malingering, drunkenness while on duty, insubordination, falsification of accounts or records, failure to keep records, suppression of accounts or records, negligence

resulting in the loss of, or damage to government property, criminal conviction, absence without leave or satisfactory excuse, disobedience to a lawful order of superior officer or engaging in trade or political activity while on duty or on government premises;

“offence” means misconduct prejudicial to the discipline and proper administration of the public service;

“Permanent Secretary” means a Permanent Secretary in the Ministry in which the employee charged with an offence is employed and includes the most senior public officer, by whatever name called, in that Ministry;

“temporary employee” or “employee” means a person who is employed on a temporary full-time basis, and is not a public officer within the meaning of the *Constitution*.

Investigation of charges relating to offences.

3. (1) Where a Head of Department receives a report that an employee of his department has committed an offence, he shall, within 7 days of the receipt thereof, carry out an investigation into that report.

(2) The Head of Department shall, within 7 days after the date of completion of the investigation, forward a written report on that investigation to the Chief Personnel Officer.

(3) Where the Chief Personnel Officer is satisfied that a charge against an employee is proved, he may impose a penalty on that employee and shall inform the employee in writing of the penalty imposed.

Copy of evidence to be given to employee.

4. A Head of Department must give to an employee who is charged with an offence, a copy of all the documentary evidence that is to be used in an investigation relating to that offence.

Penalties.

5. The penalties that may be imposed by the Chief Personnel Officer on an employee against whom a charge is proved are

- (a) a reprimand in writing;
- (b) the withholding of an increment; or

(c) termination of the appointment.

6. (1) An employee who is aggrieved by a decision of the Chief Personnel Officer may apply in writing within 7 working days after being informed of that decision, to the Chief Personnel Officer through the Head of Department for a review of the decision. Review of decision in respect of an offence.

(2) The Chief Personnel Officer shall, within 4 working days after the receipt by him of an application under paragraph (1), forward the application to the Head of the Civil Service together with a copy of the report referred to in rule 3(2).

(3) An application for a review must contain the grounds upon which that application is based, and must be heard within 14 days after it has been received.

(4) The decision of the Head of the Civil Service on the review is final.

(5) The decision of the Chief Personnel Officer has effect until the decision of the review is given.

(6) The Head of the Civil Service may, after reviewing the decision of the Chief Personnel Officer,

- (a) affirm, modify, amend or reverse the decision of the Chief Personnel Officer; or
- (b) make such other order for disposing of the matter as may be just and reasonable.

(7) Where the Head of the Civil Service reverses the decision of the Chief Personnel Officer, notice of the reversal must be served in writing on the employee within 7 days of the reversal and the employee is entitled to the payment of all wages which would have been due to that employee had he not had his increment withheld or his appointment terminated, as the case may be.

7. (1) Where a report against an employee for misconduct is being investigated or criminal proceedings have been or are about to be instituted against that employee the Chief Personnel Officer may interdict that employee from the performance of his duties orally or in writing. Inter-diction.

(2) Where the Chief Personnel Officer has orally interdicted an employee the interdiction must be confirmed in writing within 7 days thereof.

(3) An employee interdicted in accordance with this rule is entitled during the period of interdiction, to half the wages to which he would have been entitled had he not been interdicted.

Represent-  
ation at  
request of  
employee.

8. An employee may, at his request, be represented by a friend or the representative of an accredited trade union in any proceedings under these rules.

Deputy to  
perform  
duties of  
Head.

9. Where under these rules a duty is imposed on a Head of Department, that duty may be performed, on his behalf, by his deputy.

Dismissal  
for series of  
offences.

10. Where an employee has committed a series of offences which, in the opinion of the Chief Personnel Officer, have prejudiced the proper administration of the Public Service, the appointment of that employee may be terminated.

Purpose of  
rules.

11. These rules are for the guidance of temporary employees in the Public Service and those persons responsible for the conduct of disciplinary proceedings respecting those employees.

Non-  
applicability  
of these  
rules.

12. These rules do not apply to members of the Security Guard Service.