

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

## **KHYBER PAKHTUNKHWA**

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### **KHYBER PAKHTUNKHWA HEALTH CARE COMMISSION**

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#### **NOTIFICATION**

Dated: 5<sup>th</sup> April, 2016

No. HCC/4532/4. In exercise of the powers conferred by the section 31 of the Khyber Pakhtunkhwa Health Care Commission Act, 2015, the Khyber Pakhtunkhwa Health Care Commission has been pleased to approve its below mentioned regulation in its 6<sup>th</sup> meeting dated 30.03.2016 held at main Khyber Pakhtunkhwa Health Care Commission office:

#### **KHYBER PAKHTUNKHWA HEALTH CARE COMMISSION CONDUCT OF BUSINESS REGULATIONS 2016**

- (1) Regulation of Procedures.
- (2) Registration and Licensing Regulations.
- (3) Complaint Management and Patients' Rights Regulations.
- (4) Human Resource Management Regulations.
- (5) Financial Regulations.

#### **ANNEXURE-A**

Health Care Commission Services Regulations 2016.

#### **ANNEXURE-B**

ADOPTION BY THE COMMISSION, OF HEALTH CARE STANDARDS, PROCUREMENT RULES AND LAWS /RULES RELATED TO THE HEALTH CARE SYSTEMS

Sd/-x-x-x  
Chief Executive Officer/Secretary,  
Khyber Pakhtunkhwa Health Care  
Commission.

**Acronyms**

CEO	Chief Executive Officer
CFO	Chief Financial Officer
DFID	Department for International Development, UK
DOH	Department of Health
HCC	Health Care Commission
HCE	Health Care Establishment
HRA	Health Regulatory Authority
HRM	Human Resource Management
HSRU	Health Sector Reform Unit
IMR	Infant Mortality Rate
JD	Job Description
KP	Khyber Pakhtunkhwa
KPHCC	Khyber Pakhtunkhwa Health Care Commission
LHW	Lady Health Workers
MSDS	Minimum Standards of Service Delivery
TRF+	Technical Resource Facility+
U5MR	Under 5 Mortality Rate

#### 4. HUMAN RESOURCE MANAGEMENT REGULATIONS

##### Short Title and Commencement:

1. These Regulations may be cited as the Khyber Pakhtunkhwa Healthcare Commission Human Resource Management Regulations 2016; and, these shall come into force at once

##### Definitions

2. In these Regulations unless the context otherwise requires:
  - a. "Act" means the Khyber Pakhtunkhwa (KP) Healthcare Commission Act 2015;
  - b. "Chairperson of the Commission" shall mean the person appointed as Chairperson of the KP Healthcare Commission according to Section 6 of the Act;
  - c. "Commission" means the KP Healthcare Commission (HCC) established under Section 3 of the Act;
  - d. "Competent Authority" means an authority notified by the Commission from time to time;
  - e. "Financial Year" means the period from 1<sup>st</sup> July to 30<sup>th</sup> June both days inclusive;
  - f. "Government" means Government of the Khyber Pakhtunkhwa;
  - g. "Instruments" means Rules made by the Government and Commission approved Regulations made pursuant to the Act, and Commission approved Manuals made pursuant to the prevailing Regulations as periodically amended and or modified by the Members of the Commission;
  - h. "Management" means the Chief Executive Officer, Executive Management Team that includes individuals at the highest level of organizational management who have the day to day responsibilities of managing the HCC and hold specific executive powers, in accordance with the Act and Instruments;
  - i. "Regulations" mean all regulations made and /or approved by the Members of the Commission pursuant to the Act; duly notified, as amended and or modified by the Members of the Commission or with authority of the Members of the Commission delegated from time to time in accordance with the Act.
  - j. "Performance Period" means a period of one year from 1<sup>st</sup> January to 31<sup>st</sup> December for which an employee is given specific roles. In case of appointments during the calendar year, the performance period will be determined from the time of joining the HCC or otherwise notified by the Commission;
  - k. "Selection Criteria" means a set of multi-indicator weighted criteria prescribed by the Commission for each position advertised by the HCC;
  - l. "Selection Panel" means a Panel comprising of Members of the Commission and senior HCC personnel responsible for selecting candidates for the positions advertised by HCC;
  - m. Words and expressions used but not defined in these Regulations shall, unless the context otherwise requires, have the same meanings as assigned to them in the Act.

##### RECRUITMENT

3. The HCC will have full powers to recruit personnel for the purposes of delivering the mandate of the Commission through human resource as given at Annex-A to these regulations as amended by the commission from time to time.
4. The recruitment will be based totally on merit, adopting a process of open competition and wider publicity.
5. HCC will be an equal opportunities employer without any discrimination based on religion, sex, caste, creed or ethnicity.
6. Individuals who have hiring responsibility have an institutional obligation to advance the standard of equal employment opportunity and the affirmative action goals of the HCC by conducting employment searches, which generate diverse pools of applicants from which qualified candidates, can be interviewed and selected.
7. HCC will set out the Job Description (JD) for each role before it is advertised along with selection criteria.

8. HCC will advertise each role widely. The recruitment to vacant posts will be made through newspaper adverts, HCC website, and internationally recognized and well-established web portals etc.
9. Upon receipt of applications, HR team will review the applications against the criteria and person specifications as set out in the JD and will screen the candidates on prescribed forms and will submit their reports to the Director Business Support Services.
10. A panel will be formulated for each role and the selection can be based on a variety of processes as deemed fit by the HCC, including interview, assessment centre, aptitude and personality testing etc. Interviews are best conducted in person but in exceptional circumstances can also be organised over Skype, videoconference or phone.
11. All hiring will be done through performance-based contracts, which will be reviewed regularly and will be extendable based on performance.
12. All personnel of HCC will have the right to apply for the higher position thus advertised. The personnel aiming to apply for a higher role will go through the same selection process as a new candidate and if the personnel of HCC qualify for the role based on the selection criteria, they can be given preference by the HCC for reasons recorded in writing.
13. Government employees can apply for the advertised roles and can be selected if they fulfil the selection criteria. However, they will have to be subjected to the same rigour of performance assessment, the commission requisition services of the government servants with the relevant qualification and experience if needed.

#### **Probation**

14. A person appointed to any post in the Commission will be on probation for a period of 90 days on duty. On satisfactory completion of probation, the employment will be regularized.
15. If the services and performance of any individual is not satisfactory during the period of probation, the probation may be extended for a further period or the services of the individual can be terminated at the discretion of the appointing authority.
16. If after a lapse of six months, after completion of the period of probation, no orders are issued by the competent authority, it shall be deemed that the individual has completed the period of probation satisfactorily.

#### **Training and Development:**

17. Induction training will be provided to all the newly recruited personnel by HCC.
18. HR team will devise an Induction Pack, which will include all the relevant information about the HCC for the role and will also organise for an induction workshop for the new hires.
19. Capacity building and regular training to enable the personnel stay connected with the state of the art developments in the field of healthcare regulation will be encouraged and the HCC will help organise or sponsor such capacity building opportunities for the personnel.
20. Foreign training courses can also be organised by the HCC for the personnel.

#### **Performance Management:**

21. A robust performance management system will be set up by the HCC to create an organisational culture, which is based on an Environment of Continued Improvement.
22. The personnel will be given annual targets, which will be part of their annual work plan and their performance will be assessed against these targets at the end of each year.

23. The supervisor will devise these targets for the personnel at the start of the period and the targets will be devised upon detailed consultation with the employee. The employee will have the right to disagree with the targets assigned for reasons to be recorded in writing.
24. The supervisor will be responsible to ensure that all the required resources, which are integral for completion of these targets by the employee are provided to the personnel to enable them meet the assigned targets.
25. At the end of each period, the supervisor and the employee will engage in a consultative discussion about achievement of the targets. This will be an opportunity to identify any systemic issues, which may be constraining achievement of targets or to identify areas of further training that may be required for the employee for improving their performance over the next period.
26. A mid year review is also encouraged, so that course corrections can be made without waiting till the end of the period.
27. The performance management system will be in-built with an incentive mechanism. The high performing personnel will be entitled to 'bonus' and reward, which will be prescribed by the Members of the Commission from time to time.

**Performance Improvement:**

28. Performance improvement may be suggested whenever HCC management believes that an employee's performance is less than satisfactory and can be resolved through adequate counselling. Corrective counselling is completely at the discretion of the management.
29. The supervisor/manager will determine the course of action best suited to the circumstances. The steps in performance improvement are as follows:
  30. **Verbal counselling** — As the first step in correcting unacceptable performance or behaviour, the supervisor/manager should review pertinent job requirements with the employee to ensure his or her understanding of them. The supervisor/manager should consider the severity of the problem, the employee's previous performance appraisals and all of the circumstances surrounding the particular case. Stating that a written warning, probation or possible termination could result if the problem is not resolved should indicate the seriousness of the performance or misconduct. The supervisor will document the verbal counselling in the employee's personal file, although the supervisor/manager may direct that the written warning be removed after a period of time, under appropriate circumstances.
  31. **Written counselling** — If the unacceptable performance or behaviour continues, the next step should be a written warning. Certain circumstances, such as violation of a widely known policy or requirement, may justify a written warning without first using verbal counselling. The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination or both may result if improvement is not observed. Written counselling becomes part of the employee's personnel file, although the supervisor/manager may direct that the written warning be removed after a period of time, under appropriate circumstances.
  32. **Disciplinary Probation** — If the problem has not been resolved through written counselling or the circumstances warrant it, or both, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within the probationary period. The employee's supervisor/ manager, after review of the employee's corrective counselling documentation, will determine the length of probation. Typically, the probation period should be at least two weeks and no longer than 90 days, depending on the circumstances. A written probationary notice to the employee is prepared by the supervisor/manager.

### **Re-employment**

33. Former full-time employees who were employed in a regular position for two or more years and who resigned in good standing, may be considered for re-employment provided their qualifications are suitable for a vacant position.
34. A former employee who is re-employed will be treated as either a new hire or a reinstatement.
35. Re-instatement will occur if re-employment occurs within six-months of the termination date.
36. A re-hire will occur if re-employment occurs after six-months from the date of termination.
37. The former employees will have to go through the same recruitment process as any new hire even in case of re-instatement.
38. The re-instatement will mean that the employee can get the salary it was last drawing with benefits (based on increments and bonuses etc.), which may be different in case of a new hire.

### **Benefits and Compensation:**

39. The personnel of HCC will be entitled to competitive, market based salary and benefits.
40. The Members of the Commission will not be treated as employees of the HCC, will not receive monthly salary but will receive honoraria as decided by the Members of the Commission from time to time.
41. The Commission will notify the compensation packages of the roles upon approval of the Members of the Commission and will review the same from time to time.
42. The Commission may decide to conduct market research to ascertain the salary bands for each tier of the personnel depending on the complexity and challenge of the JD and the terms of reference for the roles. Emphasis will be placed on monetising the customary perks of similar level of positions.
43. Benefits like group life and group medical insurance can be incorporated into the compensation packages.
44. Other benefits pertaining to pension and superannuation can be provided to the personnel of the HCC as prescribed by the Members of the Commission from time to time.
45. For the staff, which falls in the cadre of public sector Class IV equivalent, social health protection will be provided without receiving contributions from them, within limits as prescribed by the Members of the Commission from time to time.
46. Public servants will have the right to receive the HCC market salaries if they are recruited through a competitive process, as per the rules and notification prescribed by the government from time to time.

### **Leave**

47. Casual Leave (CL) – Every employee of the commission is entitled to (one) 01 day casual leave for each thirty (30) days block of duty performed by him/her subject to a maximum of twelve (12) days of casual leave in one calendar year. CL can be prefixed/suffixed with all types of holidays / leaves. CL will not be carried forward to next calendar year and will lapse at the end of the ensuing calendar year.
48. Medical Leave (ML) – Medical leave of up to 15 days may be granted in one year, in case of sickness of the employee and not his / her dependants. Medical certificate from a Doctor would be required in case of absence of four days or more, availed at once. Medical leave may be combined with other leaves.

49. **Earned Leave (EL)** – EL is admissible to an employee at the rate of admissible to govt employees. Earned leave can be pre-fixed /suffixed with other holiday / leaves. This leave will roll over to the next year, if not availed and can be encashed.
50. **Leave without Pay (LWP)** – Confirmed employees who have completed their probation and have served for at least 3 years in the Commission, may seek leave without pay for up to 2 years. HCC will fill in their position on fixed term contracts with other individuals.

#### **Misconduct**

51. An employee found to be engaged in activities such as, but not limited to, theft of office property, insubordination, conflict of interest or any other activities showing wilful disregard of interests or policies of the HCC will be terminated as soon as the supervisor/manager and management team have concurred with the action.
52. Any employee who is terminated due to misconduct will not be re-employed again by the HCC.

#### **Exit**

53. **Resignation** – An employee of HCC who wants to terminate his tenure can do so upon serving a notice of not less than 30 days.
54. **Termination** – HCC may terminate an employee by serving a notice of 30 days. However, in cases where an employee's performance is not satisfactory or if he indulges into **Misconduct**, the HCC may terminate the employee's services with immediate effect.
55. **Lay-off** – the HCC may decide to lay off employees based on a variety of reasons as approved by the Commission from time to time. 30 days' notice will be served by the Commission in case of laying off employees. If the circumstances require immediate termination, HCC will compensate the employees by paying equal to one month's full salary in advance.

#### **Grievance Redress**

56. If an employee feels aggrieved with a decision or action of the HCC, they can file a grievance before the Members of the Commission, which will be redressed according to regulations to be developed by the Commission, in the light of good practices, based on the principle of natural justice.

#### **Conflict of Interest**

57. Employees of the KP Healthcare Commission who act on its behalf have an obligation to avoid activities or situations, which may result in a conflict of interest or the appearance of conflict of interest.
58. Employees must not use their HCC positions to influence outside organizations or individuals for the direct financial, personal or professional benefit of themselves, members of their families or others with whom there is a personal relationship.
59. In case of any conflict of interest, it will need to be disclosed immediately.

#### **Consulting and Other Outside Activities:**

60. HCC recognizes that all employees have expertise, talents, and knowledge, which have value to outside organizations — public and private. Association with outside organizations, if these do not pose any conflict of interest, can benefit the client or organization served, contribute to the professional growth and/or reputation of the employee as well as bring credit and goodwill to the HCC subject to the regulations as set out by the Commission from time to time.