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THE CHALLENGE AND PROSPECTS OF DISPUTE SETTLEMENT MECHANISMS IN ADDIS ABABA CIVIL SERVICE AGENCY

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This is to certify that the thesis prepared by Anteneh Mitiku entitled the challenge and prospects of dispute settlement mechanism in Addis Ababa Civil Service Agency, which is submitted in partial fulfillment of the requirements for the Degree of Master in Public Management and Policy (MPMP), complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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Abstract

This research thesis deployed a predominantly qualitative approach using a combination of survey and interviews in addition to an extensive literature review, publically available report and documents on dispute settlement mechanism between the government and its employees.

The thesis presents how dispute settle between the employee and the agency of civil service in Addis Ababa, it address the key issues of why workplace disputes fail to be resolved, it also probe the reason why there is high rate of dispute and the number of referral to the civil service administrative tribunal for dispute settlement increased.

The thesis found that dispute over the work place commonly referred to administrative tribunal rather than being resolved in the organization of public facilities because of lack of knowledge and skills of the current rules and regulation dispute settlement mechanism, also lack of commitment and ethical behavior of the leadership. This leads to increasing wastage of time and resource as well as defects in delivering workplace justice.

The thesis also analyzed the operating procedures of the discipline and grievance handling procedures, which may contribute to the large number of disputes. According to the finding majority of the employees have inadequate knowledge about the discipline and grievance handling procedures, besides this their organization doesn'taccess the rules and regulation of organization in order to avoid indiscipline.

Work place dispute are best resolved in the organization. Only after a failure to resolve a matter of work place do disputant have the option of referring their conflict to an external civil service tribunal at Addis Ababa Civil Service Agency.

Finally, the result of this study contributes to how the government dispute settlement mechanism system challenges, improves and the creation of conducive working environment in public organization.

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Abbreviations

ADR Alternative Dispute Resolution

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CHAPTER 1

1.1 Introduction

Dispute settlement mechanism between the employee and the organization, is one of the most fundamental aspect of human resource management tool that control the organization health, despite the best of management practices in acting and communicating, conflicts between employees and the organization will occur.

According to

A total absence of conflict would be unbelievable, boring, and a strong indication that such conflicts are being suppressed. One of the characteristics of a mature group is its willingness and ability to bring suppressed conflicts to the surface where they may be discussed with a greater opportunity of resolution. It would be naïve to insist that all conflicts can be eliminated in some manner or other, but their exposure and discussion will contribute greatly toward their reduction.

Conflict is neither bad nor good to the organization. Disagreements and dissatisfactions can lead to reexamination of basic assumptions and practices to the end that adjustments can be made to improve overall organizational effectiveness to the surface. After a brief discussion of these channels, greater attention will be given to the grievance handling procedure which is perhaps the most significant means of discovering and resolving employee complaints and dissatisfactions.

On the other hand, there is the distinct possibility that the organization will become dissatisfied with a particular employee. Though the skinner approach to operant conditioning of behavior would preclude the use of punishment, typical practice of most organizations includes programs of negative disciplinary action ending up with the maximum penalty of discharge from the organization.

Many countries are now re-considering the effect of past and current HRM practices on the ethical climate of their Civil Services.

It may be fairly said that a civil service organization which fails to implement,(adequate and effective training and management leadership) and enforce (through effective leadership, disciplinary and management action) its code of ethics in practice, can expect to be ineffective in controlling corruption, and inefficient or incapable of providing services to the public.

In most established civil services, traditionally promotion and recruitment to the civil service has been based on merit, not political or family connections, and protected by law. Patronage and favoritism in public employment is generally prohibited by law, and protected by effective independent appeals mechanisms. Increasingly, attempts to employ friends relatives and cronies contrary to merit-based procedures required by such laws are being treated as a serious form of corruption, and have led to dismissals and prosecution for public officials (including Ministers) who engaged in such practices. Arbitrary dismissal from the civil service through the intervention of a Minister, is unlawful, and may likewise be regarded as a form of abuse of office or corruption.

Civil Service Discipline and management practices must be objective, fair, and reasonable. Managers are expected to be trained able to deal with such matters as providing adverse assessments on performance, enforcing required work processes, requiring punctuality, and dealing with employee grievances, effectively and fairly, to ensure that the efficiency of the workplace is not compromised unnecessarily(Howard whitton:2001).

In the Addis Ababa civil service agency the Administrative Tribunal shall have the power to hear and decide on appeals brought by civil servant relating to

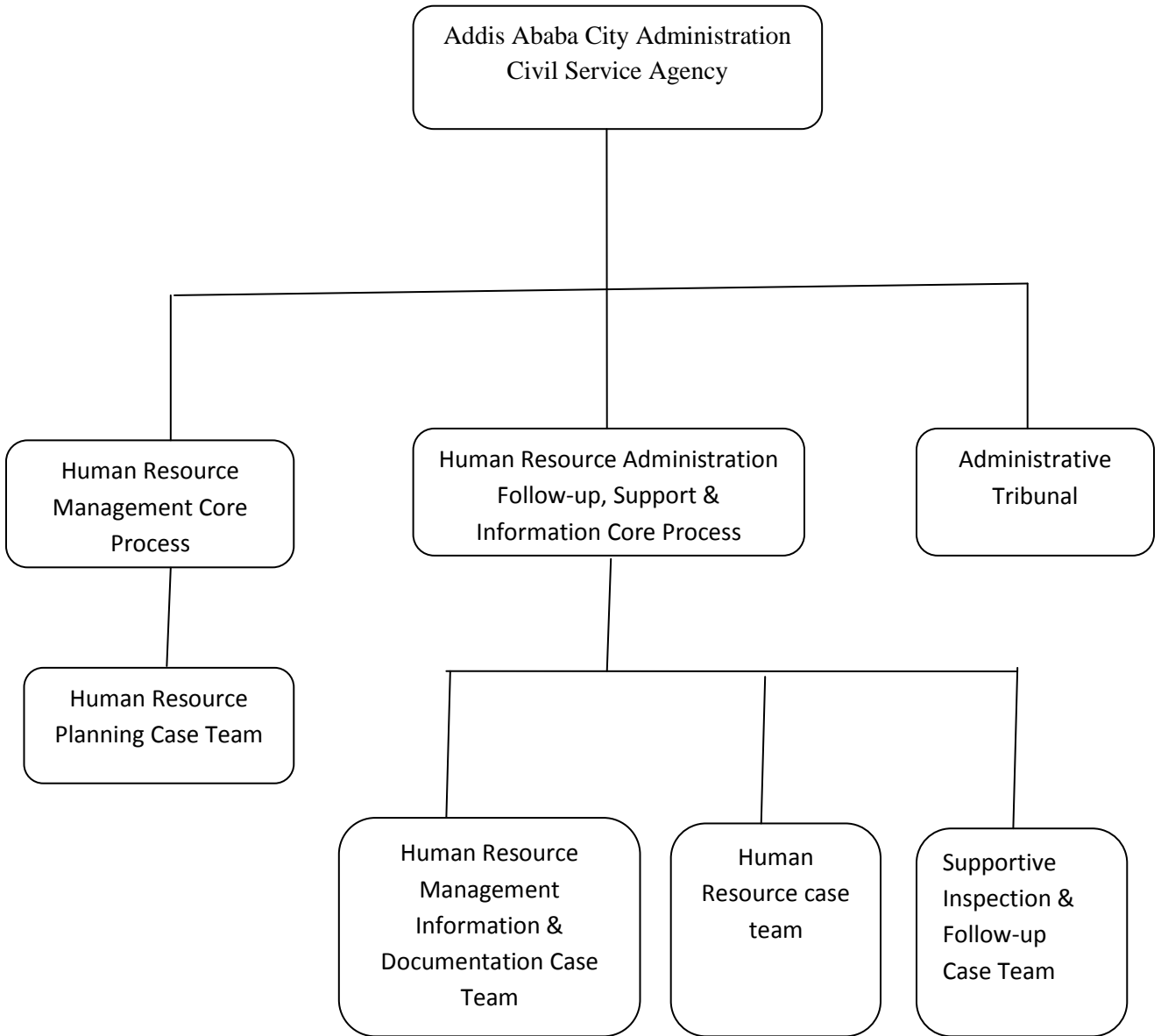
- a. Unlawful suspension or termination of service.
- b. Rigorous disciplinary penalty.

- c. An illegal attachment or detention of salary or other payments, in fringement of rights arising from employment injury.
- d. Except simple disciplinary penalties cases, investigated and decided upon by grievance handling committee,
- e. Matters arising from request of termination letter and testimonials of services.
- f. It shall also execute its decision

It is important to study the organization dispute settlement practices in Addis Ababa civil service agency. It is worthwhile to study the application of the standard disciplinary measures and grievance handling procedures correctly for estimation of range of decision.

The Addis Ababa Civil Service Agency organized under the Addis Ababa Capacity Building Bureau since 1995 E.C. The Civil Service Agency is responsible for the administrative of human resource functions namely: recruitment, selection, performance appraisal, training and development and the approval of organizational structure and development. Some of the former human resources are function decentralized from the regional to woreda for efficient implementation of rules and regulation.

Diagram 1: Addis Ababa Civil Service Agency organizational structure

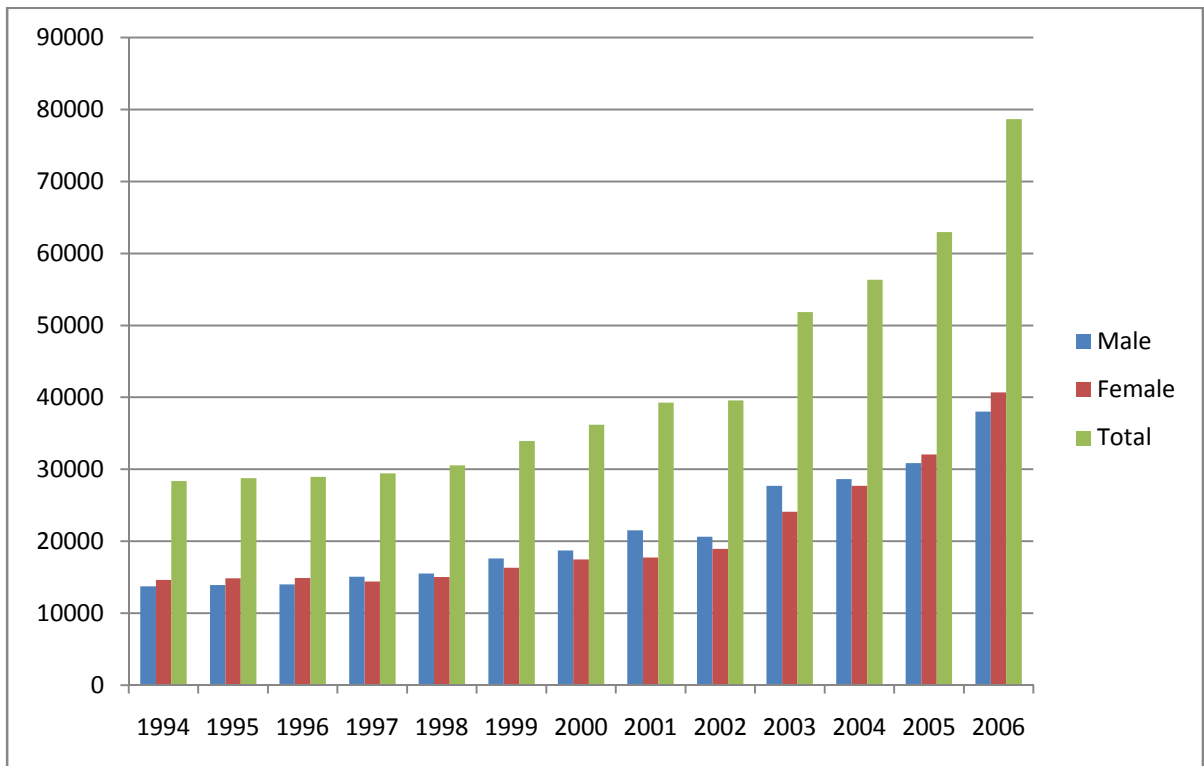


The civil service employment in Addis Ababa has grown to 78,682 male 38,010 and 40,672 female according to human resources information system of Addis Ababa City Administration. The rapid expansion of employment has been facilitated by the regionalization policy of the Ethiopian Government. The regional, the sub city and woreda distribution of employees shows that there is a significant increase of employees at the sub city and woreda level than the regional level which is consistent with government policy of federalism and administrative, fiscal and political decentralization centering a around woreda capacity building strategy which is being much that the most near to the public for public service delivery.

Table 1: Addis Ababa City Administration total civil servant from 1994 -2006

Year	Male	Female	Total
1994	13740	14638	28378
1995	13916	14854	28770
1996	14029	14915	28944
1997	15070	14386	29456
1998	15531	15026	30557
1999	17620	16313	33933
2000	18709	17468	36177
2001	21518	17726	39244
2002	20631	18923	39554
2003	27713	24113	51826
2004	28618	27723	56341
2005	30872	32080	62952
2006	38010	40672	78682

Diagram 2: Civil Service Employees in Addis Ababa City Administration



1.2 Statement of the Problem

This research proposes to evaluate the dispute settlement mechanism in Addis Ababa Civil Service Agency in the case of employee and public organization policies after decentralization most of the powers related to majority power of human resources functions to sub city and woreda for accessing public administration issues.

According to the city administration report there is public dissatisfaction on public service delivery at all level of the city administration due to specially lack of civil servant accountability.

In the public organization, there is maladministration that refers to the making of an official decision in a manner which is contrary to the law, arbitrary, unreasonable, without proper justification of the merit of the matter, or made corruptly. In one respect at least, maladministration may be no more than simple incompetence. The other aspects of maladministration, however, shade in to abuse of office that is misusing public office for private gain which is the standard definition of corruption. In general when we talk about public service when the employee crated a problem the there was adequate measurement from minimum discipline measures to the most painful measurement like dismissal not only this most problem was no adequate written document, when the case goes to administrative tribunal by the public organization.

The sub problems

- 1) How could disciplinary case be identified and treated?
- 2) What is the procedure of court mechanism as the last option of dispute settlement between the employee and government organization?
- 3) What is the relationship between organizational performance with disciplinary measures and grievance handling?
- 4) Is the knowledge of rule, regulation and administrative ethical standard was adequate?

1.3 Aim

The aim of this research is:

To evaluate thoroughly disciplinary measure, grievance procedures and the related challenge and to analyses the current practices and to indicate the

prospect of dispute settlement mechanisms between the employee and the public organization in Addis Ababa Civil Service Agency.

1.4 Major Objectives and Specific Objectives

The major objectives are:

To identify the challenges, problems and limitation in the disciplinary procedures and dispute settlement mechanism.

- a) To identify the challenges, problems and limitation in the disciplinary procedures and dispute settlement.
- b) To investigate the possible reasons behind the challenges and the problems in the introduction of civil service rules and regulation, disciplinary procedures and its implementation measures, finally handling of grievance and dispute resolution
- c) To recommend the possible solution for identified challenges and problems.

The specifics objective includes:

- a) To evaluate the understanding and commitment of both managers and employees about the civil service disciplinary procedures, rules and regulation.
- b) To evaluate the roles of human resources process owners ,supervisors in the effort to introduce the civil servant rules, regulations and implementation to the system.
- c) To evaluate the process of introducing civil service rules and regulation.
- d) To identify the major problems in the implementation process.

- e) To identify the contribution of the knowledge about civil service rules and regulation toward the performance of organizational performance.
- f) To examine the extent and practice of disciplinary procedure in the civil service agency,
- g) To examine the extent and practice of grievance handling procedure in the civil service, agency
- h) To examine the extent, procedure and practice of civil service court; and
- i) To investigate the challenge facing dispute settlement in Addis Ababa civil service.
- j) To recommend the possible solution for betterment of future implementation.

1.5 Significance of the study

An efficient and effective civil service one of the important instruments to the socioeconomic and political development of the Addis Ababa city Administration. The Addis Ababa Civil Service employee accountable, efficient and effective for the public service what they were doing according to the organization citizen charter. An efficient and effective will satisfy the public because of did the interest of the public.

This study is vital in so many ways. It would reveal whether the present dispute settlement mechanisms/practices need improvement according to the current civil service standard, the employee needs, the city development and other human resource strategic issues. The finding of the study will therefore provide strategic information to political leaders; policy advisors and human resource managers to rethink over the dispute settlement mechanisms. The result of the study will also added to the existing body of knowledge on dispute settlement mechanism in civil service. It also can serve for those researchers who wish to conduct further research in the area.

1.6 The Scope of the Study

The research thesis tries to analyze the challenge face by the Addis Ababa Civil Service Agency to introduce and implement effective dispute settlement mechanism in public service delivery organizations,

The research restricted in Addis Ababa Civil Service Agency and selected sub city.

1.7 Research Methodology

The study uses both primary and secondary data in order to get a view on the practice of dispute settlement mechanisms in Addis Ababa Civil Service Agency. Qualitative And Quantitative methods are use. For primary data collection questionnaires are useful tools. Secondary data such as books, journal, articles and reports incorporate to provide in-depth analysis of the issue of dispute settlement mechanisms and its challenges, the report include the last 3 years annual report of the Addis Ababa civil service agency as well as the sub city relevant source of information is access. Some expert opinions gather through interviews from relevant public organization heads and individuals regarding dispute settlement mechanism and challenges.

The study uses the case study method in order to identify the major problems that faced in the attempt to introduce and implement dispute settlement mechanism in Addis Ababa Civil Service Agency.

The target population and the samples are taken from Addis Ababa. Civil Service Agency head office and selected sub cities. Area sampling or multi stage sampling used. At the sub city level, the core process owners, employees are taken as population. At the Civil Service Agency the core process owners, the sub process owners, the administrative tribunal lawyers and supervisors at different levels participate as population of the sample.

The method adopted for data collection is random and purposive sampling method which uses instruments like

- Questionnaire to
 - Core process owners
 - Sub process owners
 - Supportive process owners
 - Administrative tribunal staff

1.8 Document Analysis

The procedures of disciplinary measures, grievance appeals and final stage dispute settlement mechanism between the employee and the government at administrative tribunal at the head office are analysed.

1.9 Sampling

A sample is a subject, or some parts, of a larger population. The purpose of sampling is to enable the researcher to estimate some unknown characteristics of the population (Zikmund, 2003). There are several alternative ways of taking sampling. The major alternative sampling plans may be grouped into probability and non probability sampling techniques. Probability sampling method was used for this research since every element in the civil service agency has a known

nonzero probability of the selection. In the civil service agency the simple random sampling is the best known probability sample, in which each civil servant has equal probability of being select.

1.10 Sampling Plans

Addis Ababa city administration has 10 sub cities. In the 10 human resource support process owners. It is difficult to study the introduction and implementation of civil service rules, regulations and disciplinary procedures within limited time and resource. So random sampling among the population and for some case purposing sampling for the head of human recourse mangers applies.

1.11 Plan of Analysis

As I indicate the sampling techniques the data gathering method is questionnaire and relevant document analysis. After information gathers the classification and analyzing method doing through both qualitative and quantitative methods.

The data presenting and analyzing method by using different statistical tools such as tables and percentages.

1.12 Ethical Issues

Ethical consideration is vital to any study. Researcher has an obligation to obtain informed consent from the study participant, such consent constitute ethical premises of the research process. The researcher has the rights and obligations to protect the respondent data for only the purpose of research and it has urged that the civil servant has the right to be informed of all aspects of the research, including information about its purpose.

1.13 Instrumentation

In this research the researcher decided to prepare a questionnaire with a combination of closed and open-ended questions. The first part of the questionnaire was designed to generate statistics and the second part asked people for a more in-depth opinion. He has approached members of staff in the civil service and its offices in relevant sub city and woreda , who became happy to fill the questionnaire over a period of one month.

1.14 Data Collection

The data collection process started after the permission of civil service agency and the relevant body. In all organizations the same questionnaire administered to respondents with the same procedure to avoid error and increasing data quality for valid conclusion. All data were collected at the same time according to the time table.

1.15 Data Analysis and Interpretation

The analysis and interpretation of data involved the objective material in the possession of the researcher and his subjective reactions and desire to derive from the data those inherent meanings in that relation to the problem. The process of data analysis, interpretation and generalization involved a number of steps. The researcher was faced with task of organizing the individual pieces of information, so that the meaning is clear (Basavanthappa, 2006).The researcher used essential process for preparing data for quantitative and qualitative analysis ,editing for legibility and completeness, coding data, transferring data to

computer for analysis, editing the data file, reducing or modifying data and editing the modification. The researchers finally used the domain of data analysis descriptive and inferential statistics.

1.16 Organization of the Thesis

The research is divided into four chapters. Chapter one of the thesis focuses on the introduction to the problem. In chapter two I review various literatures on disciplines, grievances and its relevant document. In chapter three, outlines the methodology that proposes in the thesis.

In chapter four, the perceptions of dispute settlement mechanism is analysed from the point of view interviewees who are drawn from different sub cities and head office. Finally in chapter five, conclusion and recommendation are formulated according to the research finding.

CHAPTER 2

2.1 LITERATURE REVIEW

In most countries today there are increasing expectations from ordinary citizens, business leaders and Civil Society that governments will establish and deliver higher standards of ethicality and integrity in the civil service, agencies of the government and the Government itself.

In part this expectation is the result of better-focused media attention and public scrutiny, and increasing impatience by ordinary citizens and Civil Society, whose members want to see an end to the corrupt practices and systems still continue to the present (Whitton Howard,2001). It is true that The Addis Ababa City Administration plan the last 4 years plan to solve the bottleneck of good governance from simple e-bureaucratic to rent seeking behavior and corruption that exist in the civil service.

Bearing in mind the significant progress made in recent years in developing effective Civil Service Ethics, Codes of Conduct, transparency measures and Anti-corruption agencies, there is now a need to concentrate on the three areas of concern in particular, which are directly relevant to the problems of internalizing integrity and ethics in democratic governments and Civil Service.

1. Anticipating specific threats to ethics standards and integrity in the public sector: attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values, and commitment to good

governance, and to preparing the necessary political and management responses;

2. Strengthening the ethical competence of civil servants, and strengthening mechanisms to support "professional ethics": new techniques need to be undertaken to institutionalize ethically competent decision-making, disinterested advice to Government, and, ultimately, an 'ethical culture' which support professional responsibility, self-discipline, and support for the rule of law.

3. Developing administrative practices and processes which promote ethical values and integrity: new and pro-ethics laws require effective implementation through, for example effective performance management techniques which support the entrenchment of the ethical values set out in Civil Service code of ethics. (etal..)

In Addis Ababa Civil Service Agency the efficiency of ethics code is a question, because ethical conduct and corruption in the public sector are the two sides of the one coin, now the Federal and The Regional Government promote every citizen to fight corruption because it support poverty and inequality of the citizen and hinder the country development. To extent that an organization succeeds in enhancing its own ethical climate internally, and that which it operates externally, it reduces the acceptability of corruption. Conversely, control opportunities for corruption and you make room for ethical practices to become established.

2.2 Laws, Codes of Ethics, and Codes of Conduct

The major problem for implementing effective Codes of Ethics remains that no law or Code will be of much value if individual civil servants lack the technical competence to recognize an ethics problem for what it is, or if they do not know what standards their organization expects of them, or (worst of all), if they

consider it to be not in their interests, personally or professionally, to take a stand for integrity and against corruption.

The Code of Ethics is best regarded as a general statement of 'core values' which define the professional role of the civil service. In general, modern civil service Codes of Ethics set out broad high-level principles such as integrity, accountability, responsibility, trustworthiness, etc but little attention to how these principles are to be applied in specific circumstances.

By contrast, Codes of Conduct usually set out specific standards of conduct expected in a range of realistic circumstances, representing a particular organization's preferred or required interpretation of the core values or principles which are seen as important to its work.

2.3 The Management of Conflict

The process of integrating interests requires both preventive and curative activities. Despite the best of management practices in acting and communicating, conflicts between employees and the organization will occur. A total absence of conflict would be unbelievable, boring, and a strong indication that such conflicts are being suppressed. One of the characteristics of a mature group is its willingness and ability to bring suppressed conflicts to the surface where they may be discussed with a greater opportunity of resolution. It would be naïve to insist that all conflicts can be eliminated in some manner or other, but their exposure and discussion will contribute greatly toward their education. Conflict is neither bad nor good for the organization. Disagreements and dissatisfaction can lead to reexamination of basic assumptions and practices, to the end that adjustments can be made to improve overall organizational effectiveness. After a brief discussion of these channels, greater attention will be given to the grievance procedure, which is perhaps the most

significant means of discovering and resolving employee complaints and dissatisfaction.

On the other hand, there is the distinct possibility that the organization will become dissatisfied with a particular employee. Though the skinner approach to operant conditioning of behavior would preclude the use of punishment, typical practice of most organizations includes programs of negative disciplinary action ending up with the maximum penalty of discharge from the organization.

2.4. Meaning of Civil Service and Civil Servant

The term civil service can refer to either a branch of governmental service in which individuals are employed on the basis of professional merit as proven by competitive examination, or the body of the employees in any government agency other than military.

According to Ethiopian Federal civil servant Proclamation No.515/2007 Civil servant or public servant is a person in the public sector employed for a government dependence agency .The extent of civil servant of a state as part of the "Civil service" varies from country to country .In the context of Ethiopia "Civil servant" means a person employed permanently by federal government institution however, that it shall not include the

- a) Government official with the rank of state minister, deputy director general and their equivalent and above
- b) Members of the house of people representatives and the house of federation
- c) Federal judges and prosecutor
- d) Members of the Armed Force and the Federal police including other employees governed by the regulations of the armed forces and the federal police.

2.5. Meaning of Government Institution

"Government institution" by Federal civil servant proclamation No.515/2007 means any federal government offices established as an autonomous entity by a proclamation or regulation and fully and partially financed by government budget; included in the list of government institution to be drawn up by the council of ministers

Employee when there is a violation rules and regulation by the employee, and the administration decision taken by the appropriate body.

2.6. Service Delivery in Addis Ababa Civil Service

Service delivery, especially for public sector organization is a systematic method where by activities are arranged so that the service recipients get the services they need in an effective, efficient, transparent and equitable manner. Public sector organizations are established for delivering goods and services to the public at large. They are required to satisfy the society in delivering government services problems and Drawbacks of the civil service in the delivery of services

As clearly shown in the service delivery policy document of the city administration various area indicates that several problems contributed to poor service delivery in the civil service the following are the major one

- Positive attitude towards public sector has not developed to the desired extent
- Insufficient recognition that citizens have rights to receive service from government
- Lack of accountability in the civil service institution for failure to meet expected performance

- Service delivery in many civil service institution are based on long and time consuming, excessively hierarchical organizational structure
- In many cases the level of commitment to improve services level leaves much to be desired
- Shortage of resources constraints improvement of services to the desired level;
- Inconsistency of regulations and guidelines governing institution that provide related services as well as lack of coordination and cooperation among various sectors within the administration
- Human resource management system and conditions of work in the civil service do not motivate employees to provide quality service
- Service users are often unaware of their rights and obligation pertaining to services and sometimes tend to resort to elicit to get services
- Lack of professional ethics etc...

As result of these and other problems and drawbacks, the civil service has so far not been able to effectively carry out government policies and programs as well as to organize and deliver cost effective services. Consequently its role in promoting economic and social development remains limited.

Evidence shows that, the civil service on several occasions has not been able to properly address the right of service users to get public service in a fair and equitable manner has contributed to the prevailing negative perception among the public about the efficacy of the public institutions and civil servant. In general, it is believed that absence of a clear and consistent government policy on service delivery in the civil service partly accounts for the prevalence of the above problems and drawback.

2.7 Disciplinary Action and Grievance

Maintenance of harmonious human relations in an organization depends upon the promotion and maintenance of disciplines. No organization can prosper without discipline. Discipline has been a matter of utmost concern for all organizations. There are some people who believe and state that maintenance of discipline is concerned with only higher echelons of an organization. But discipline is concerned with employees at all levels.

Maintenance of most economical and optimal human utilization of various resources including human resources. Thus, the objective of discipline in an organization is to increase and maintain efficiency. Effective discipline is a sign of sound human organizational health.

2.8 Need for Disciplinary Measures

In any organization whether public or private rules and regulations are essential to maintain peace, prevent anarchy, and regulate behavior of people and to hold the pieces together. Moreover, most of the employees prefer to work under disciplined environment as fair rules protect the individuals and the organization and enable the team to work further, disciplinary measures insures just and equal treatment to all employees, efficient two-way communication, encourages cooperation and builds team pride. Disciplinary rules regulate the behavior of the employees in an organization as the law regulates behavior of the people in the society.

2.9 Meaning and definitions of Discipline

Discipline refers to a condition or attitude, prevailing among the employees, with respect to rules and regulation of an organization. Disciplines in the broadest sense means "orderliness, the opposite of confusion. It does mean a strict and technical observance of rigid rules and regulations. It simply means working,

cooperating and behaving in a normal and orderly way, as any responsible person would expect an employee to do."

Discipline is defined as ".....a force that prompts individuals or groups to observe the rules, regulations and procedures which are deemed to be necessary for the effective functioning of an organization."

According to Ordway Ted, discipline is ".....the orderly conduct of affairs by the members of an organization ,who adhere to do necessary regulations because they desire to cooperate harmoniously in forwarding the end which the group has in view, and willingly recognize that. To do this their wishes must be brought in to a reasonable union with the requirements of group in action. "Discipline said to be bad when employees follow rules unwillingly or actually disobey regulation

2.10 Aspects of Discipline

There are two aspects of discipline, the **Positive aspects** and **Negative aspects**

2.10.1 Positive Aspects

In positive aspect of discipline employees believe in and supports discipline adhere to the rules, regulations and desired standards of behavior. Discipline takes the form of positive support and reinforcement for approved actions and its aim to help individual in molding his behavior and developing him in a corrective and supportive manner. This type of approach is called positive approach or constructive discipline or self discipline. Positive discipline takes place whenever the organizational climate is marked by aspects such as payment of adequate remuneration and incentives, appropriate avenues for career advancement, appreciation of proper performance and reinforcement of approved personnel behavior or actions etc., which all motivate employees to adhere to certain rules

and regulations or exercise self-control and work to the maximum possible extent.

2.10.2 Negative Aspect

Employees sometimes do not believe in and support discipline. As such, they do not adhere to rules, regulations and desired standard of behavior. As, such disciplinary program forces and constraints the employees to obey orders and function in accordance with set rules and regulations through warnings, penalties and other form of punishment. This approach to discipline called a negative approach or corrective approach or punitive approach. This approach also called autocratic approach as the subordinates given no role in formulating the rules and they are not told why they are punished.

2.11 Prerequisite for Effective Disciplinary Action

2.11.1 A progressive Disciplinary Process

In an increasing number of organizations, managerial representative both line and staff have accepted the idea that the aim of disciplinary action should be education rather than punishment. To match a participative way of managing, a corrective process should begin with efforts to understand, to explain, and to reorient anyone whose behavior does not measure up to organizational standards, official reprimands and graduated penalties should be used only when educational effort should be ineffectual.

Therefore, when circumstance permit, an effective progression of steps is

- a. Getting facts and trying to understand [sometimes, in a potentially explosive situation, there is no time to investigate] adhere a well – advised

alternative first step to suspend on allegedly or apparently erring the employee. Normally however, through facts-finding is the first step

- b. Having an informal talk.(counseling)
- c. Giving an oral reprimand or warning.
- d. Issuing an official, written warning
- e. Following through with a series of increasingly service penalties, e.g. disciplinary lay off, occasionally downgrading or demotion, and –as a last resort-discharge.

2.11.2 Getting Facts and Trying to Understand

Normally the first step in a disciplinary process, which can be mutually educational, is finding facts. Questions for supervisors to ask at this stage may include: could this be a genuine mistake rather than deliberate neglect to heed a recognized standard or role? Is this a first offense? By a new employee? Are there any extenuating circumstances that should be taken in to account? For example, may orientation or induction have been in adequate for this individual? Could ill health, family trouble, other personal worries (e.g. a difficult work relationship), or some unsettled grievance (e.g. within the organization) be accountable, at least in part, for appropriate behavior?

In view of such possibilities, a supervisor before taking any instance of organizationally unacceptable behavior and then to look around for available assistance in correcting it. Sometimes it useful to talk first with a friend of the offender or with someone who has a similar cultural, natural, or ethnic background-but has successfully adapted to organizational requirement.

Extremely undisciplined behavior (including excessive tiredness, absenteeism, and even rowdiness) has often been characteristic of employees recently recruited from among the hard-core unemployed .Many of these people have been out of work for so long, perhaps in the meantime becoming addicted to

alcohol or hard drug, that responsibility for steady and punctual attendance are impossible for them to meet without help. Some young members of the hard-core unemployed have never before had steady, work, been expected to be punctual, or obeyed any rules, for such person counseling may be in order.

2.12 An Alternative First Step

2.12.1 Suspend an Employee and Suspend Judgment

Sometimes, there are occasions when immediate supervisory action is necessary to preserve peace and avoid conflict. The situation does not allow time for thorough investigation or for counseling. In that event, a supervisor is well advised to take an alternative first steps suspension, pending further investigation, is not in itself a punishment. Thus suspension for further investigation is different from disciplinary suspension the loss of pay.

However, it should be recognized that either kind of suspension entails a loss to the organization. It means temporary interruption of output. It may also create psychological difficulties among other members of work team. In any case the mechanism of non punitive suspension thus protects both management employees. If the investigation clears a suspended employee, there is no ground for grievance. No loss of pay or benefits will result. If, however, thorough investigation shows that a severe penalty` such as disciplinary layoff does seem warranted, then the time of suspension becomes part of the disciplinary lay off.

2.12.2 An Informal Talk: Counseling

Primary aims at this stage are to ensure understanding and to win acceptance of organizational standards and rules by an employee whose performance is beginning to slip. First level supervisors can become familiar with a few

guidelines for this friendly talk which should –when possible –always precede formal disciplinary action.

2.12.3 An Oral Warning or Reprimand

This stage the possibility of imposing a penalty is specifically mentioned. However, even now, disciplinary action remains unofficial because it does not become a matter of written record. The educational purpose of discipline should still be emphasized. If a supervisor genuinely hopes that no penalty is imposed, that attitude can usually be communicated.

Oral warning is issued when an employee commits a minor omission he/she may be given an oral reprimand by the superior concerned. In such cases, the superior should enlighten the employee as to how to prevent their recurrence. Since repeated warnings may bring down drastically the level of morale of the employee, oral warnings should be used sparingly.

2.12.4 A Written Reprimand and/or Warning

If an employee does not respond to private, unofficial & friendly talk then a formal written warning will be given.

The warning notice (or so-called pink slip) contains a statement of the offense and is to be signed by the employee. If the "**Pink slip**" is accepted without protest, it is assumed in subsequent proceedings that the reprimand was accepted as justified. Refusal to sign represents protest against the disciplinary action and automatically sets the grievance procedure in motion. In addition, the copy given to the employee, copies are sent to the personnel department, where they become part of the offender's record for 6 months to 1 year.

2.12.5. Penalties: up to and including Disciplinary Layoff

After repeated instances of disorderly conduct or continued failure to meet work standards, an immediate supervisor is responsible for making the initial decision about an appropriate penalty. A suitable selection can readily be made according to

1. The seriousness of the reprehensible behavior
2. The number of times the undesirable behavior has been repeated.

Supervisors should be guided by organization policy and by experience with similar offences elsewhere in the organization.

2.12.6. The Ultimate Penalty

2.12.6.1. Termination of Employment

This drastic form of disciplinary action often referred to by officials as the organizational death sentence should be reserved for the most serious offences or for habitual offenders who fail to respond to lighter penalties.

For an employee who is discharge, consequences are likely to be serious. Discharge wipes out seriously as well as other right associated with continued employment.

Involuntary termination may also make it difficult for the discharged employee to secure other employment. Moreover, it may adversely affect personal equilibrium and family relationship. On the other hand, discharge may bring greater maturity to an immediate person.

For an organization, discharge proceedings always entail serious loses and waste. They represent time and money spent in hiring, training, and supervising an employee who now leaves the organization. What can be even more costly

are the disruption of work teams and the damage to morale occasioned by any discharge, especially when it is challenged by a union.

Management is in an unassailable position if the record shows that disciplinary action was based on verifiable evidence and that the supervisor made genuine efforts to help an employee to correct unsatisfactory behavior, gave ample warning, put a hardened offender on notice that willful noncompliance with company rules could no longer be tolerated, and finally involved an appropriate penalty.

Employees, in turn have the right to appeal any disciplinary action that they regard as unjustified or unnecessarily severe. However, this should be done in an orderly and peaceful manner and at a suitable time. Any resort to direct action or concerted group.

2.13 Principle of Effective Discipline

Personnel manager supervisor should

- a. Have interest in the welfare of each employee
- b. View discipline as a corrective measure
- c. Not take disciplinary action unless it is a must
- d. Not administer discipline on routine basis
- e. Have all facts and circumstances
- f. Give a fair chance the worker to defend himself
- g. Discover the employees mind
- h. Maintain consistency in disciplinary action
- i. Admit his/her mistake willingly
- j. Not take disciplinary action unless it is a must
- k. Resume normal attitude and behavior towards the employees and

- I. Have audit over the entire action and situation to correct the employee.

2.14 Indiscipline

Indiscipline means disorder lines, insubordination and not following the rules and regulation of an organization. The symptom of indiscipline are change in the normal behavior, absenteeism, apathy, go-slow at work, increase in number and severity of grievances, persistent and continuous demand for overtime allowance, lack of concern for performance.

2.15 Approach to Discipline

The different approach to discipline include

- a. Human relation approach
- b. Human resource approach
- c. Group discipline approach
- d. The leadership approach
- e. The judicial approach

The employee treated as human being and his act of indiscipline will be dealt from the viewpoint of human values, aspirations, problems, needs, goals, behavior.

Under human relations approach, the employee helped to correct his deviations. The employee treated as a resource and acts of indiscipline are dealt by considering the failures in the area of development, maintenance and utilization of human resources under the human resources approach.

The group discipline approach is the group, as a whole, sets the standards of discipline, punishment for the deviation. The individual employees are awarded punishment for the deviation under the group discipline approach.

Every superior administers the rules of discipline and guides, trains and controls the subordinates regarding disciplinary rules under leadership approach.

The judicial approach, in disciplinary cases is dealt on the basis of legislation and court decision.

2.16 What makes Disciplinary Action Acceptable and Workable?

2.16.1 Communicating the Rule and Regulation

According to Pigors and Myers. (1981), whoever else is aimed at in written statements of disciplinary procedure, two objectives are commonly agreed upon. First, the official statement should clearly inform everyone concerned as to what top management expects (positively or negatively), in general, of all employee. Employees cannot reasonably be asked to meet standards or to comply with rules unless they know precisely what the standards and rules. Second, first level supervisors (managers) cannot be expected, without specific guidance, to represent top executives in explaining and administering regulations. The effectiveness of disciplinary procedures depends on understanding and agreement at and between all organizational levels.

2.16.2 Two way Communication among Management Representative and Officers

Managers and personnel administrators with a positive view of discipline as a form of education or as a reinforcement of inner motivation try to secure participation from all employees in all stages of working toward self-discipline. In

many organizations, such participation is invited by talking before procedures for discipline are put into final form. Written roles for employee conduct, such kinds of behavior that will be call for disciplinary actions.

In developing disciplinary procedures on the basis of such as list, it is important to distinguish between major and minor offenses.

2.16.3 Rules should stated positively

In organization where top management has a positive policy for disciplinary, written procedures can suitably stated as a general description of what responsible employees are expected to do.

2.17 GRIEVANCE

A grievance is a sign of the employee's discontent with job and its nature. The employee has got certain aspiration, where he/she is working when the organization fails to satisfy the employee needs, he develops a feeling of discontent or dissatisfaction. For instance, the employee expects proper implementation of the regional and federal government's laws, organizational policies and management responsibilities. Thus, grievance caused due to the difference between employee expectation and management practice.

2.18 Characteristics of Grievance

According to P Subba Rao and V S P Rao. (2004). Grievance may the following characteristics.

2.18.1 Factual

The employer – employee relationship depends upon the job contract in any organization. This contract indicates the norms defining the limits within which the employee expects the organization to fulfill his aspirations or aspirations are not fulfilled, the employee will be dissatisfied with the job such dissatisfaction is called grievance.

For instance, when an employee is not given promotion, which is due to him, or when working condition are unsafe, grievances of employee relating to these issues is based on facts. In other words, these grievances reflect the drawbacks in the implementation of the organizational polices.

2.18.2 Imaginary

When the job contract is not clear-cut and does not indicate the norms defining the limits within which the employees expects the organization to fulfill his needs or aspiration, the employee develops such needs which the organization is not obliged to meet. Here, grievances are not based on facts. Even though, the employee feels aggrieved. Normally, the organization does not feel any kind of responsibility for such grievances and their redressal, because they are based not only on wrong perceptions of the employee but also on wrong information.

2.18.3 Disguised

In general, organizations consider the basic requirements of their employees. Psychological needs of the employees such as need for recognition, affection, power, achievement etc., are normally unattended and ignored. For instance, an employee complaining very strongly about the working conditions in the office may in turn be seeking some recognition and appreciation from his or her colleagues.

2.19 Nature and Causes of Grievance

A grievance is a problem and submitted by an employee or several employees of different type. It may be concerning situation or likely to affect the terms and conditions of emplacement of one worker or several workers. If a problem is related to and endorsed by all or majority of employees or if trade union submits a problem as a general claim, it falls outside the scope of grievance procedure and generally comes under the provision of collective bargaining. Thus, an issue is wider in scope or general in nature it will be outside the grievance machinery.

Cause of grievance related to interpretation of all personnel policies. Complaints affecting one or more individual worker in respect to their payment, overtime, leave, transfer, promotion, seniority, work assignment and discharge would constitute grievance. The cause of grievance also include the interpretation, of area like placement, transfer, promotion, working condition, payment of salary, allowances, overtime pay, victimization, medical benefits, housing facilities, increments, condition Duties of Grievance Handling Committee.

In the Ethiopian Civil Service proclamation no. (515/2007) part nine, No.37 the grievance handling committee shall investigate complaints lodged by civil servants and submit recommendation relating to

- 1) Interpretation and implementation of laws and directives;
- 2) Protection of rights and benefits;
- 3) Occupational safety and health;

- 4) Placement and promotion;
- 5) Performance appraisal;
- 6) Undue influence exerted by supervisors;
- 7) Disciplinary measures provided under Article
- 8) Other issues related to condition of work, leave, safety measure, "suspension" etc

2.20 Addis Ababa Civil Service Grievance Context

In the Addis Ababa Civil Services has is a mechanism of dispute settlement between the government and the employee. It has adequate system established by a proclamation No.515/2006 called The Federal Civil Servants proclamation. In this proclamation any government office shall establish disciplinary committee that conduct formal disciplinary inquiry and submit recommendation. Members of the committee shall 5 members and secretary. The chair person, two of the members and the secretary of the committee shall be assigned by the head of the government office and the other two members of the committee shall be elected by the civil servants of the government office. The selection of membership set criteria like

1. Is commendable for his/her ethical conduct and performance.
2. Has no disciplinary record in the last two years
3. Has more than two years of service in government office.

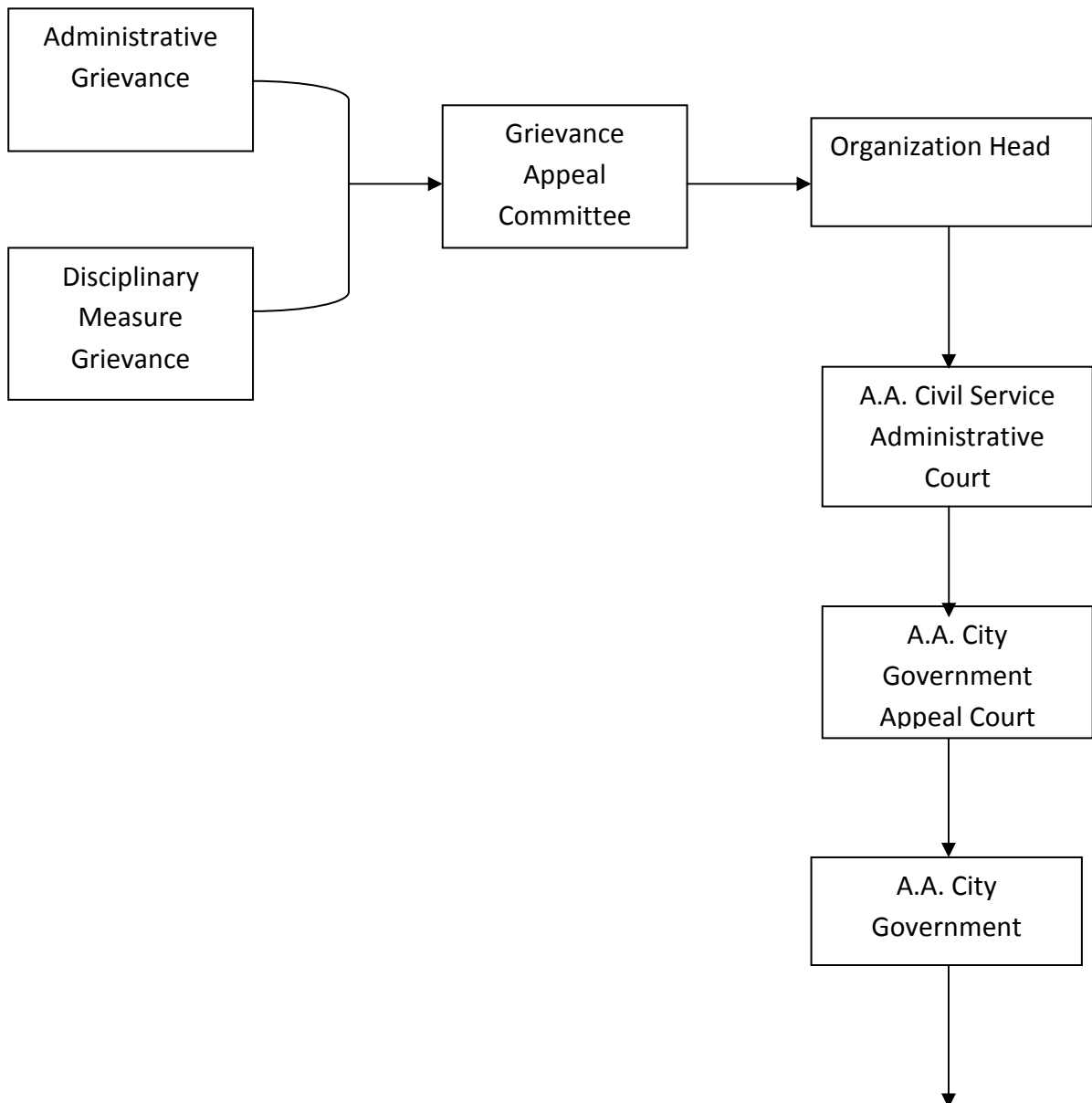
The objectives of disciplinary penalty shall be to rehabilitate a delinquent civil servant when he can learn from his mistakes and become a reliable civil servant or to discharge him when he becomes recalcitrant. Depending on the gravity of the offence, one of the following penalties may be imposed on a civil servant for breach of discipline:

- Oral warning;
- Written warning;

- Fine up to one month's salary;
- Fine up to three month's salary,
- Down grading up to the period of two years,
- Dismissal.

The penalties also classified as simple and rigorous disciplinary penalties.

Diagram 3: Step of Grievance Handling



When we investigate the grievance procedure, there is Federal Civil Servant Disciplinary and grievance procedure by Council of Ministers Regulation No. (77/2002). In this procedure any government office shall establish a disciplinary committee that conducts formal disciplinary inquiry and submit recommendation. It also give attention for requirements for committee membership ,term of office, meeting of committee, dismissal and removal, grievance procedure, appeal procedure and period of appeal, notice of appeal, memorandum and registration of appeal, judgment and execution.

All public organization has this committee according to the procedure. This committee treats cases within its boundary. A dissatisfied employee with the grievance committee decision he can appeal to an administrative tribunal, which hears, litigates and decides cases brought to it on the basis of established. The Administrative Tribunal shall have chambers, which examine and decide on appeal cases. Each chamber shall have a chairperson and two members designated by the General Director. The Administrative Tribunal shall have a power, given to an ordinary court under civil procedure code, to execute its own decision, decree, order and the court procedure. The Agency may issue directives relating to the way the judges perform their functions, the code of ethics they should observe, and other related matters. The Administrative Tribunal shall have the power to hear and decide on appeals brought by a civil servant relating to: unlawful suspension or termination of service; being

penalized by rigorous disciplinary penalty; an illegal attachment or deduction of his salary or other payments; infringement of his rights arising from an employment injury ,cases investigated and decided upon by grievance handling committee; matters arising from his request for termination letters and testimonials of service. Decision of the Administrative Tribunal may, after hearing the appeal confirm or reverse the decision or vary the decision in favor of the appellant. The decision of the Administrative tribunal on question of facts shall be final; provided, however, that anyone of the parties may appeal to the next city/ Federal Supreme Court on question of law within 30 days from the date of the decision of the Administrative Tribunal.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Research Methodology

This chapter investigates literatures on the employment disputed settlement system in Addis Ababa Civil Service agency and the concepts and theories on public employees' ethics .This thesis sets out to study the work place and administrative tribunals.

It explores the use of predominantly qualitative research as the tool to investigate the research questions. In doing so, the chapter considers some of the methods used researching the employees and the literatures. Following this discussion, the chapter moves to explain how each research question is to answered and finally a detailed description of the methodology used in this thesis providing along with limitation.

3.2 Justification for the research

While there are exists a large body of research on dispute settlement mechanism in private and business sector, in contrast the research on public sector dispute settlement mechanism between the employee and the government is very limited.

There has been limited study of workplace dispute resolution mechanism in public sector. This thesis fills the gap why public sector dispute settlement mechanism faces challenges.

3.3 Research Methodology of the Thesis

In deciding how best to fill the research a gap in the areas of Addis Ababa Civil Service agency work place dispute settlement mechanism, a review of the methodologies commonly used in the field was conducted and the main techniques used in qualitative and quantitative methodologies are presented. A range of research utilizing qualitative techniques including interviews to investigate disputes settlement have been found in. The methodology guides the direction of the present study.

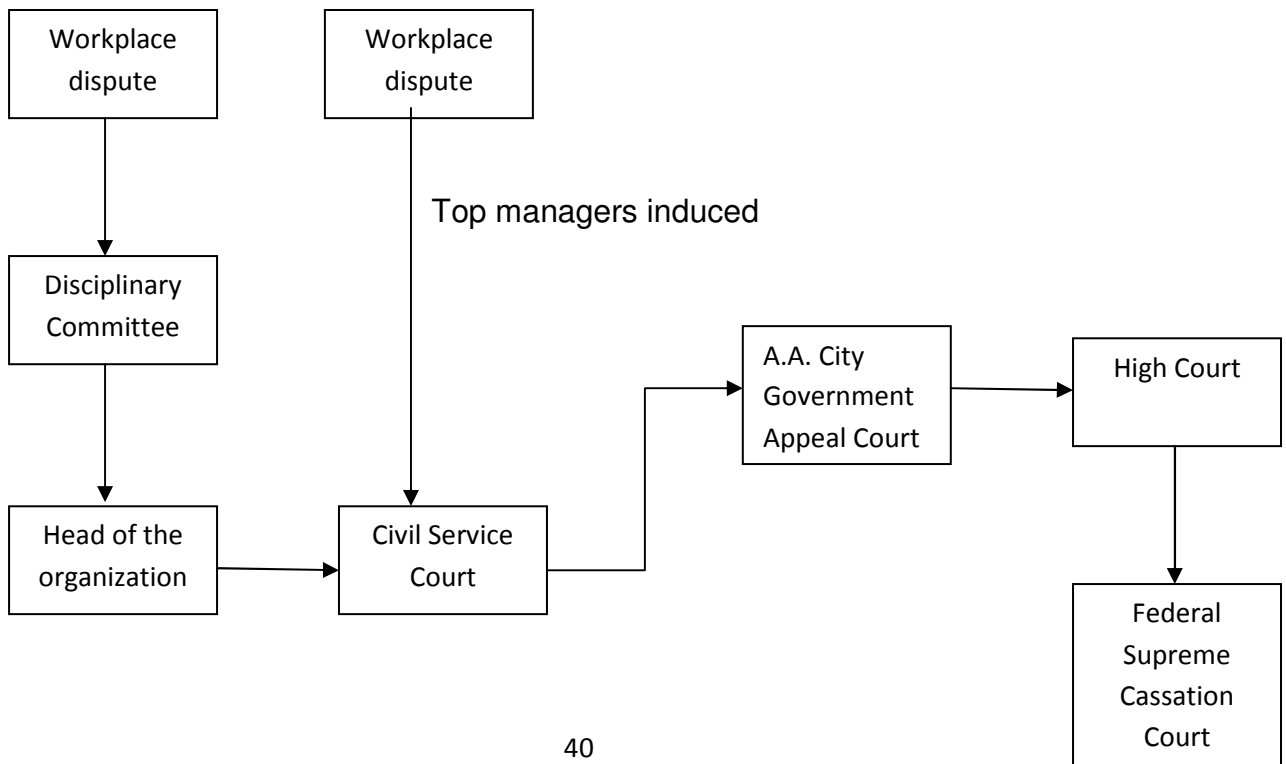
Interview

In general, interview is the most prominent method used in qualitative research, particularly in dispute resolution research. Open ended interview allows the researcher to ask similar questions to all participants while at the same time providing them with freedom to explain different aspects of issues being investigated Dzulzalani Eden (Saunders, Thornhill & Lewis 2007; Maxwell 2005; Patton 2002). It is an effective way to acquire larger and more detailed amount of data. Interviews are also commonly used as a follow up from the administration of a questionnaire in order to provide for greater clarity of issues identified in the survey.

3.4 Conceptual Framework

Figure 3 depicts the conceptual framework for this study .It is based on the premise that claims for settlement, like other workplace disputes have the potential to be resolved at the work place. Similarly a grievance procedure may filter employees' grievances. Hence, the first stage of the study investigated the factors leading to claims for appeal which could not be resolved in the work place. This stage examined public organization view on why disputes were referred to administrative court at the agency. The thesis examined the lens of rules and regulations, research on the internal dispute resolution procedures and its effects of rule of law.

Figure 4. Disciplinary procedures in public service organizations



3.5 Ethics Approval

Written permission to conduct the study was received from the Department of Public Administration and Development Management before the study was conducted.

3.6 Data Gathering

The searcher spent on average of two weeks in each site to distribute the questionnaire to employees as well as the administrative tribunal staff of the civil service agency at central level. A second round of visit was also made to these locations to collect any outstanding information. The questionnaire distribution and collection process was completed with the assistance of the staff of the organizations.

3.7 Survey of the Employee

A survey of employee was conducted between March to May 2015. The questionnaires were distributed to 192 available employee from the total of 205 who were employed by the organization. The questionnaires were distributed personally to them or thorough their respective immediate supervisors.

Of the 192 questionnaires distributed 180 were returned representing 93.6% return rate. The survey of the employees was followed by semi-structured

interviews to get their views on workplace dispute resolution mechanism in Addis Ababa Civil Service Agency.

3.8 Reliability and Validity

Many leading qualitative researchers have proved the reliability and validity only pertained to quantitative inquiries Dzuzalani Eden (Aletheide and Johnson, 1998, Leininger 1994). Yin (1994) however argued that it is crucial for a researcher to address the validity of their qualitative research such as` in designing the case study and survey measures to ensures that they accurately reflects the subject under investigation. Thus various approaches have been suggested to determine reliability and validity and insure rigor in qualitative research Dzuzalani Eden (Rubin and Rubin 1995; Leininger 1994; Lincoln and Guba 1985) stated that reliability and validity refer to instrumentation consisting four aspects: creditability, transferability, dependability and conformability. Maxwell (2005) termed validity a form of correctness and readability of a description, conclusion, explanation, interpretation, or other sort of account. He suggested some of the most important strategies to address validity threats include triangulation and respondent validation. The steps taken in this study to ensure adherence to the principles of reliability and validity have been outlined below:

3.9 Data Triangulation and Methodological Triangulation

The use of triangulation of data collection from a diverse range of individual and setting reduces the risk of biases in the results because it enables the researcher to gain broader and more secured understanding of issues being investigated

(Maxwell 2005). In this study various of techniques have been utilized including extensive literature review on dispute settlement mechanism, survey of employees survey of administrative tribunal staff and in-depth interview with them. At each level of inquiry in this thesis triangulation techniques have been used to ensure the reliability and validity of the data. For example, results from the survey of the employee were triangulated with the administrative tribunal. The results of the employees' survey were triangulated with the literature.

3.10 Limitation of Research Methodology

Several limitations have been identified in the study which could become guidance in similar research in the future. By understanding this limitation they can be well informed of when conducting surveys or interviews. These are grouped in to three main aspects.

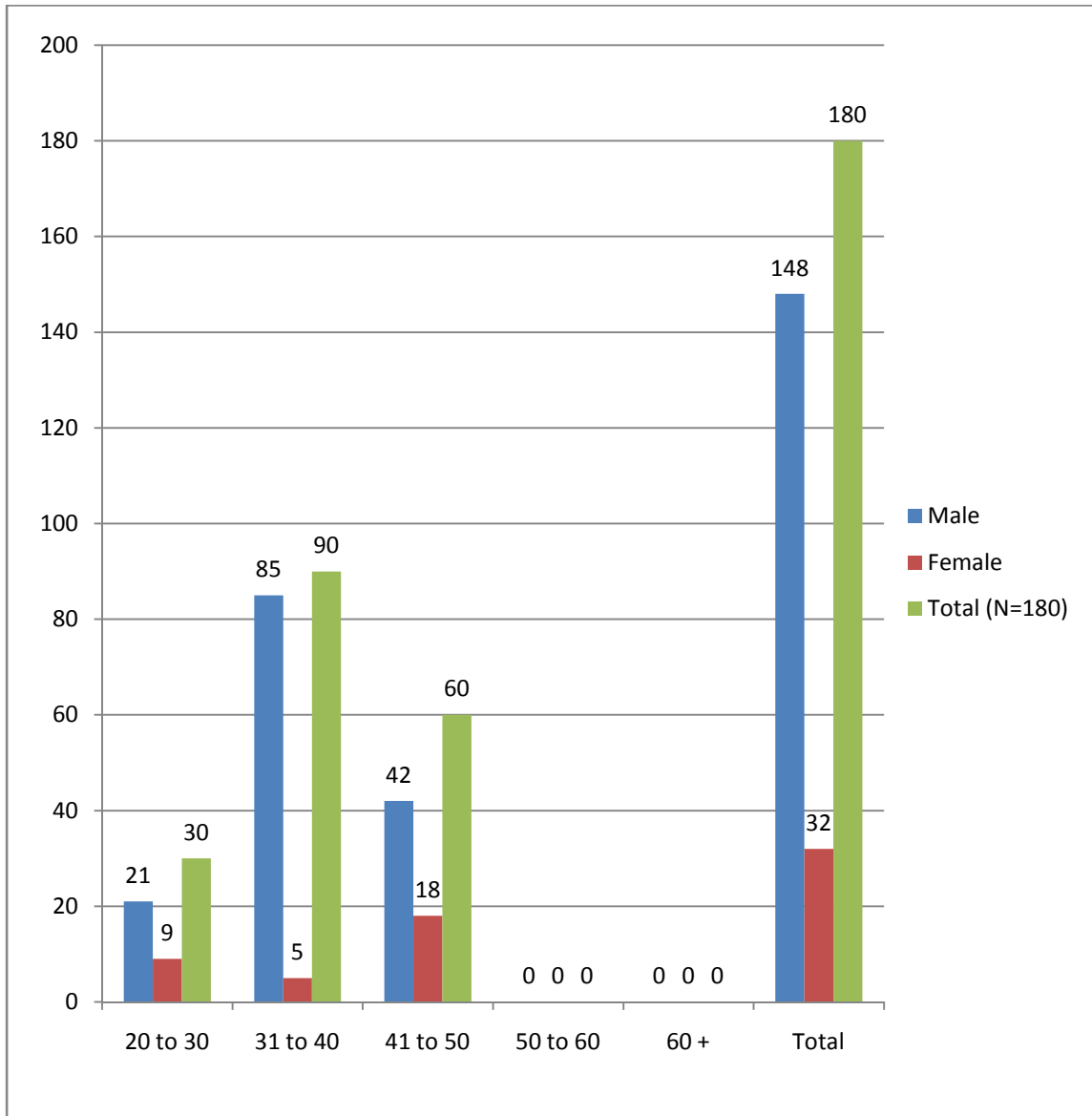
First, this study confined its analysis to the perspectives of employee and member of the civil service administrative tribunal (court). The perspectives of the employees were not fully analyzed due to time constraints and matter of the study. However, future research particularly in these issues explore further in to perspectives of employees shall consider ways to address the bias.

Some of the employees who were given the questionnaires to complete were not interested to participate while some preferred to complete it in their own time at their respective office. Thus the resulted in only 180 completed questionnaires returned for analysis. Future research can increase the number of respondents.

Finally due to time and logistical constraints other bureaus are not covered in this study with more resources and time this could be overcomes in future research.

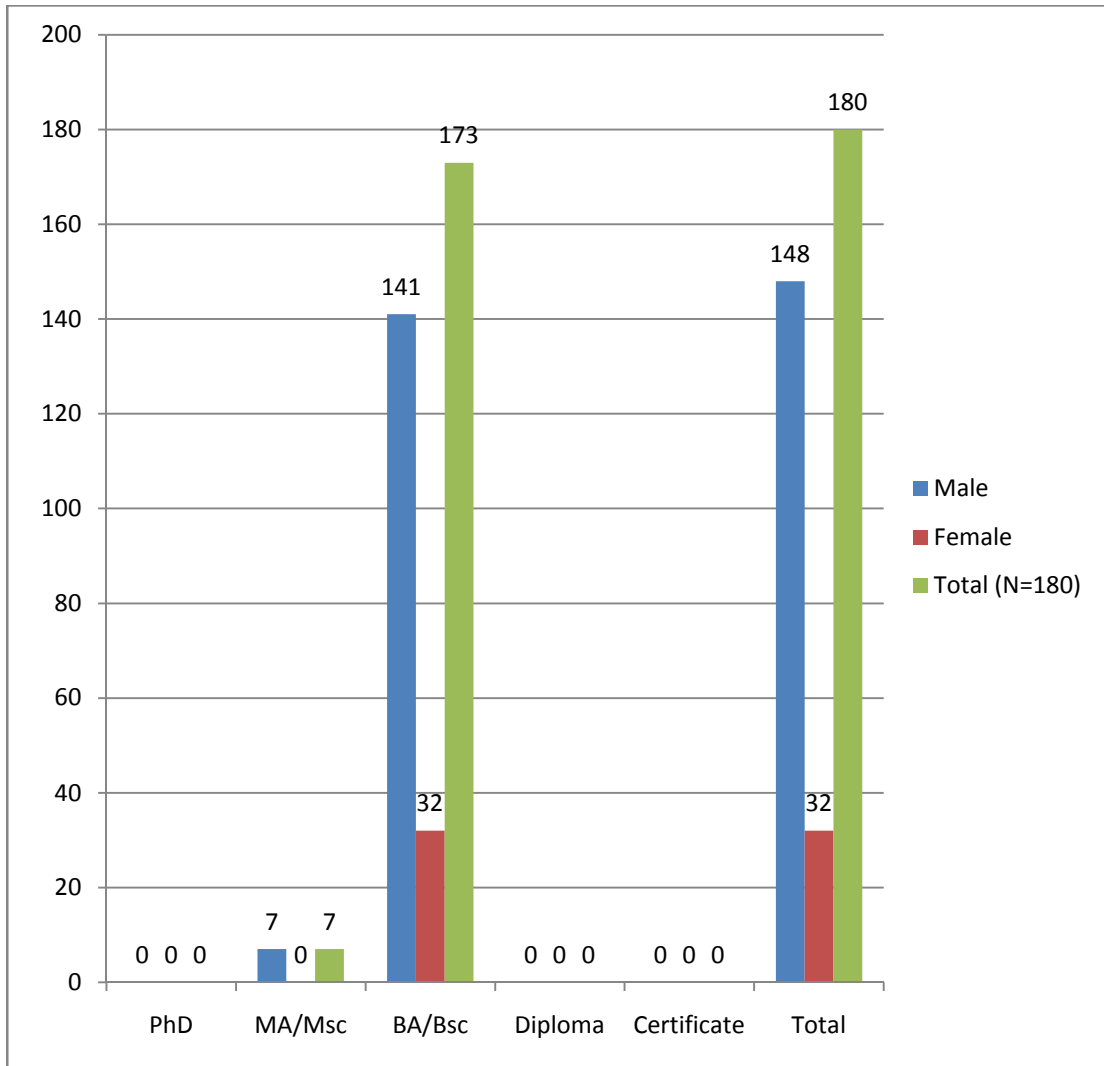
3.11 Data Presentation

Diagram 5: Distribution of Employee by Gender and Age.



From the diagram 5 it can be seen that 50percent (90 employee) were between the ages of 31 to 40 and 33 percent (60 employee) were' aged between 41 to 50. There were only 17 percent in the age groups of 20 to 30. Hence`most of the employee surveyed were between 31 to 40 years of age.

Diagram 6: Distribution of Employee by Educational Background



Most of the employee surveyed 96 percent (173 employees) had BA/BSc the rest 4 percent (7 employees) had MA/MSc degree.

Diagram 7: Distribution of Employee by Years of Experience

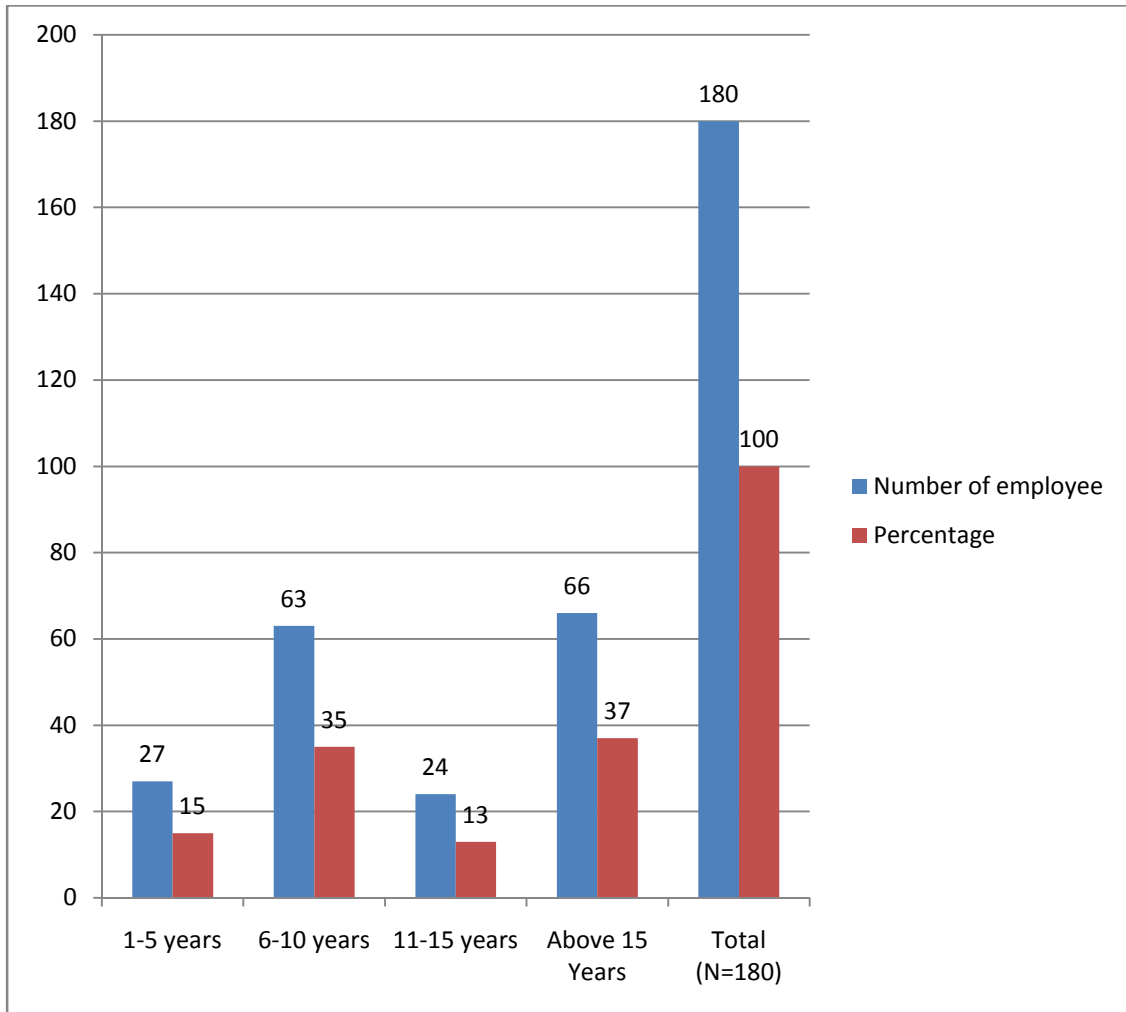
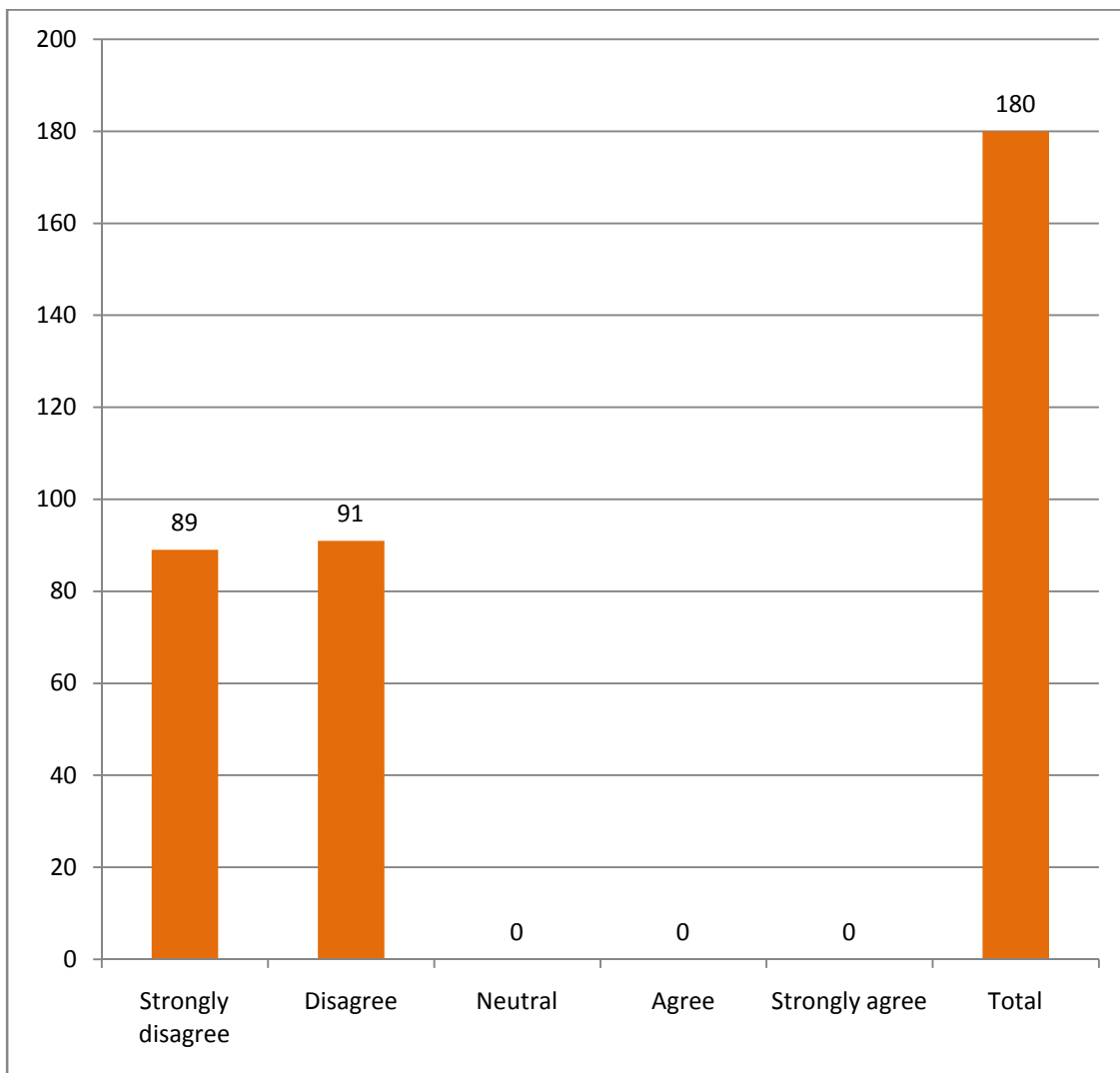


Diagram 7 shows that 37 percent (66 employees) have above 16 years of work experience as a civil servants and 35 percent (63 employees) had 6 to 10 years service, and 15 percent (27 employees) had 1 to 5 years work experience ,and 13 percent (24 employees) had 11 to 15 years experience. There are sufficiently well informed to answer the research questions in the thesis.

3.12 Survey Question Result

A total of 180 questionnaires distributed involving 30 from the city, 80 from the sub city and 70 from the woreda at yeka sub city. More than 30 closed and open end questions were administered to the respondent from that 13 question filtered for analysis.

Diagram 8: Induction of Rules and Regulation



The survey of the employee finds out 89 employees (49%) believed that their organization did not orient their employee when they joined as a new employee or transfer from the other organization. The other 91 employee (51%) disagree about the organization did not orient the rules and regulation of the public organization.

Diagram 9: Organizational Professional Ethics

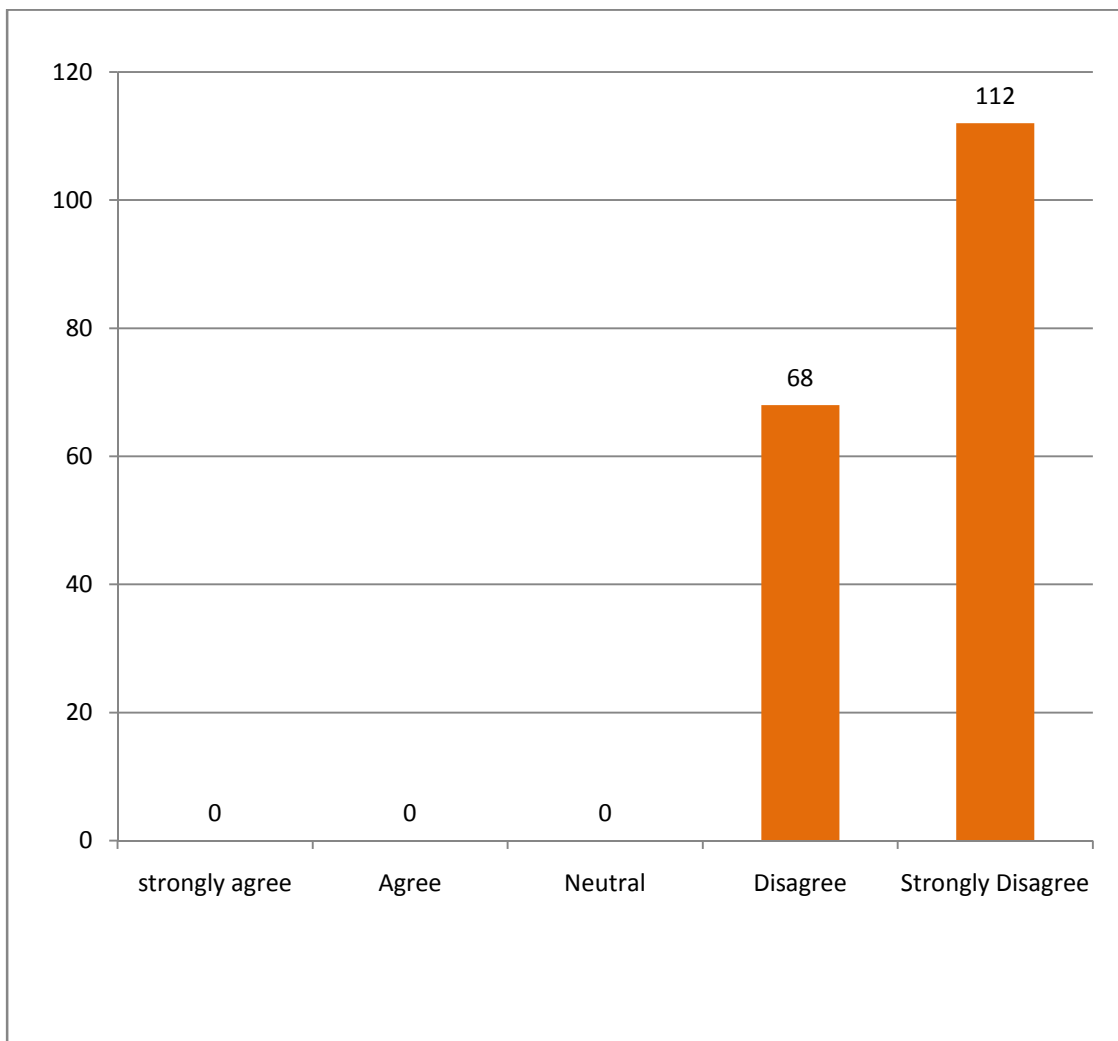
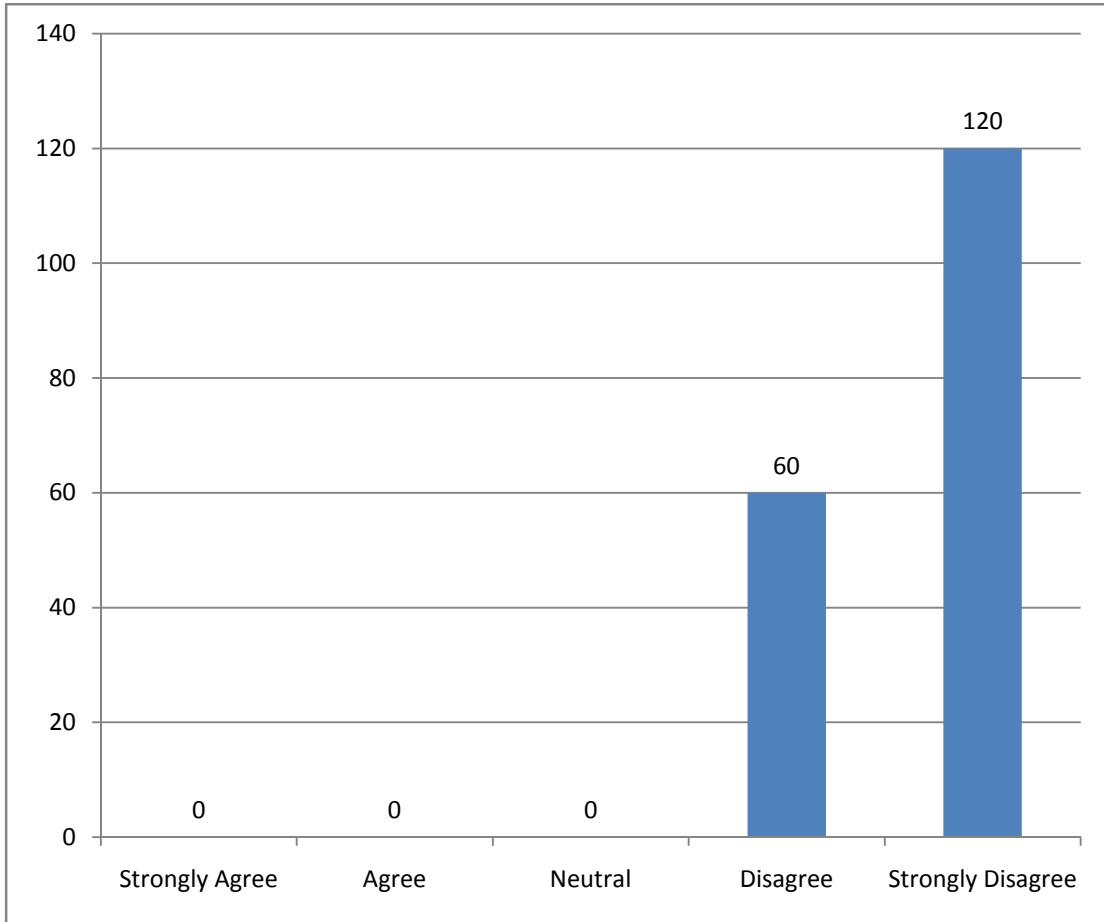


Diagram 9 indicates that 38% (68 employees) disagreed and further 62% (112 employees) strongly disagreed that their organization did not had professional ethics.

Diagram 10: Does your organization have Professional Conduct?



The above diagram indicated that 33% (60 employees) disagreed and further 67% (120 employees) strongly disagreed that means all of the employees confirm their organization did not have code of conduct.

Diagram 11: Knowledge of Grievance Handling Procedure

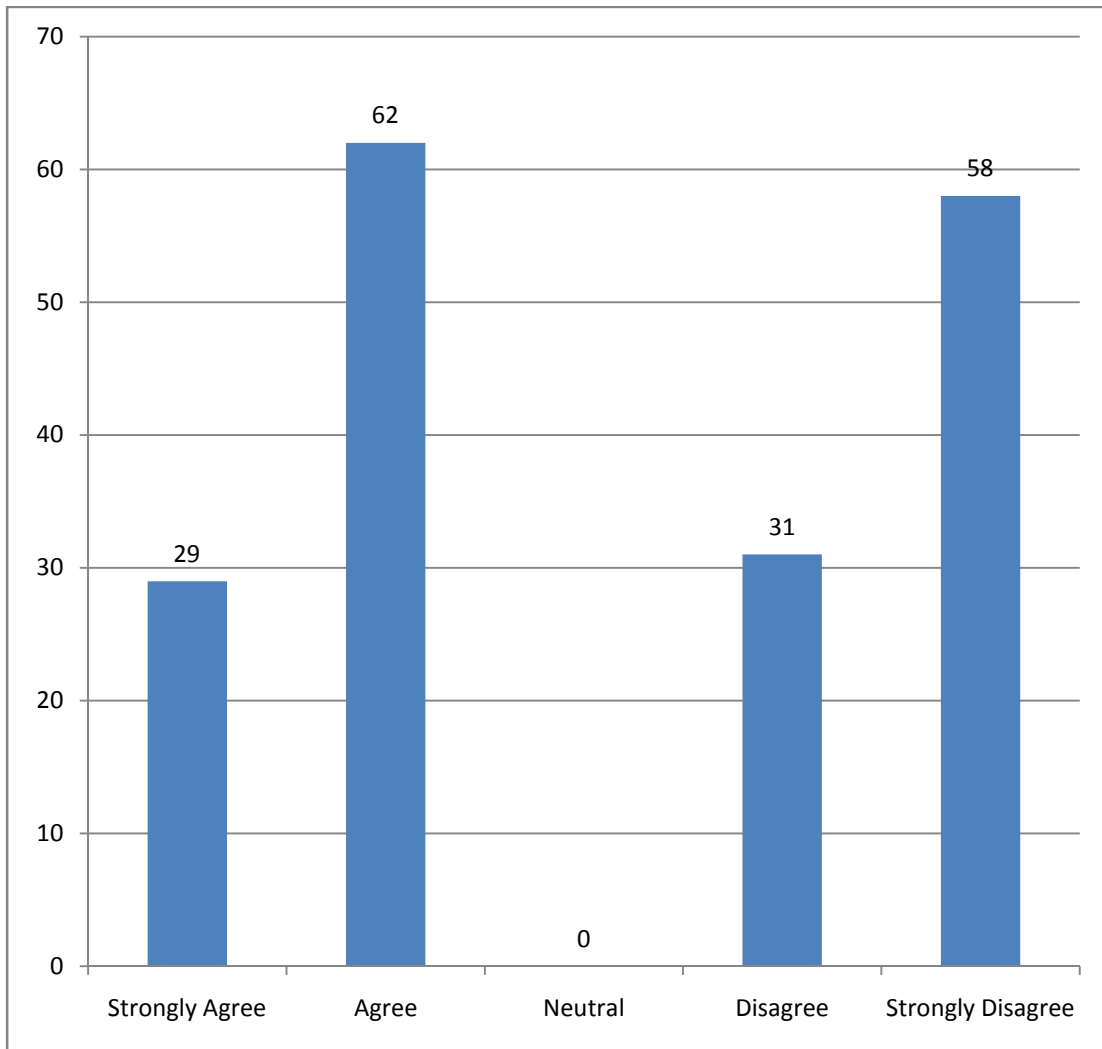
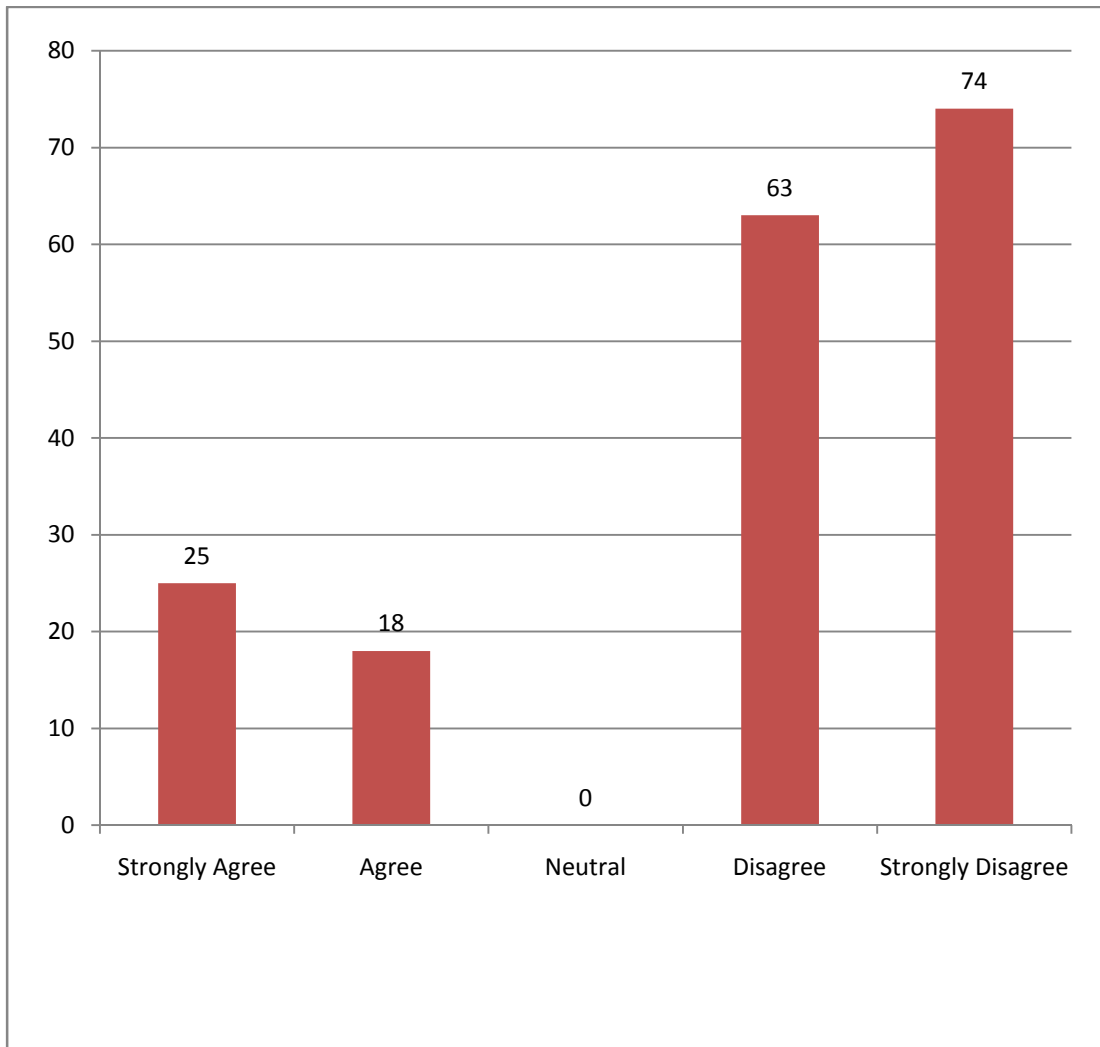


Diagram 11 indicates that 17% (31 employees) disagree and a further 32% (58 employees) strongly disagree about the knowledge of grievance handling procedure they had.

On the other hand 35 % (62 employees) agree to this issue further 16% (29 employees) strongly agree.

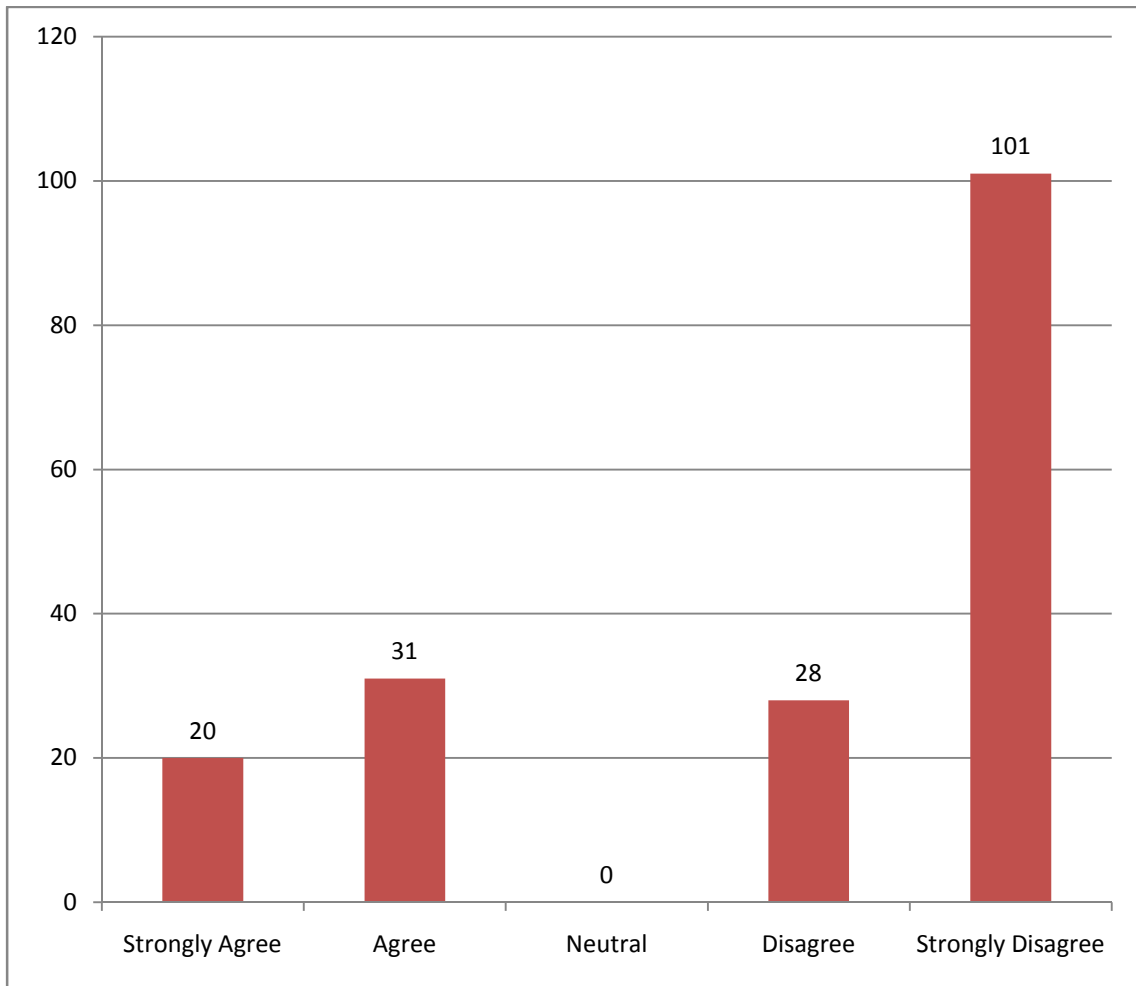
Diagram 12: Knowledge of Disciplinary Procedure



Response from the employees' survey

Diagram 12 indicates that 35% (63 employees) disagreed and a further 41% (74 employees) strongly disagreed that their public organization did not train about the disciplinary procedures the other group of employees 10 % (18 employees) agree and 14% (25 employees) strongly agreed on the issue.

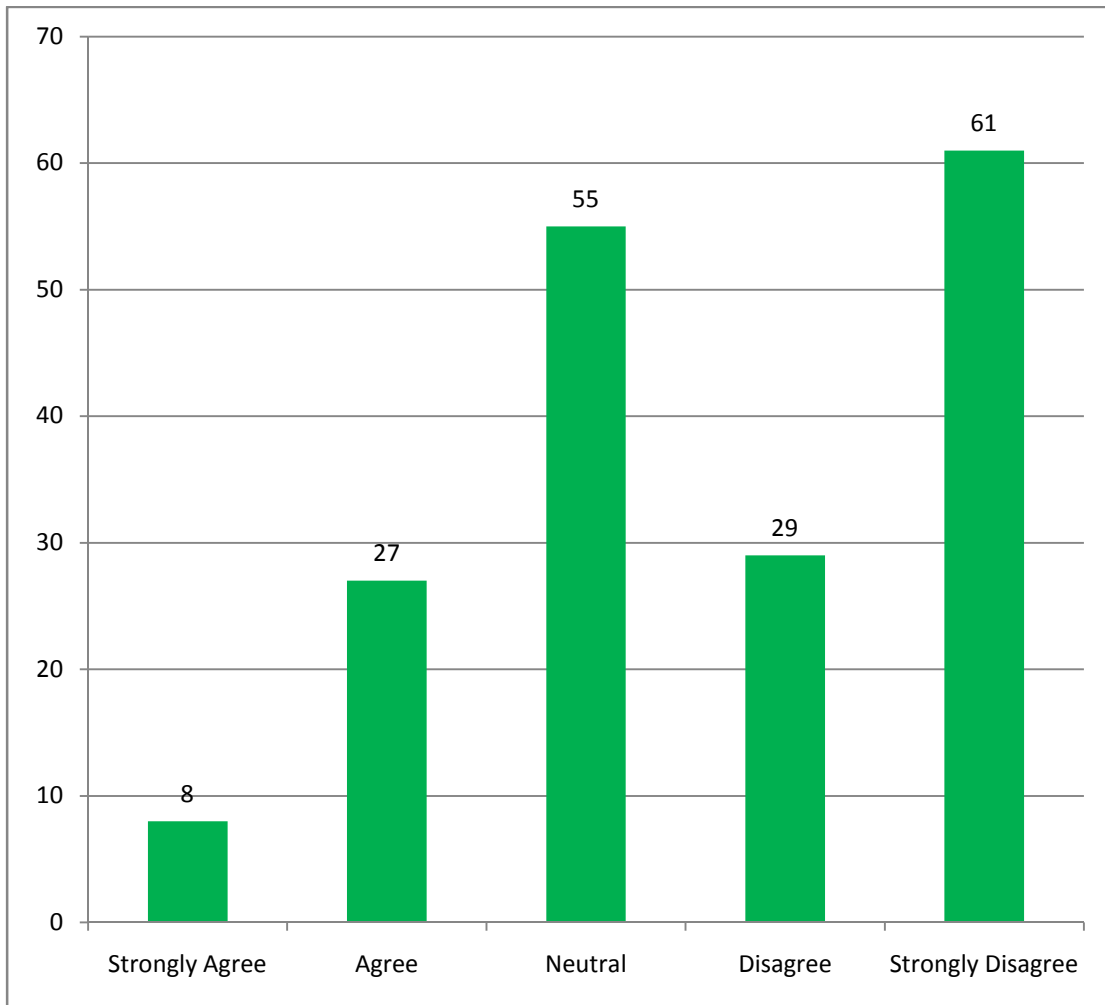
Diagram 13: Refreshment of Civil Service Ethics



Response from the employees' survey

Diagram 13 indicates that 16% (28 employees) disagreed and a further 56% (101 employees) strongly disagreed that their public organization did not refresh civil service ethics, the other respondent 17% (31 people) agree and 11% (20 employees) strongly agree on that organization refresh them but 72% (129 employees) did not support issue.

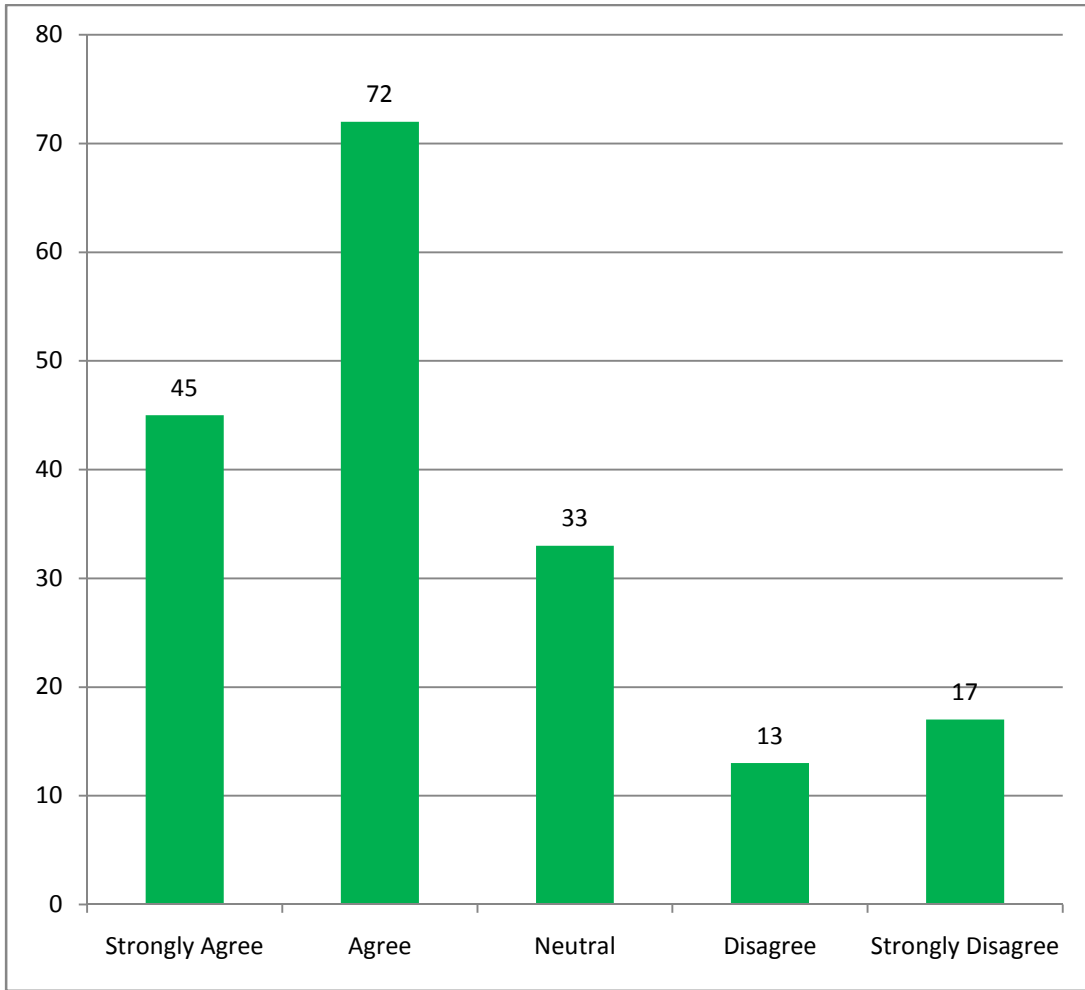
Diagram14: Management Commitment to Discipline Orientation



Response from the employees

When the employee were asked about the commitment by management to discipline orientation the survey found that 4% (8 employee) strongly agreed and agreed with this statement 15% (27 employees) while only 31% (55 employees) neutral about the issue and 16%(29 employees) disagreed further 34% (61 employees) strongly disagreed according to the above data 50% (90 employees) did not supported the issue.

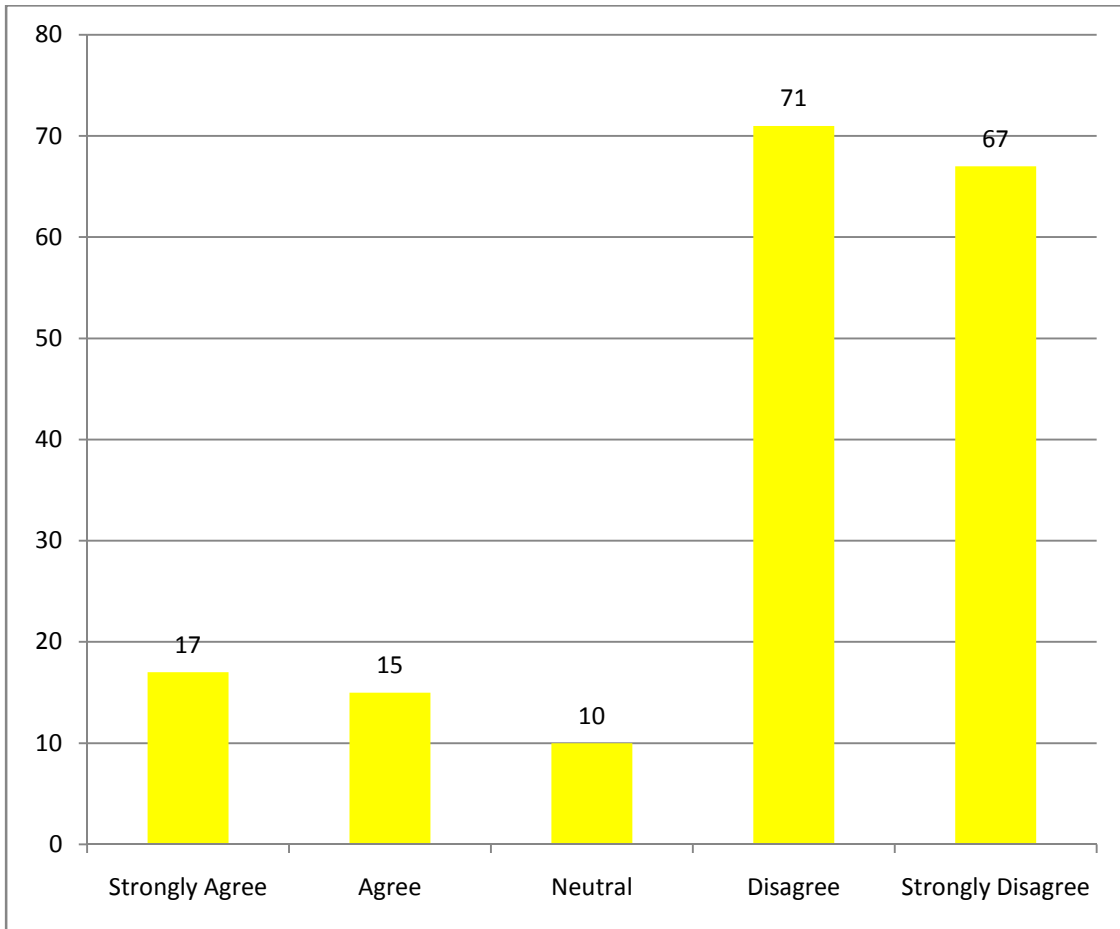
Diagram 15: Top Management Attention to Compliant Handling



Response from the respondent

Diagram 15 indicated that 7% (13 employees) disagree and 10% (17 employees) strongly disagree and 18% (33 employees) neutral on the issues further 40% (72 employees) agree, 25% (45 employees) strongly agree on the issues.

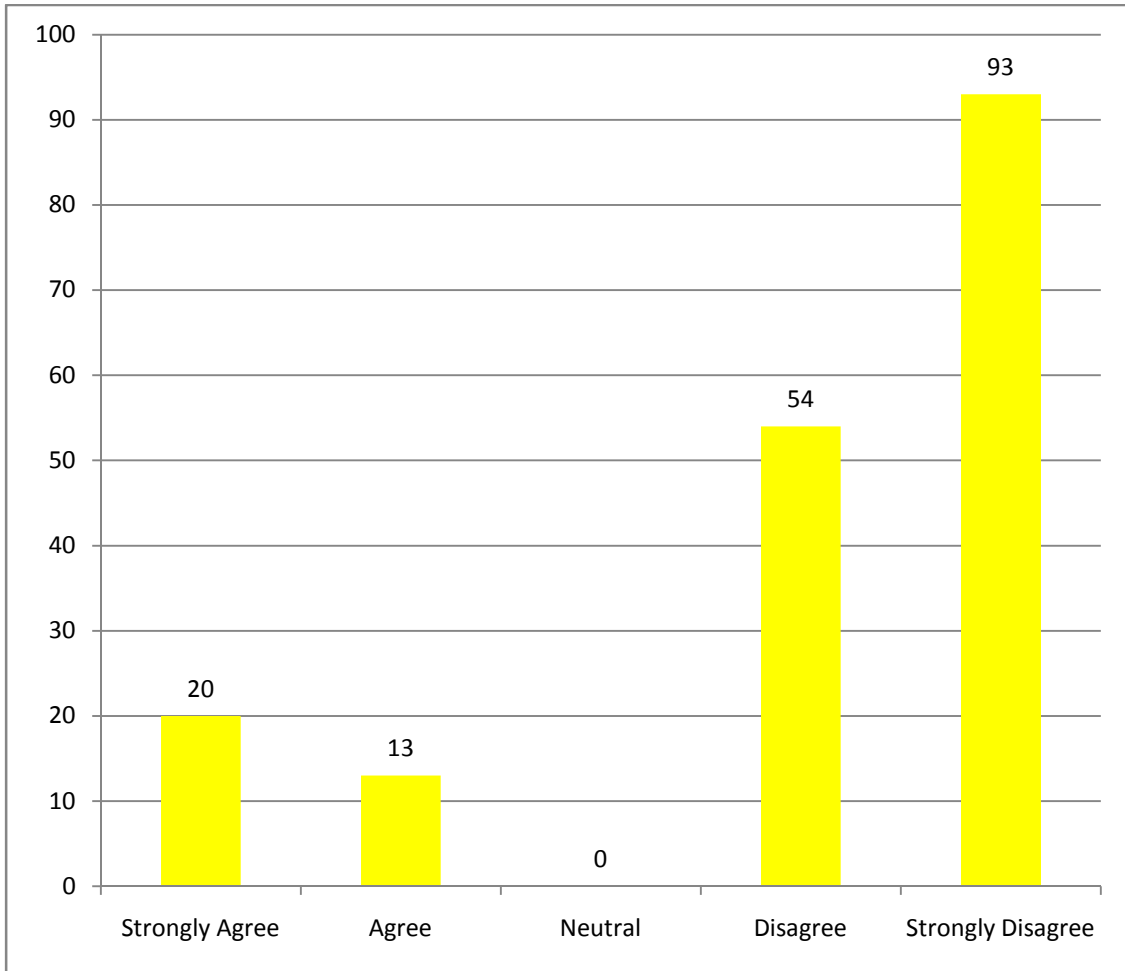
Diagram 16: Do top managers respect the organization rules and regulations?



Responses from the employees

When the employees were asked about the top management commitment to organizational rules and regulations, the survey found that 8 % (15 employees) agree, 9% (17 employees) strongly disagree and 6% (10 employees) neutral further 40% (71 employees) disagree and 37% (67 employees) strongly disagree on the issue from the survey 77% (138 employees) did not believe their organization top managers respect the rules and regulations.

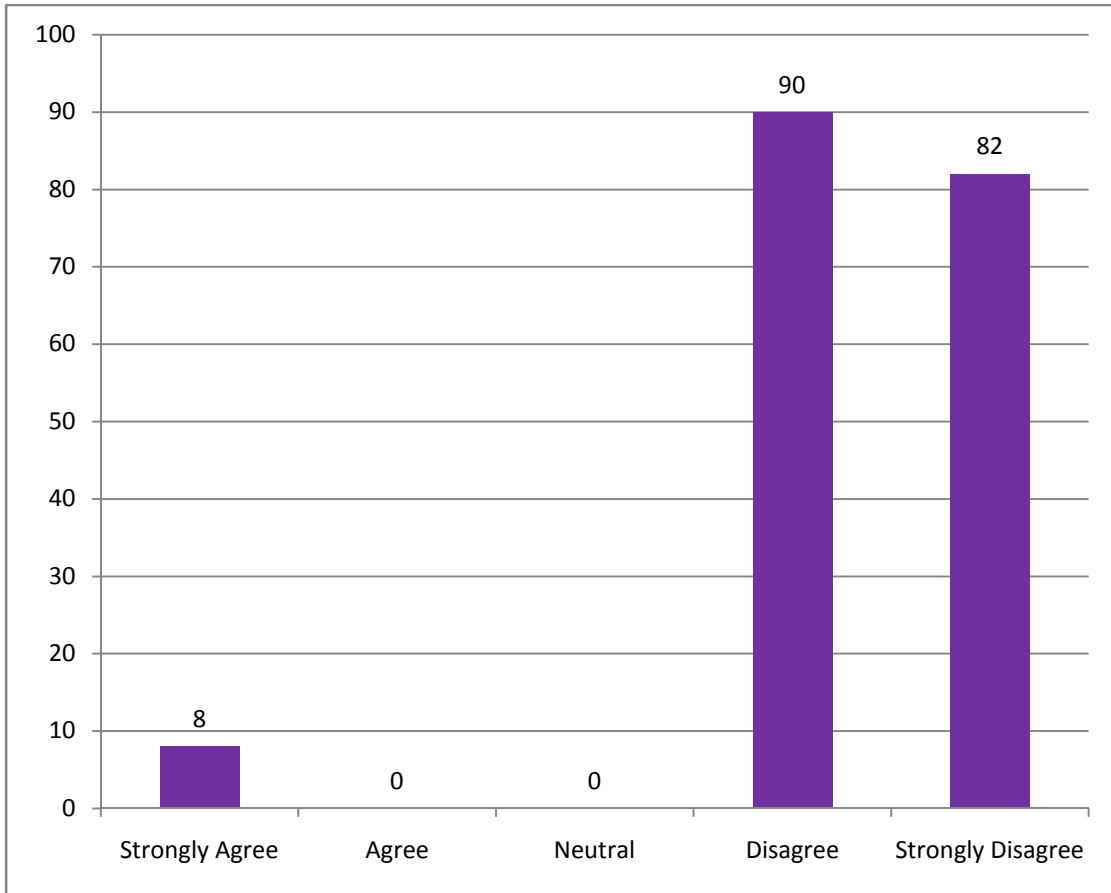
Diagram 17: Do top Mangers Committed to Disciplinary Measures?



Response from the employees

Diagram 17 indicates that 7% (13 employees) agreed and 11% (20 employees) strongly agreed to the issue but 30 % (54 employees) disagreed further 52 % (93 employees) strongly disagreed to say that their top managers did not commit for disciplinary measures in the organization.

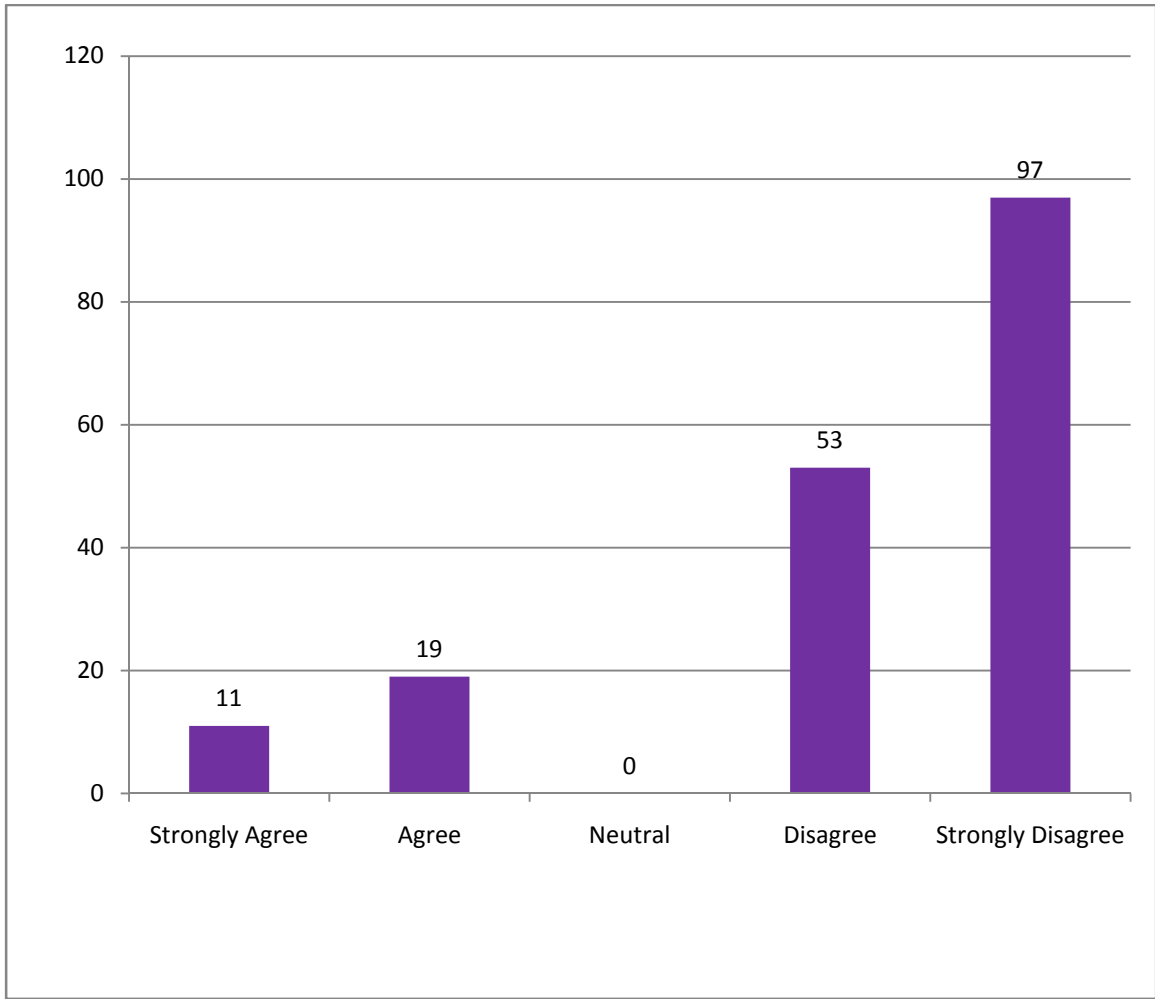
Diagram18: Top Management Commitment for in-Disciplinary



Responses from the employees

When the employees were asked about the commitment of the top management to take measures for the in-disciplinary 4% (8 employees) strongly agreed but 50% (90 employees) disagreed further 46% (82 employees) strongly disagreed about the issue.

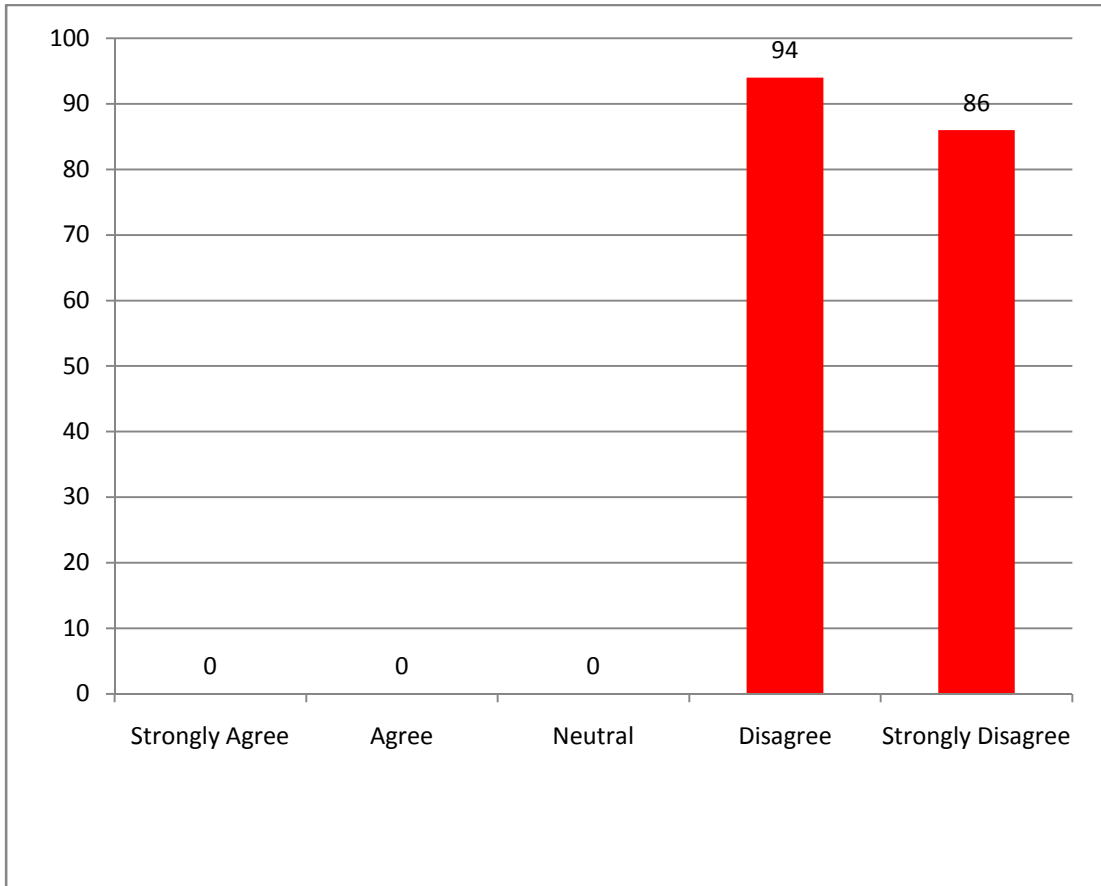
Diagram 19: Employee Discipline at work



Responses from the employees

Diagram 19 indicated that 6% (11 employees) strongly agree and 11% (19 employees) agreed further 29 % (53employees) disagree while 54% (97 employees) strongly disagreed on employees in their organization discipline for their work.

Diagram 20: Motivation of Ethical Performer Employees



Responses of the employees

When the employees were asked about motivation package of ethical employees' performer 52 % (94 employees) disagreed further 48 % (86 employees) strongly disagreed on their organization did not motivate employees who are continuously perform ethically in customer friendly manner.

CHAPTER 4: DISCUSSION AND RESULT

4.1 Introduction

The thesis identified the process of implementing workplace disputes resolution processing being a key reason behind the public organization not introducing organization rules and regulation for new employee. This thesis found that many employees lack the knowledge of their organization rules and regulations. It means they are more likely to make mistake and they fail to practice their own rights and responsibilities. The research found that there are challenges of dispute settlement mechanism.

4.1.1 Lack of Organized Civil Service Ethics and Effective Leadership

Ample evidences support the motion that leaders are the primary influencers of ethical conduct in organizations, claim that leaders are responsible for the ethical standards that govern the behavior of individuals in the organization, that leaders set the moral tone, and that they are personally responsible for the set of ethics or norms that govern behavior. In fact, we can say so far as to say that unethical organizations pose actual threat to the ethical individual who become employed there.

Ethical behavior in organizations is generally attributable to the ethical standards of top executives and to the culture that they substantively direct. Even if leaders' espoused positions are of organizational morality, their behavior defines their organization ethical frameworks via social influence processes implying on inextricable connection between ethics and leadership. The researcher asserts that an "organization's success, in fact its very survival, over the long term is dependent on ethical leadership."

Baumhart, early on (1961), and later Brenner and Molander (1977), established that individuals in positions of power in organizations set the standards of ethical

conduct for their firms. Bok (1978) maintains that unethical behavior, in the form of lying or any other over or implicit manifestation, is counter in future to effective leadership. Lewis (1991) adds support for the argument that effective leaders must have an ethical orientation if their organizations are to prosper. Her orientation is that, even given myriad opportunities for moral compromise, ethical survival ensuring professional success. Duffield and Mceven (2000) and Andrews (1989) expansively document how ethical decision making and ethical behavior are essential to effective leadership.

Jackall (1988) offers additional theoretical support to the notion that effective leadership and career success are synonymous with strong moral codes that guide behavior. While the structure of the organization allows for adverse range evaluative rules and standard among the people employed there, success is defined by adherence to the organization's overriding ethic. Trevino and colleagues, (1999) maintain that leader effectiveness is inextricably tied to a concern of the nature of that ethic. It postulated that effective leadership linked to ethical action that responsible moral judgment is viewed as inextricably tied to leader effectiveness.

4.1.2 Inadequate Knowledge of Discipline Procedures

In trying to explore the above question respondents asked to identify whether they had adequate knowledge of disciplinary procedures. Thus, all the respondent indicated that they had lack of adequate knowledge of disciplinary procedures. Their organization did not refresh them about civil service ethics agreed by 72% of the employees. On the other hand discipline is more future oriented and its goal is to point out the way to more positive and productive behavior rather than to penalize the person for his or her mistakes.

The goal of this policy should be to improve productivity so that every employee understands the discipline procedure in order to avoid indiscipline According to Bernardn H. John (2013), there are guiding principle for discipline.

- i. Decision should be job related criteria that are behavior is being disciplined should have a direct impact upon job or organizational performance.
- ii. Employees should be treated consistently
- iii. Organization policy should be followed, any deviation should be from organization policy due to mitigating circumstances should be clearly documented and rationalized.
- iv. Communication to all involved be accurate and honest, but confidentiality maintained appropriate
- v. The rules are publicized clearly if possible and a legal expert should be consulted before actual decision is made

4.1.3 Inadequate Knowledge of Grievance Handling Procedure

From the respondents, the researcher noted that 50% of the employee (90 employees) there is lack of grievance handling procedures. The grievance handling procedure manual well documented and every public organization had accessed by the capacity building bureau and civil service agency. But there is no system of updated or formal training plan for new or existed employees. In my opinion knowledge of grievance handling procedures is mandatory for every public employee because grievance is a formal, written complaint about the way in which the employment relationship is being carried out.

In addition most decisions resulting from formal grievances are specific to the individual filing a complaint. To work effectively, grievance handling procedure should meet the basic requirements.

- a) All employees must know about the procedure and exactly how it operates. Describe the system for the employee and publicize it widely. They can go even further practically to train or make aware the employees internal compliant procedure on printing media.

- b) Employees must believe that there will be no reprisal taken against them for using it.
- c) Management must respond quickly and thoroughly to all grievances and to trained investigators to gather facts in a timely manner. The investigator should discuss possible actions with the manager who has the power to make a final decision and the manager should subsequently share the decision with the compliant.

4.1.4 Lack of Transformation Oriented Leadership and Public Service Ethics

Ethical leadership is vital to creating an ethical workforce. Research indicated that most employees look outside themselves to significant others for guidance in ethical dilemma situation, which should be provided by the leader of the organization. According to research an ethical leadership, an ethical leader is a leader who cares, listens to what employees have to say, and has the best interests of employees in mind. In addition an ethical leader communicates an ethics and value message. When making decision he/she asks “what is the right thing to do?” an ethical leader also is a role model and conducts his/her personal life in an ethical manner. This role model is trusted by employees and sets an example of how to do things the right way in terms of ethics. An ethical leader holds everyone accountable, and defines successes and not just by result but also the way they are obtained.

4.1.5 Lack of Code of Conduct

Upholding the principal standards of right conduct in the administrative sphere of government is important aspect of public service ethics. An essential requirement in this is that public servant respect the rule of law and the dignity of the

individual in carrying out official responsibilities. To this end various private organizations have in place codes of conduct.

4.1.6 Weak Promotion of Ethics

Successful ethics management generally requires a balanced package that combines elements of compliance as well as integrity based approaching and their adaptation to the cultural, political and administration traditions of the particular country. Adopting new laws including code of conduct by itself does not go very far without implementing the spirit and the word as well as political will. Experience from the cases reviewed reveals that public organization have attempted to promote ethical behavior in their civil service through solidifying legal structures and by aspiration efforts such as a code of conduct for the civil services, ethics campaigns, training, the introduction of citizen charters, and the implementations of transparent control and accountability systems at the community level. This entails approaching the issue of ethics management from both the state as well as citizens angles in order to encourage the check and balance system.

4.1.7 Lack of Training on Organizational Ethics

The ideal training program is mix of ethical issues, procedural rules and particularly situations. Ethical behavior can't be achieved through one stop training courses. The evidence reviewed also revealed that any strategy in the field of training must be open ended, all embracing, and repetitive and must address all employees during all phases within their careers. It is important to note that while mentoring peer to peer learning seems to work best when involving senior managers and experienced employees, training covering functional and competency of staff is handy for mid level managers and

professionals and broader packages such as ethics campaigns, media outreach, manuals appear to be the best option to get the citizenry.

Political commitment as well as ethical leadership and their exemplenary role as senior public servant remain critical to effectively promote ethics and values in the civil service system.

4.1.8 No system of orientation and managing the induction

Induction is a process that enables a new employee acquaints with and adapt to a new position and organizational environment. It communes with orientation, which takes place immediately upon reporting a new workstation and enables an induction to be conserving with

- i. Objectives and policies of the organization;
- ii. Structure of the organization;
- iii. Standard, norms, and tradition observed;
- iv. Organizational resources and
- v. Position duties and responsibilities; so the public organization human resource sub-process should enforce to implement the induction process.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATION

5.1 Introduction

The final chapter begins with a summary of the entire study by reviewing the purpose of study, methodology used and finding of the research. Following this conclusions are made in relation to the literature on the challenges of dispute settlement mechanism. The chapter concludes with an outline of the recommendation and implication of the study of further study.

The purpose of the study was in three fold; to explore employees' perception of the use of public service ethics, the use of grievance handling procedure and disciplinary measure. The leadership commitment for discipline orientation use as a tool integrated with staff satisfaction, the internal process of the organization standard working system, disciplinary and grievance procedure, motivation of the organization for employees who continuously perform ethically.

With closed and opens questions, face to face interviews were conducted with administrative tribunal employees, closed and open ended questionnaire was conducted with 180 respondents drawn from the Addis Ababa Civil Service Agency, Yeka sub City and Yeka Wereda 2 Administration. The respondent when asked about knowledge of the civil service ethics, grievance handling procedures, disciplinary procedures, leadership commitment and human resource motivation for ethical performer employee of the civil service organization.

The survey suggested that while they practiced as civil servants they didn't know about professional civil service ethics and organizational conduct as a system in their organization. The respondent noted that in most cases there is no induction for the employees throughout the year to everyone.

Additionally, the survey proved that there is need for manager to have understanding of what drive employees to in-disciplined or poor performer. Majority of the respondents agreed that there is lack of discipline orientation by the top management.

The research points out the following bottleneck challenges of disputes settlement mechanism

- i. Lack of professional ethics and code of conduct as a tool in the public sector
- ii. Lack of top management commitment for dispute settlement mechanism
- iii. Inadequate knowledge of employees about disciplinary procedures
- iv. Inadequate knowledge of grievance handling procedures
- v. Unnecessary political leader intervention or violation of progressive disciplinary measures
- vi. Lack of alternate dispute resolution tool before administrative tribunal at the work place
- vii. Lack of motivation package for employees who are ethical performer
- viii. Lack of induction in the public organization

5.2 Recommendations

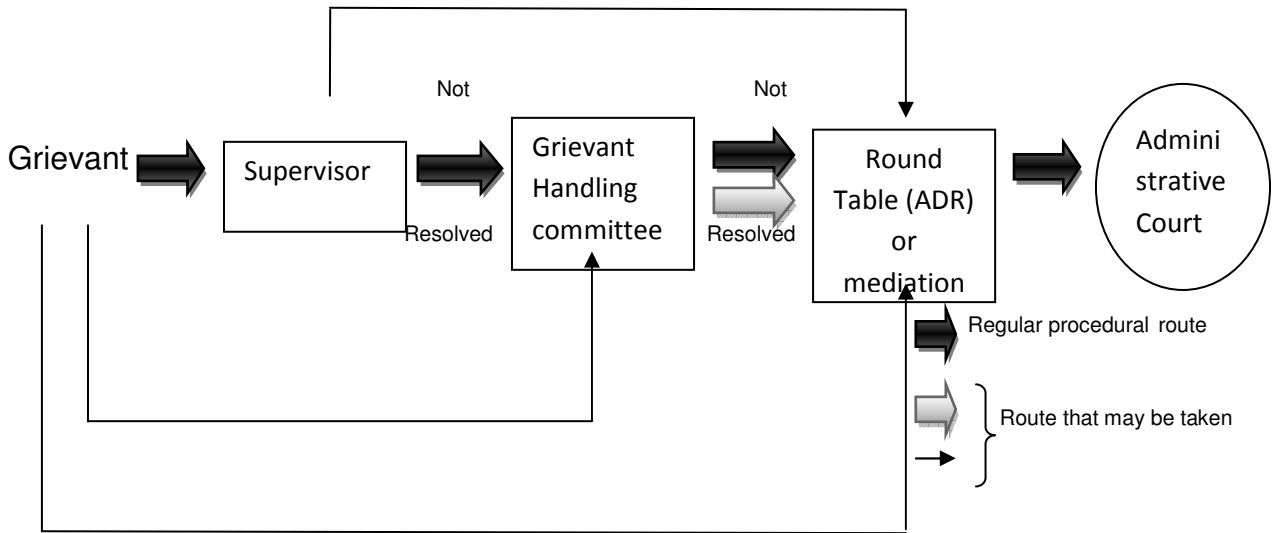
The study has made several key findings which correspond to the research questions it set to investigate. Accordingly the following recommendation are made:

- I. Introduce strong code of ethics and professional conduct in written form in the public organization because the code of ethics establish a set of principles and values which will enable public servants to deliver excellent service with the highest standard of courtesy, honesty, integrity, objectivity. The employee practices professionalism as a

public servant must seek to acquire the knowledge, skills and competencies necessary for efficient discharge of the duties adhere to the respective professional code of conduct. It sets targets by which to guide and monitor their performance, familiarize themselves with the machinery of governments and the way it functions, not be influenced by social and political affiliations in the performance of their duties, treat all performers with respect dignity and observe their rights under the constitution ,comply with lawful and reasonable directions from persons of legitimate authority and behave in a way that brings credit to the position and reputation of the public service and ensure that what they write and say is positive, truthful and conservative in content and tone.

- II. Increase leadership commitment: There are allegations of the politicization of the public service which bring the whole area of ethics and ethical conduct of the public officials are expected to perform their duties in the public interests, not swayed by party, political or other pressures. The leadership must be committed to the organization policies and respect the rule of law.
- III. Awareness-raising: Communication and clarification of disciplinary procedures and grievance handling procedures for every employee should deliver.
- IV. Recognition and reward for ethical public servant: Public personnel who have made ethical distinguished contribution to the interest of the public organization and people shall fully recognized and honored with titles or any available resources for their loyalty efficiency, honesty, productivity et...
- V. This scheme really encourages better performance as well as ethical promotion of ethics.
- VI. Alternate dispute resolutions to be introduced before the administrative tribunal in the work place

Diagram 21: Proposed Grievance Handling Procedure



The research pointed out that more than half of the cases managed in the work place before the administrative tribunal at the city civil service agency. Therefore, we have to design how the dispute is solved in the work place by alternative dispute resolution system.

Alternate dispute resolution refers to the set of mechanisms a society utilizes to resolve disputes without resort to costly adversarial litigation. This often includes arbitration, mediation and conciliation. The most appropriate method of alternate dispute resolution system before administrative tribunal is mediation.

Mediation requires a different set of skills than judicial officers are typically used to employing. First and foremost, the mediator must not judge the disputing parties, and must refrain from giving advice. Parties are instead encouraged to find their own creative solutions to their conflict. If the parties can find their own solutions, they are more likely to be sustainable. The advantage of alternate dispute resolution

- I. Enabling of users to avoid ineffective and/or overburdened court systems or to have access to alternative means to resolve their disputes and obtain solutions pending reform of such institution.
- II. Increased access to equity and justice for disadvantaged users of legal services.
- III. Reduction of delay in resolution of disputes by circumventing overburdened on efficient court system.
- IV. Reduction of the monetary cost resolving disputes by reducing the necessity of utilizing formal court procedures, the need for counsel, and the length of procedures when resorted to
- V. Increased user's satisfaction with the outcomes of their disputes.

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