



# CODE OF CONDUCT

FOR EMPLOYEES OF  
THE JUDICIAL SERVICE OF GHANA

JUNE 2020







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## PREFACE

The Judicial Service of Ghana is a Public Service Institution which was established to provide administrative support for the Judiciary.

The Vision of the Judiciary and Judicial Service of Ghana (JSG) is:

*"Equal Access to Quality Justice"*

The Mission Statement of the Judiciary and Judicial Service of Ghana (JSG) is:

*"The Judiciary is an independent arm of State created to resolve legal conflicts according to law, impartially and efficiently to all persons without fear or favour, affection or ill-will."*

*We do this by the true and proper interpretation, application and implementation of the laws of Ghana."*

The Judiciary and JSG are committed to the continuous promotion of professional excellence through the application of professional skills and technology to assure quality in the administration of justice. In this regard, the **core values** ascribed by the Judiciary and the Judicial Service are premised on:

- ▶ **Independent mindedness:** "We shall discharge our duties without fear or favour, affection or ill-will".
- ▶ **Honesty:** "We shall deal sincerely and truthfully in dispensing equitable justice".
- ▶ **Efficiency:** "We shall serve our clients in a timely and cost effective manner".
- ▶ **Discipline:** "We shall manage our resources and adhere to the internally streamlined business processes to deliver quality service to our clients".
- ▶ **Impartiality:** "We shall exercise our mandate fairly to our clients".

- ▶ **Punctuality:** “We shall be intentional about the time for our business and for serving our clients”.
- ▶ **Dedication to duty:** “We shall diligently dedicate ourselves to the delivery of our mandate”.
- ▶ **Transparency:** “We shall uphold the highest standards of trust, honesty, accountability, openness and veracity in service delivery”.

All employees of the Judicial Service of Ghana hold highly visible positions of public trust. Employees must therefore conduct their businesses in a manner that favourably reflect the ideals consistent with the fundamental values of the Ghanaian Judicial system, as identified by the laws of the land. It is expected that our actions at all times should uphold and increase public confidence and trust in the Judiciary as the third arm of State. Employees must reflect the highest degree of integrity and demonstrate commitment to each principle embodied in this Code.

This Code of Conduct contains vital information on the responsibilities of Staff of the Judicial Service and rules to guide their daily execution of tasks. It establishes standards by which Management of the Service will measure their performance.

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## **KEY WORDS AND DEFINITIONS**

- a) Code** - Code of Conduct
- b) Court User(s)** - Members of the public who come to: file cases, attend court sessions, deposit Wills, make enquiries, Suppliers and Visitors (personal and/or official) and other services.
- c) Employee** - Employee of the Judicial Service of Ghana
- d) e-systems** - Any electronic system approved by the JSG and any other internet, intranet or extranet based website, whether such electronic system is owned, operated or hosted by JSG or by an affiliate third party but provides access to data related to the work of JSG; and protected by passcodes or other security system mechanism in compliance with the ICT Security Policy of JSG.
- e) JSG** - Judicial Service of Ghana
- f) JSR** - Judicial Service Regulations
- g) RAO** - Regional Administrative Officer



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# PART ONE

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EXPECTED CONDUCT OF EMPLOYEES



## **Rule 1: Performance of duties**

**Definition - Performance of duty** refers to the duties usually performed by an employee within regular working hours as well as instances where they are called upon to perform emergency duties.

### ***Commentary***

Rule 1 of the Code of Conduct (hereinafter referred to as the “Code”) addresses the following:

- a. Employees shall carry out their responsibilities to the public in a timely, impartial, diligent and courteous manner. Actions by employees should reflect a high level of professionalism and public service.
- b. Employees shall not discriminate on the basis of, nor display by words or conduct, a bias or prejudice based upon race, colour, religion, national origin, gender, or the other protected group in the conduct of service to the office and the public.
- c. Employees shall obey lawful instructions regarding the execution of their work.
- d. Employees shall promote ethical conduct and report any improper conduct and violations of this Code by any person(s) to appropriate authorities.
- e. Employees shall participate in educational opportunities offered within the Judicial Service of Ghana (hereinafter referred to as the “JSG”) for the purpose of improving their professional skills and thereby provide higher quality service to the office and the public.
- f. Employees shall avoid any activity which would reflect adversely on their position in the JSG.
- g. Employees shall take proper care of the property and resources entrusted to them or under their immediate control.
- h. Employees shall observe the chain of command of the organizational structure and submit to their designated Heads of Departments/Units/Registries and RAOs.

- i. In the case where a task has been given to an employee by a higher authority, the employee shall inform their direct supervisors of the task before undertaking it.
- j. Employees shall ensure that deadlines are met at all times and requisite reports prepared and submitted to the appropriate Head. In the event of a shortfall, the Head of Department must be informed accordingly.
- k. Employees shall be respectful to their superiors and colleagues at all times and shall endeavour to keep the relationship official.
- l. The Service shall provide all employees with the requisite materials to execute their daily tasks.
- m. Where resources are unavailable, the employee must report to his immediate supervisor for the way forward.
- n. If the employee does not merit certain resources per his/her designation, he/she must report to the immediate supervisor on the appropriate alternative to be used to achieve the task.
- o. An employee shall not be forced to use their personal resources to execute official tasks.

## **Rule 2 Working Hours**

- a. Employees shall report to work at 8:00am and close at 4:00pm, except as provided in the Judicial Service Regulations (hereinafter referred to as “JSR”).
- b. A record of attendance shall be kept in every Registry/Department/Unit and it shall be the responsibility of the Head of the Registry/Department/Unit to see to it that this is done.
- c. Employees shall not without leave or written permission absent themselves from work.
- d. Employees who absent themselves from duty continuously for ten (10) working days or more without permission shall be deemed to have vacated post.

### **Rule 3 Court Documents/Processes**

- a. All official requests for court documents or processes must be channeled through the Registry or the online portal and paid for. Employees shall not give out freely information such as requests for Searches, Court Notes, Orders, Rulings, Judgments, Proceedings etc. which need to be paid for.
- b. Employees shall not take pictures of court documents or any official documents for the purpose of sharing or circulating same to any person whatsoever without authority.
- c. Employees shall refrain from making false declarations or endorsing forged documents. Heads of Departments/Units/ Registries/RAOs shall ascertain the authenticity of any document.

### **Rule 4 Official Devices**

- a. Computers and laptops provided to staff are for the purposes of executing their official schedules. These devices belong to the JSG and must not be sent home without written approval or used for private enterprises, commercial activity or personal profit.
- b. There shall be no sharing and distribution of pornographic material, sensual conversations or jokes across corporate mail and telephone lines.
- c. Corporate Mail is owned by JSG, and all official, written electronic communications should be carried out using the JSG designated mail only. It shall not be used for personal correspondence. Violations to corporate email protocols will lead to system audit and appropriate sanctions meted out.
- d. Damaging or deleting information without appropriate authorization or permission shall attract appropriate sanctions.
- e. Surfing inappropriate websites for pornography, gambling, and terrorism will lead to sanctions.
- f. Private recording of court proceedings without express authorization is prohibited.

## **Rule 5: Abuse of Position/Power**

**Definition:** A misuse of power by persons in positions of authority who can use the leverage they have to oppress persons in a subordinate position or to induce them to commit a wrongful act.

### ***Commentary***

Rule 5 of the Code addresses the following:

- a. Employees of the JSG shall not use or attempt to use their position to secure privileges that have not been approved by Management regarding their positions or ranks for themselves or others.
- b. Employees shall treat everyone with the same courtesy, tact and efficiency and must not intimidate anyone; especially in a situation where a court user may be in a vulnerable position.
- c. Employees are encouraged not to get corrupted by the special privileges or exemptions attained from the public as a result of their position. The manner in which an employee may treat an ordinary person compared to a person of influence may reflect poorly on the notion that the judicial system and its employees are either partial or impartial. Employees are therefore expected to be fair in dealing with all manner of persons.
- d. Employees shall not use their positions to extort funds or demand favours in exchange for any service to be rendered by the employee.
- e. Employees shall not solicit or accept or appear to solicit or accept any gift, favour, or anything of value that will influence their actions, decisions or judgments in performing their official duties.
- f. Employees shall not discriminate against or otherwise give special treatment or anything of value to any person, whether for compensation or otherwise except on merit. Integrity shall be the hallmark in the execution of decisions.
- g. Employees shall not permit family, social or other relationships to influence or appear to influence their official conduct or judgment. All decisions and actions must be based on fairness and impartiality in order to ensure continuous public confidence in the Judiciary and JSG.

- h. Employees engaged for special or unique tasks, shall not abuse their position to hold the Service to ransom by requesting or accepting additional compensation beyond their salaries and allowances for doing their officially assigned duties within the stipulated official working hours. In the situation where overtime applies, the necessary provisions in the JSR shall apply.
- i. Employees shall use the resources, property and funds under their official control judiciously and solely in accordance with prescribed legal and operating procedures. Funds should be expended carefully, only for the purposes intended by the JSG. Employees shall be careful not to misuse facilities such as official communication gadgets, personal use of government property including but not limited to stationery, printers, computers, photocopiers, vehicles etc., or the use of JSG property to assist non-employees in any way as a favour.
- j. Employees shall provide all court users with appropriate procedural information and shall not impose or offer suggestions /opinions that do not conform to the standards of the JSG.
- k. Employees shall not offer legal advice to court users. This act may end in misleading a court user and may bring unpleasant consequences.

## **Rule 6 Conflict of Interest**

**Definition:** a conflict between the private interests and the official responsibilities of a person in a position of trust.

Examples of conflicts of interest are:

- a. Employees entering into a contract directly or indirectly for services, supply of equipment or realty with the JSG.
- b. Employees providing information to a company that would provide an unfair advantage to that company over other companies. E.g. in a bidding process.
- c. The use of official hours for personal purposes.

## ***Commentary***

Rule 6 of the Code addresses the following:

- a. A conflict of interest exists when the employee's ability to perform his/her duty is impaired or when the employee, his or her family, or business would derive some benefit as a result of his or her position within the judicial system. Employees shall perform their duties in a fair, impartial and objective manner.
- b. Employees shall not engage in outside employment which may conflict or appear to conflict with the performance of official responsibilities. Outside employment must be fulfilled outside of the normal working hours of the Service and it must not be in conflict or interfere with the performance of the employee's duties and responsibilities at the office.
- c. No form of outside employment shall be performed utilizing the resources of the office and shall not require or induce the employee to disclose information acquired in the course of his or her official duties.
- d. Any performance of outside employment should not reflect adversely on the integrity of the JSG.

## **Rule 7: Confidentiality**

**Definition:** Confidentiality refers to a duty of an individual to refrain from sharing information with others deemed to be private, except with the express consent of the other party.

## ***Commentary***

Rule 7 of the Code addresses the following:

- a. Employees shall not disclose to any unauthorized person any confidential information acquired in the course of his or her employment. Sensitive information acquired by employees in the course of performing their official duties should never be revealed even when the information becomes a public record.
- b. Employees shall observe all due processes at all times for the release of information. Even when the information becomes public, employees shall exercise a great deal of discretion in making innocent and/or

casual remarks about pending or closed cases.

- c. Employees shall ensure that information they obtain or are privy to by virtue of their employment with the JSG is protected against unauthorized access or disclosure.
- d. Employees shall take stringent steps to prevent unauthorized access to any passwords, user identifications, or other information that may be used to access e-systems. Using another person's account or identity without his or her explicit permission amounts to misconduct.
- e. Employees shall not share information about their jobs, cases conducted in their court and/or processes filed in their registries on social media or through any electronic means. Unauthorized disclosure of such information amounts to misconduct.

## **Rule 8: Political Activity**

**Definition:** Political activity refers to activities focused at ensuring the success or failure of a political party, a candidate for a partisan political office or a partisan political group.

### ***Commentary***

Rule 8 of the Code addresses the following:

The 1992 Constitution of Ghana confers rights on all citizens including employees to join any political party or association of their choice. By virtue of the constitutional role of the Judiciary however, and to maintain the independence and integrity of the JSG, employees shall not:

- a. Accept any office paid or unpaid, permanent or temporary by any political party or organization.
- b. Declare himself/herself openly as a registered member of a political party or association.
- c. Indicate publicly his support for any party, candidate or policy including the carrying of party banners, flags or memorabilia.
- d. Make speeches or join in demonstrations in favour of any political person, party or propaganda.

- e. Engage in activities which are likely to involve him in political controversy.
- f. Discriminate in favour of or against any court user or applicant for employment because of his/her political views, opinions or activities.

Notwithstanding the above, employees are entitled to their views on political matters, and, if so qualified, may vote or be voted for at elections.

## **Rule 9 Dress Code**

Employees shall dress appropriately at all times, in conformity with the JSG's accepted standards and norms of dressing. Attire must not appear too colourful or shabby so as to draw unfavourable comments from colleagues or the public.

### **Accepted Dress Code**

#### **Males**

- a. Employees shall appear in dark coloured full suits (black, navy blue and grey).
- b. Shirts worn by male employees shall be white and light blue only.
- c. Ties worn by male employees shall be flying ties and shall not be colourful.

#### **Females**

- d. Female employees may wear full suits or tailored dresses in the prescribed colours (black, navy blue and grey).
- e. Camisoles for female employees shall be white or black or any prescribed uniform of the JSG.

Footwear for employees shall be black, navy blue or brown shoes. Slippers, sandals, sneakers, flip flops or like footwear are unacceptable except on medical grounds.



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## PART TWO

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DISCIPLINARY PROCEDURES, PENALTIES AND  
PROCEDURES FOR LODGING OF COMPLAINTS FOR OTHER  
OFFENCES



## **Rule 10 Sexual Harassment**

**Definition** – Unwelcome, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker, whether the worker is a man or woman.

### ***Commentary***

Rule 10 of the Code addresses the following:

- a. Employees shall not display unwelcome conduct of sexual nature, which makes a person feel offended, humiliated and/or intimidated.
- b. Employees should not be asked to engage in sexual activity as a condition of that person's employment neither should a hostile environment be created to intimidate or humiliate the employee either due to their refusal of the offer or to compel the worker to give in to the demand.
- c. Employees shall not request for sexual favours from court users before they are assisted with the necessary guidelines for the purpose of their visit.
- d. Employees shall not consciously make sexual advances including sexual gestures or wearing revealing or sexually provocative attires to court the attention of their superiors for whatever reasons.

### **Examples of Sexual Harassment**

- a. Request for sexual favours.
- b. Verbal or physical conduct of a sexual nature.
- c. Employment decision made because an individual submitted or rejected an unwelcome conduct.
- d. The unwelcome conduct unreasonably interferes with the employee's work performance.
- e. The unwelcome conduct creates an intimidating, hostile or abusive work environment.
- f. Promotions, awards, training or other job benefits upon acceptance of unwelcome acts of sexual nature.

- g. Unwelcome physical contacts and sexual gestures.
- h. Unwelcome touching or grabbing.
- i. Sexual pranks or repeated sexual teasing, jokes or innuendos.
- j. Repeatedly asking a person to socialize during off-duty hours when the person has refused or had indicated he or she is not interested.
- k. Unwelcome text messages- sending of sexually explicit videos, cartoons, pictures or drawings or suggestions via email, WhatsApp or any other mode of electronic communication.
- l. Any other forms of unwelcome sexual acts, gestures, communication, advances done or appear to have been done which are unwelcome and lead to any form of unhappiness or hostility at the workplace or even after working hours.

## **Lodging of Complaints**

Anyone who is subject to sexual harassment should:

- a. Inform the alleged harasser that the conduct is unwanted and unwelcome.
- b. In the case where the victim is a subordinate and is not confident to confront the superior (alleged harasser), the employee should report to any designated focal person responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the Human Resource Department, a member of the Gender Committee, or from the Judicial Secretary's Office, Court Service's Department or Regional Administrative Officer.
- c. When a designated person receives a complaint of sexual harassment the following must be done:
  - i. Immediately record the dates, times and facts of the incident(s).
  - ii. Ascertain the views of the victims as to what outcome they desire.
  - iii. Ensure that the victim understands the Judicial Service's procedures for dealing with a complaint.
  - iv. Discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a

- formal compliant if he/she is not satisfied with the outcome.
- v. Keep a confidential record of all discussions.
  - vi. Respect the choice of the victim.
  - vii. Ensure the victim knows that he/she can lodge the complaint outside of the JSG through the relevant country/legal framework.

The victim is entitled to be assisted by a Counsellor.

## **Informal Complaint Mechanisms**

If the victim wishes to deal with the matter informally, the designated person will:

- a. Give an opportunity to the alleged harasser to respond to the complaint.
- b. Ensure that the alleged harasser understands the complaint mechanism.
- c. Facilitate discussion between both parties to achieve an informal resolution, which is acceptable to the complainant.
- d. Ensure that a confidential record is kept of what happens.
- e. Follow up after the outcome of the complaint mechanisms to ensure that the behaviour has stopped.
- f. Ensure that the above is done speedily and within five (5) working days after the complaint has been made.

## **Formal Complaint Mechanism**

- a. If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.
- b. The designated person who initially received the complaint shall refer the matter to the Director of Human Resource (DHR) to initiate a formal investigation. The DHR will either receive a completed complaint form on behalf of a victim or allow the victim to complete the complaint form by him/herself. The completed complaint form should be forwarded to the Judicial Secretary who shall refer it to a committee of three (3) for determination.

## **Rule 11: Disciplinary Procedures/Penalties**

**Definition:** **Disciplinary procedures** are the standardized systematic procedures that the JSG adheres to in circumstances where employees breach any aspect of this Code.

**Penalties** refer to the punitive measures issued to the employee.

### ***Commentary***

Rule 11 of the code of conduct addresses the following:

- a. Employees shall be subject to the appropriate disciplinary or corrective measures in accordance with the provisions of the prevailing JSG Regulations.
- b. Disciplinary procedures shall be initiated against an employee who fails to comply with the standards of conduct in this Code.
- c. Where a case is proven, the Head of Department/Unit/Registry/ RAO shall cause a warning in writing to be issued to any officer whose work or conduct is determined to be unsatisfactory.
- d. All infractions of employees shall be recorded.
- e. An employee must not accumulate more than three warnings for acts of misconduct before disciplinary action is taken against him or her.
- f. In the case where the employee has committed an offence for the first time, but does not show any sign of remorse or intention to desist from the offensive act, penalties may be imposed.

### **Disciplinary Committees**

- a. The conduct of any employee which contravenes any rule of the Code shall be investigated for disciplinary purposes.
- b. A Disciplinary Committee shall be constituted to investigate acts of misconduct under this code and recommend appropriate disciplinary or corrective measures.
- c. A Disciplinary Committee at the regional level shall be constituted in line with the provisions as stipulated in the relevant statute applicable.

### **Disciplinary Authorities**

- a. The Disciplinary Authority for a Director, a Deputy Director, a Judicial Officer and Other Senior Officers is the Chief Justice and any

punishment imposed by the Chief Justice shall be subject to confirmation by the Judicial Council.

- b. The Disciplinary Authority for an employee other than a Director, a Deputy Director, a Judicial Officer and other Senior Officers is the Judicial Secretary. Despite this, where any major penalty is imposed on an employee of a rank below Circuit Court Registrar, the penalty is subject to confirmation by the Chief Justice.

## **Misconduct**

An act of an employee constitutes misconduct, if the act

- a. Amounts to a failure to perform in the accepted manner, a function imposed on that employee.
- b. Contravenes an enactment relating to the JSG.
- c. Affects the efficient performance of the JSG.
- d. Brings the Service into disrepute.

## **Major Offences**

It is misconduct and a major offence for an employee to

- a. Indulge in:
  - i. Bribery and corruption.
  - ii. Deceit of a public officer in the performance of duties.
  - iii. Extortion.
  - iv. Acts of dishonesty.
  - v. Coercion, intimidation and threatening of a fellow employee or member of the public or the use of insulting, obscene or indecent language towards another employee or member of the public.
  - vi. Gross negligence of duty.
  - vii. Insubordination or failure to comply with reasonable instructions.
  - viii. A disrespectful attitude.
  - ix. Hiding of dockets or other documents.
  - x. Tampering with an official record, including the removal of documents and personal files.
  - xi. Threat of violence.
  - xii. Fighting with and assault of any person on the premises of the

Service.

- xiii. Consumption or being under the influence of alcohol, drugs or other narcotic or similar substances whilst on duty.
- xiv. Unauthorized possession of or trading in alcohol, drugs or other narcotic or similar substances whilst on duty.
- xv. Willfully causing damage or misuse of property of the Service.
- xvi. Unauthorized possession or removal of property of the service; or unauthorized possession of a weapon in a court or office premises or use, or threatened use of any such weapon;
- b. Be negligent in the course of duty.
- c. Steal.
- d. Misappropriate public funds.
- e. Falsify records.
- f. Engage in fraud.
- g. To do an act or omit to do an act that results in any short collection of revenue or any loss of revenue.
- h. Be convicted for any felonious offence.
- i. Make or present false documents.
- j. Leak official documents.
- k. Alter, falsify or misrepresent official documents, with the intent to defraud or try to defraud.
- l. Engage in disorderly conduct.
- m. Accept money, gifts or other consideration for performing work in order to favour someone else at the expense of the Service.
- n. Forge any document including signing in and out of attendance books for a colleague.
- o. Sexually harass a fellow employee or a member of the public.
- p. Bully or harass any person at the workplace.

- q. Use without lawful authority any property or facilities provided for the purpose of the Service or for some other purpose not connected with the official duties of that employee.
- r. Vacate post by being absent from duty for ten continuous working days without reasonable excuse or a written permission.
- s. Engage in active political party activity.
- t. Assist a person suspected to have committed an offence to escape through willfulness or negligence.
- u. Divulge confidential information to a person not authorized to receive that information.
- v. Commit an act of lewdness, indecency or immorality on the premises of the Service.
- w. Willfully damage or destroy property of the Service.
- x. Trade during working hours.
- y. Prepare a legal document other than that expressly provided for under the District Court (Civil Procedure) Rules, 2009 (C.I 59).
- z. Engage in an act which, without reasonable excuse, amounts to failure to perform in a proper manner a duty assigned to the employee or which contravenes an enactment relating to the efficient discharge of that duty.

The conviction of an employee for an offence that involves fraud, dishonesty, stealing, or that which brings the Service into disrepute.

## **Penalties for Major Offences**

The following penalties may be imposed for major offences:

- a. Dismissal.
- b. Termination of appointment.
- c. Removal from office with or without forfeiture of retirement benefits, where applicable: and
- d. Reduction in rank with an immediate reduction of salary.

## **Minor Offences**

It is misconduct and a minor offence for an employee to:

- a. Sleep on duty
- b. Be absent from duty for three days without excuse or permission
- c. Be habitually late to work and
- d. Behave in an impolite manner

## **Penalties for Minor Offences**

The following penalties may be imposed in a case of a minor offence:

- a. Verbal warning
- b. Written reprimand
- c. Deferment of increment
- d. Stoppage of increment
- e. Reduction of salary
- f. Suspension from duty with consequent loss of salary and allowances for a period of not more than three months
- g. Suspension of promotion for a maximum period of three years
- h. Surcharge for any financial or material loss

## **Appeal**

Any employee appearing before a Disciplinary Committee shall be given every opportunity to defend himself/herself and have a right of appeal not more than two weeks after the decision. The Committee's findings and recommendations shall be forwarded to the appropriate disciplinary authority within five (5) days.

- a. Where summary proceedings or formal proceedings are instituted by the Chief Justice or where the decision of formal proceedings is confirmed by the Chief Justice, an appeal lies to the Judicial Council.
- b. Where summary proceedings or formal proceedings are instituted by the Judicial Secretary, an appeal lies to the Chief Justice.
- c. An appeal shall be instituted by the employee by filing within fourteen (14) days of the date the decision was served or communicated, a Notice of Appeal in writing addressed to the Judicial Secretary who shall cause the record to be prepared and

## **Petitions**

- a. An employee who is aggrieved by the findings or recommendations of a Disciplinary Committee may submit a petition to the appointing authority or the Judicial Council as appropriate in respect of:
  - i. The denial of a right which the employee considers he/she is justifiably entitled to or
  - ii. Some other unfair treatment.
- b. Where within one year after the date on which the Judicial Council or the appointing authority makes a decision:
  - i. New grounds inuring to the advantage of the employee are uncovered.
  - ii. The Judicial Council or appointing authority is satisfied that there are new and material facts which may operate to promote justice and
  - iii. Adequate reasons for the non-disclosure of facts in the original petition are given.
- c. Employees against whom a decision has been made may apply to the Judicial Council or appointing authority for a review of the decision.
  - i. An employee who is dissatisfied with the decision of the Judicial Secretary, may request the Judicial Secretary to refer the petition to the Chief Justice for determination and the Judicial Secretary shall, upon that request refer the petition to the Chief Justice.
  - ii. An employee, who is dissatisfied with the decision of the Chief Justice, may proceed to court.
  - d. A petition shall not be entertained unless it is made within one year after the date on which the decision which is the subject matter of the petition is made.

## **Rule 12: Reporting Procedure for Breaches**

**Definition:** The method by which employees shall lodge a complaint to the appropriate authorities within the defined chain of command.

### ***Commentary***

Rule 12 of the Code addresses the following:

- a. Where there is a breach of this code, an employee may report or complain to a superior officer or the appropriate authority in the following ascending order;
  - i. Immediate Supervisor (of Officer Complained of)
  - ii. Heads of Department/Units/Registries/RAOs
  - iii. The Judicial Secretary
  - iv. The Chief Justice
  - v. The Judicial Council
- b. Where the officer to whom the report should be made, is himself involved in the breach of the code, the matter should be reported to the next superior officer.
- c. In all cases, the reports should be copied to the Judicial Secretary.
- d. The Officer or Authority to whom the report is made shall indicate the action being taken within a period of two weeks from the receipt of the report, failing which the complainant may take up the complaint with the next superior authority.

## **Rule 13 Grievances and Conflict Resolution**

Employees are permitted by the rules of natural justice to voice out any grievances that may result in conflict in the work place. This is aimed at providing an opportunity for an employee of the Service to raise any grievance on matters relevant to his/her employment.

### ***Commentary***

Rule 13 of the Code addresses the following:

- a. Employees shall treat each other with respect and avoid creating an atmosphere of strife.

- b. Employees shall not be victimised or deliberately intimidated on any account.

## **Procedure to be followed in handling grievances**

### **Stage 1**

Where an employee is aggrieved on a matter relevant to his/her employment, the individual shall:

- a. In the first instance, report the matter to his/her Head of Directorate/Registry/Unit by completing the grievance notification form.
- b. The grievance notification should contain a full description of the incident or events relating to the grievance, including time(s), date(s), persons(s) involved and actions taken in an attempt to remedy the situation.
- c. The grievance notification must be dated and signed by the person lodging the grievance.

### **Stage 2**

- a) Upon receipt of a grievance, the appropriate Head of Directorate/ Registry/Unit shall carry out an investigation to establish the facts and resolve the grievance.
- b) Where the grievance remains unresolved, the Head of Department/ Registry/Unit shall report same to the Human Resource Directorate for investigation and resolution.
- c) If the matter still remains unresolved, the Human Resource Directorate shall refer same to the Judicial Secretary for action.
- d) The Judicial Secretary shall communicate the outcome to the aggrieved party.



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