



Fiji Civil Service

Workplace Harassment, Discrimination and Anti Bullying Policy

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Contents

1	Introduction.....	4
2	Purpose	5
3	Background.....	5
4	Scope	7
5	Principles	7
6	Definition.....	7
7	Harassment	8
8	Discrimination.....	12
9	Workplace bullying.....	12
10	Victimization	14
11	Zero Tolerance	14
12	Responsibility and Accountability	14
13	Prevention and Management.....	16
14	Managing Complaints	17
15	Confidentiality	17
16	Implementation	18
17	Review.....	18
18	Endorsement By the Public Service Commission.....	18

WORKPLACE HARASSMENT, DISCRIMINATION AND ANTI BULLYING POLICY

January 2024

1 Introduction

- 1.1 Government believes that every working person should be able to enjoy a working environment free from all forms of harassment, discrimination and bullying, whether on the basis of ethnicity, national or social origin, religion, political affiliation, gender, or any other form of personal identity. Therefore, behaviour and attitudes respecting the dignity and human rights of a worker should be actively promoted.
- 1.2 In support of National Legislation and policies including the Civil Service Act 1999, Civil Service Regulations (Amended) 2015, Occupational Health and Safety Act 1996, Employment Relations Act 2007, Human Rights and Anti-Discrimination Act 2009 and National Policy on Sexual Harassment in the Workplace 2007, the Civil Service has zero tolerance for workplace harassment, discrimination and bullying at any level of the organisation, and is committed to ensuring that all Civil Servants are treated with respect, dignity and fairness as foundational values and principles of the civil service¹.
- 1.3 Furthermore, the Civil Service is committed to respecting the Constitutional values of protection of human rights and dignity of all Fijians.
- 1.4 While wellbeing at the workplace is equally important to both the Civil Servants and the individual Ministries alike, everyone is responsible for sustaining an inclusive, respectful and safe / secure work environment.
- 1.5 All Civil Servants at a workplace share a responsibility of upholding the values of the Civil Service and are expected to behave professionally, with honesty and integrity while setting high standards of personal conduct. In line with the National Policy on Sexual Harassment in the Workplace 2007, Civil Servants have a responsibility to consciously and deliberately build a positive, respectful, safe and productive working environment². This is through Fiji ratifying the ILO Convention 190 (Violence and Harassment Convention 2019) and Convention 111 (Discrimination (Employment and Occupation) Convention 1958).
- 1.6 This policy identifies harassment, discrimination and bullying in a workplace and provides measures for effectively addressing and reporting incidents.
- 1.7 Further, this policy considers sexual harassment in the workplace an important priority issue that Fiji has to address in order to ensure a quality work environment free of intimidation and sexual harassment, and to enhance productivity.

¹ Fiji Civil Service Code of Conduct

² National Policy on Sexual Harassment in the Workplace 2007

- 1.8 Engaging in harassing, discriminating or bullying conduct in the workplace constitutes a breach of this policy and the Fiji Civil Service Code of Conduct and shall result in disciplinary action in line with the Discipline Guideline.
- 1.9 In some instances harassment, discrimination or workplace bullying shall also amount to a criminal offence or a breach of relevant legislation.

2 Purpose

2.1 The purpose of this policy is to:

- (i) Define what constitutes harassment, sexual harassment, discrimination and bullying;
- (ii) Identify the responsibilities and accountabilities of all leaders, representatives including Permanent Secretaries, Managers or Supervisors and Civil Servants in relation to this policy;
- (iii) Establish measures to prevent harassment, discrimination and bullying;
- (iv) Outline effective processes when dealing with harassment, discrimination and bullying issues and complaints in the workplace;
- (v) Establish the shared responsibility to maintain a respectful, inclusive, safe and productive workplace that demonstrates positive reputation;
- (vi) To meet the ethical and legal obligations to promote, establish and maintain a harassment free workplace;
- (vii) Provide guidance on how to report and escalate instances of harassment, discrimination and bullying in the workplace; and
- (viii) Provide policy guidance for investigating and managing complaints of harassment, discrimination and workplace bullying.

3 Background

- 3.1 Section 123 of the Constitution outlines that the responsibilities and values of the public service that requires Civil Servants to display high standards of professionalism including professional ethics and integrity.
- 3.2 Section 20 of the Constitution further states that every person has the right to fair employment practices, including humane treatment and proper working conditions.

- 3.3 The Civil Service Act introduces the Code of Conduct which outlines the behaviour of all Civil Servants for which they are accountable for.
- 3.4 This policy aligns to Public Service Code of Conduct (3) which outlines that Civil Servants must treat everyone with respect and courtesy, and without coercion or harassment of any kind, including sexual harassment, or discrimination (whether direct or indirect).”
- 3.5 The Civil Service has a responsibility under the Occupational Health and Safety Act 1996 (OHS Act) to ensure the health, safety and welfare of civil servants and others in the workplace.³
- 3.6 Section 76 (2) of Employment Relations Act 2007, outlines that an employer must develop and maintain a policy to prevent sexual harassment at her or his workplace, consistent with any national policy guideline. ⁴
- 3.7 The Civil Service should ensure that harassment, discrimination and workplace bullying does not occur but, in the event it does, appropriate and prompt action is taken. Individual Ministries must empower Civil Servants to share responsibilities to treating each other with respect and dignity which includes good faith participation, equal representation and efforts to resolve concerns regarding disrespectful behaviour.
- 3.8 In line with the above, Permanent Secretaries are required to ensure a healthy and safe workplace by addressing issue of harassment, sexual harassment, discrimination and workplace bullying. Employers and Civil Servants must not engage in harassing, discriminating or demonstrating bullying behaviour towards Civil Servants, contractors, development partners, clients, service providers or a member of the public with whom they have contact in the course of their employment.
- 3.9 The objective of this policy is to promote values of respect, equity, diversity inclusiveness, integrity, accountability and well-being of Civil Servants at a workplace. Demonstrating these values are expected of all in particular those in management or supervisory roles.
- 3.10 Harassment and bullying impacts Civil Servants work performance and has negative impacts on individual’s physical and mental health. In this light, harassment and bullying must be regarded as a workplace health and safety issue and must be treated seriously and responsibly.
- 3.11 The intended outcome of this policy is to sustain a workplace that is free from all forms of harassment, discrimination and workplace bullying.

³ Occupational Health and Safety Act 1996

⁴ Employment Relations Act 2007

4 Scope

4.1 This policy is applicable to:

- (i) All Civil Servants including salaried staff, government wage earners, temporary and project officers and officers serving on contract or agreement;
- (ii) This policy covers any behaviour or series of behaviour that unfairly or unreasonably offends, humiliates, intimidates, belittles, undermines, scares, excludes, or embarrasses anyone, or anyone who sees or overhears it, and any behaviour or series of behaviour which will constitute any form of discrimination;
- (iii) This policy specifies any form of offensive sexual attention that is uninvited, unwelcome, unsolicited or unwarranted attention. It does not need to be a series of incidents or even an ongoing pattern of behaviour. One single act can constitute harassment;
- (iv) This policy does not cover work-related interpersonal conflicts and occasional differences of opinion or disagreement, reasonable and appropriate corrective management of a Civil Servants poor workplace performance or behaviour or enforcement of lawful directions issued by the individual Ministries;
- (v) Ministries and Departments are responsible to respond adequately to allegations of harassment, discriminations and workplace bullying;
- (vi) All individuals are entitled to a safe, confidential, fair and accessible resolution process under the Fiji Civil Service Discipline Guideline;
- (vii) It is important to underline that non-compliance with this policy is regarded as an offence which carries liability to disciplinary and/or criminal proceedings; and
- (viii) This policy must be read in conjunction with Fiji Civil Service Discipline Guideline.

5 Principles

- 5.1 All Civil Servants will be treated equally under this policy and will be advised of the provisions of this policy and of the procedures available to them. All matters arising under this policy must be dealt with in a fair, unbiased, confidential, safe, and timely manner in line with Discipline Guideline and the principles of natural justice.

6 Definition

- 6.1 The following definitions and examples and extract are not intended to be exhaustive.

- (i) The Public Service Values are as identified in S123 of the Fijian Constitution
- (ii) The Code of Conduct is the Public Service Code of Conduct in the Public Service Act and any other Code of Conduct issued through.
- (iii) Complaint is an allegation which is based on actions defined as discrimination, harassment and bullying in this policy.
- (iv) Complainant is a person who believes that they have been a victim of harassment, discrimination or workplace bullying and who has raised a complaint under this policy.
- (v) Workplace is defined as any place occupied by a Civil Servant as part of their employment, or any other location where they are engaged in an activity associated with employment. This includes but is not limited to a lunchroom, worksite, vehicle, training session, work-related event, conference venue, location of business travel, work-related social gathering.

7 Harassment

- 7.1 Harassment involves treating a person unfavorably on the based on actual or perceived personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy, the workplace. It includes a single or repeated occurrence of personal harassment, sexual harassment and abuse of authority.
- 7.2 Harassment is also an act of systematic or continued unwanted and annoying actions of one party or a group, including threats and demands
- 7.3 Harassment can include behaviour such as:
 - (i) Telling insulting jokes about particular racial groups, religious beliefs;
 - (ii) Sending explicit or sexually suggestive comments, emails or text messages;
 - (iii) Displaying racially offensive or pornographic posters or screensavers;
 - (iv) Making derogatory comments or taunts about someone's race, physical ability or gender; and
 - (v) Asking intrusive questions about someone's personal life, including their sex life.

7.4 Personal harassment means any conduct, comment, display, action or gesture that is considered as unwelcoming and inappropriate and could have a harmful effect on a Civil Servants psychological or physical health or safety.

- (i) This unwanted behaviour will include, and is not limited to, spoken words, gestures or the production, display or circulation of written words, pictures or other material.
- (ii) Examples of personal harassment include, but are not limited to:
 - a) Verbal abuse, yelling, and/or making threats;
 - b) Making degrading or offensive comments, gestures, or jokes;
 - c) Spreading gossip or rumors; intruding into persons privacy or belittle a person's character;
 - d) Inappropriate communication through social media, e-mail, or constant messaging;
 - e) Actual or threatened physical contact or assault; and
 - f) Bullying or intimidation (e.g. sabotaging work equipment, interfering with someone's ability to perform their duties).
- (iii) Acceptable social interactions, jokes which are mutually acceptable, provided the interactions are respectful and there is no negative impact on other Civil Servants in the work environment. As Civil Servants from various backgrounds may cross path at a workplace, they must acknowledge and be respectful while interacting with each other from traditional, cultural relationships such as traditional relationships and those between ethnic communities etc.

7.5 Disability harassment can include jokes about, or at the expense of, someone's disability (which can include conditions affecting physical or mental health) or the disabled group to which the Civil Servant belongs. Remarks of an abusive or unfavourable character about Civil Servants with disabilities are also classified as harassment.

7.6 Sexual harassment means any form of offensive sexual attention that is uninvited and unwelcome of a sexual nature which makes the Civil Servant feel uncomfortable. It can be a single incident or a series of incidents:

- (i) Sexual Harassment includes sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact and includes conduct

that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

- (ii) Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.
- (iii) Some examples of sexually harassing behaviour include:
 - a) Unwelcome touching;
 - b) Staring or leering;
 - c) Suggestive comments or jokes;
 - d) Sexually explicit pictures or posters;
 - e) Unwanted invitations to go out on dates;
 - f) Requests for sex;
 - g) Intrusive questions and remarks about a person's private life or body;
 - h) Unnecessary familiarity, such as deliberately brushing up against a person;
 - i) Insults or taunts based on gender;
 - j) Sexually explicit physical contact;
 - k) Sexually explicit emails or messages;
 - l) The above lists are not exhaustive; and
 - m) Any other conduct that may constitute harassment, which the relevant Permanent Secretary should be in the position to determine.
- (iv) Harassment related to Civil Servants sexuality or gender include any forms of remarks, be it jokes about, or at the expense of, their sexuality or gender status. The use of names or titles which give offence is also classified as harassment.
- (v) Sexual harassment – harassment which is gender-based or of a sexual nature. Examples of sexual harassment includes, but are not limited to:

- a) Displaying or circulating sexually suggestive materials (e.g. jokes, messages, posters, pictures, internet, emails);
- b) Comments about a person's clothing, body, personal appearance or habits;
- c) Gender-based insults and slurs that belittle women, men , non-binary groups with the use of derogatory and gender stereotypical and bias language;
- d) Physical conduct of a sexual nature: commonly regarded as meaning unwanted physical conduct ranging from unnecessary touching, patting or pinching or intentional brushing against another person's body, to assault;
- e) Verbal conduct of a sexual nature, this includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, insensitive jokes;
- f) Non-verbal conduct of a sexual nature: this includes the display whether by electronic or any other means, of pornographic or sexually suggestive pictures, objects or written materials, and making sexually suggestive gestures;
- g) Inappropriate advances on social networking sites;
- h) Accessing sexually explicit internet sites; and
- i) Behaviour that is also considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications including that through cyber communications such as email, social media and other forms.

(vi) Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. Sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

7.7 Abuse of authority occurs through a use of authority serving no legitimate work purpose. It is conduct where a Civil Servant's refusal of unwanted sexual behaviour is used as a basis for a decision which affects their access to employment, continued employment, training, promotion opportunities and other forms of employment activities. This form of behaviour involves abuse of authority when somebody holding direct or indirect (that is capable of influencing) supervisory or managerial authority, threatens, influences, or actually takes an employment decision affecting the person harassed.

8 Discrimination

- 8.1 Discrimination means any distinction, exclusion or preference based on the grounds of ethnicity, color, gender, religion, political opinion, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.⁵
- 8.2 Discrimination is treating, or proposing to treat, someone unfavorably because of a personal characteristic protected by the law.
- 8.3 Gender discrimination also known as sexual discrimination, is any action that specifically denies opportunities, privileges, or rewards to a person (or a group) because of gender.
- 8.4 Discrimination occurs:
- (i) Directly, when a civil servant/person or group is treated less favorably than another person or group in a similar situation because of a personal characteristic;
 - (ii) Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging civil servant with a personal characteristic. Indirect discrimination means any apparently neutral situation, regulation or practice which in fact results in unequal treatment of Civil Servants or persons with certain characteristics that occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons and is not closely related to any inherent requirement of the job⁶; and
 - (iii) Any other conduct that may constitute discrimination, which the relevant Permanent Secretary should be in the position to determine.

9 Workplace bullying

- 9.1 Workplace bullying is an act of systemic, repeated, targeted pattern of behaviour known to cause fear, intimidation, humiliation, demoralize or distress and other forms of harm. Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. The impact can be physical, emotional, psychological, demotivating, leading to loss of self-esteem or reputation. Bullying may be obvious, direct or indirect and can be in person, in writing or through the use of technology such as social media, emails or text messages.

⁵ Human Rights and Anti-Discrimination Act 2009

⁶ Employment Relations Act 2007

- (i) Personal bullying occurs when a civil servant experiences persistent negative comments, ranging from verbal comments to physical contacts on a number of repeated incidents. This pattern of behaviour is targeted to offend, degrade or humiliate persons or groups.
- (ii) Cyber bullying involves sending of harmful or offensive messages or images by internet, email, social networking sites or with use of other digital communication means.
- (iii) Mobbing is carried out through collective unjustified accusations which causes humiliation, general harassment or emotional disturbance. Mobbing behaviour includes instances whereby persons within the group engages in such behaviour as insulting or playing practical jokes on the victim

9.2 If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

9.3 Bullying can take many forms, including unfair work practices.

9.4 Bullying is unacceptable and is also against occupational health and safety law

9.5 Behaviours that constitute bullying includes:

- (i) sarcasm and other forms of demeaning language;
- (ii) Threats, abuse or shouting;
- (iii) Isolation;
- (iv) Inappropriate blaming;
- (v) Ganging up;
- (vi) Constant unconstructive criticism;
- (vii) Deliberately withholding information or equipment that a civil servant needs to do their job or access their entitlements;
- (viii) Unreasonable refusal of requests for leave, training or other workplace benefits; and
- (ix) Any other conduct that may constitute bullying, which the relevant Permanent Secretary should be in the position to determine.

10 Victimization

- 10.1 Victimization is subjecting or threatening to subject someone to a disadvantage because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination.
- 10.2 It is also victimization to threaten someone who is involved in investigating an equal opportunity concern or complaint, such as a witness or as support person.
- 10.3 Victimization is a very serious breach of this policy (depending on the severity and circumstances) will result in formal discipline against the offender.

11 Zero Tolerance

- 11.1 The Fiji Civil Service will not tolerate any behaviours defined in this policy and Permanent Secretaries can institute disciplinary action in line with Discipline Guideline.

12 Responsibility and Accountability

- 12.1 Everyone has the right to work in an environment free from bullying, harassment, discrimination and violence. While it is recognized that all Civil Servants share responsibility for creating a harassment, discrimination and bullying -free workplace, it is important to emphasize that Permanent Secretaries, due to their authority, carry a greater responsibility and accountability for maintaining a safe and healthy work environment. Furthermore, Permanent Secretaries have an obligation to be proactive in addressing hostile behaviour that may be embedded in the workplace culture.

12.2 Permanent Secretaries

Permanent Secretaries are responsible and accountable to ensure that the provisions of this policy are implemented in their respective Ministries. This includes to:

- (i) Ensure that all managers, supervisors and Civil Servants in their Ministry are informed of the policy and are advised of their responsibilities and rights;
- (ii) Provide leadership in the prevention of harassment, discrimination and bullying in their workplaces by fostering a climate of mutual respect and dignity;
- (iii) Ensure compliance with the policy in their Ministry and Departments;
- (iv) Ensure that prompt and appropriate action is taken when they become aware of instances of harassment, discrimination and bullying;
- (v) Ensure fair, accessible and equitable procedures for all parties to a complaint of harassment;

- (vi) Provide survivor centric support such as facilitating access to referral pathways and provision of counselling;
- (vii) Take disciplinary or other corrective measures, where necessary;
- (viii) Support safe, supportive, inclusive, and respectful workplaces for all Civil Servants;
and
- (ix) Provide regular reports to the Public Service Commission.

12.3 Management and Supervisors

All managers and supervisors are responsible and accountable to incorporate the intent of this policy in their daily activities and ensure that the policy is adhered to in their areas to:

- (i) Become fully informed of the provisions of the policy and of the nature of workplace harassment, discrimination and bullying;
- (ii) Maintain a high standard of personal conduct in their dealings with all Civil Servants and clients;
- (iii) Ensure that all Civil Servants are advised of their rights and responsibilities under this policy and the courses of action open to them;
- (iv) Provide opportunities for education and training in accessible formats related to workplace harassment, anti-discrimination and bullying to all Civil Servants under their supervision;
- (v) Prevent incidents and take prompt action if breaches do occur;
- (vi) Model respectful behaviour and foster a supportive and considerate work environment;
- (vii) Inform Civil Servants of the content of this policy, including the responsibilities to comply with the accountabilities, and advise of available resources to address concerns;
and
- (viii) Promote the use of collaborative conflict resolution processes, when appropriate.

12.4 All Civil Servants

All Civil Servants are responsible and accountable to:

- (i) Treat other persons in the workplace in a manner that is free of harassment, discrimination and bullying and that respects individual differences;
- (ii) Change their own behaviour when given indications that the behaviour is offensive, discriminatory or harassing to others;
- (iii) Reporting on incidents should they feel they or another person is being subjected to harassment, discrimination and bullying;
- (iv) Cooperate fully with all those responsible for dealing with a complaint of harassment, discrimination and bullying;
- (v) Ensure that breaches of this policy do not occur;
- (vi) Be aware of this policy and associated guidelines, including directing questions or required clarification to a manager, as needed;
- (vii) Treat others respectfully and consider the impact of actions, inactions, words, and behaviour, regardless of intent;
- (viii) Address concerns or potential violations under this policy promptly and in a manner appropriate with the circumstances;
- (ix) Participate in good faith with processes intended to address concerns under this policy; and
- (x) Respect the right of the complainant and refrain from any form of victim blaming.

13 Prevention and Management

- 13.1 The most effective way to resolve workplace disrespectful behaviour is to prevent such an occurrence from happening in the first place. All Civil Servants are required to be respectful in the workplace.
- 13.2 All Civil Servants in the workplace are expected and required to conduct themselves in accordance with the principles established by the policy even in the absence of a complaint of harassment, discrimination and bullying. Harassment, discrimination, bullying in any form will not be tolerated.
- 13.3 Reports of policy violations should be submitted honestly and in good faith.

- 13.4 A breach of this policy, including intention for revenge, will result in disciplinary action depending on the circumstances.
- 13.5 Nothing in this policy restricts the Ministry's authority and responsibility to manage performance of Civil Servants, take appropriate disciplinary action when necessary, or take immediate action to ensure a safe work environment, including one that is free from disrespectful behaviour.
- 13.6 Individual Ministries shall use a communication strategy for the implementation of this policy and any materials in accessible formats that informs Civil Servants of their rights and responsibilities.

14 Managing Complaints

- 14.1 A Civil Servant who is faced with problems relating to harassment, discrimination or workplace bullying, shall obtain assistance or advice in deciding the best course of action to follow. These are recommended below:
- (i) Their immediate supervisor, or
 - (ii) The departmental Human Resources, or
 - (iii) Manager, Director in the same department
 - (iv) Ministries are encouraged to nominate an officer within their Ministry/Department designated to specifically support those undergoing harassment, discrimination or workplace bullying.
 - a) This officer not necessarily someone in leadership role to ensure power disparities are reduced in the complaints process.
- 14.2 Clients, consultants and others who are not Civil Servants can seek advice or assistance from a supervisor, manager, director or the human resources department in the agency providing the service.
- 14.3 Addressing process shall be as stipulated in the Fiji Civil Service Discipline Guideline for investigation to follow and relevant discipline or corrective action as a fairness practice and respectful behaviour must be supported through the principles of natural justice.

15 Confidentiality

- 15.1 All complaints under this policy, both formal and informal, and any information and materials related to the complaints will be treated on a confidential basis. The Ministries shall not disclose

any identifying information about a Civil Servant or person involved or the circumstances relating to the complaint to others unless disclosure is required for investigation, corrective actions, or is allowed by law.

15.2 Information related to inquiries and reports to disrespectful behaviour are to be kept confidential, with the following exceptions:

- (i) Disclose necessary to review the matter, determine appropriate process to address and to carry out resolution processes;
- (ii) As required by law or other legal authority and directives;
- (iii) To ensure the health, safety and security of individuals; and
- (iv) Information related to confidential matter must be separate from personnel record.

15.3 Civil Servants involved in the disciplinary case must maintain the confidentiality at all times

16 Implementation

16.1 The implementation of this policy shall be the responsibility of the individual Ministries.

16.2 The Ministry of Civil Service will support implementation through the development and facilitation of relevant training packages.

17 Review

17.1 The policy will be reviewed by the Ministry of Civil Service once every 24 months with a report submitted to the Public Service Commission within one month of conclusion of the review

18 Endorsement By the Public Service Commission



Chairman, Public Service Commission

Date: 15 January 2024