
LEGAL GUARANTEES FOR OBJECTIVE PERFORMANCE EVALUATION OF THE FEDERAL PUBLIC EMPLOYEE IN THE UAE LEGISLATION

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Abstract: *Employee's performance evaluation plays a critical role in increasing the effectiveness of control and supervision within the public sector by observing, evaluating and analyzing of public employee's work in order to determine the appropriateness of employees for the job and whether or not s/he deserves to be promoted. Therefore, this paper aims to examine whether or not the UAE legislator provides the adequate guarantees for ensuring the fairness and effectiveness of the evolution process of the federal employee.*

Keywords: *public employee, performance management system, promotion, fairness, UAE*

INTRODUCTION

Employees are recruited mainly based on qualifications, which should enable them to function and do their duties effectively. However, the employee's qualifications and experience may not alone give a clear indication of his/her ability to perform the job duties and responsibilities efficiently. This is why a newly recruited employee will be subject to a probationary period to appraise her/his performance and how far an employee will be efficient in his/her duties.

Upon passing the probation, and officially joining the organization as a member of a team; the hired employees will undergo an ongoing process of performance management starting from laying out their learning and development to preparing them to take on more responsibilities within the organization. The outcomes of the evaluation performance form the basis and the criteria for the staff to maintain his/her job or advance in the organization.

For all these legislations, the UAE recognizes the value and the need for ongoing performance evaluation for the employees as it is proceeding to be a hub of businesses in the region.

Performance measurement is defined as a means of evaluating the employee abilities relevant to his job in order identify and develop strengths area of improvement and his ability to achieve the specified goals that may be required to ensure the effectiveness and the survival of the organization.¹

The UAE legislator defines performance management in Article 1 as a process that aims at assessing the employee performance against a set of predetermined key performance indicators (KPI) that both the line manager and the employee agreed on for the period of evaluation. These KPIs are constantly revised to meet any updates in duties and responsibilities.

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¹ ABU SHAIKA, N. *Human Resources Management*. Amman: Dar Al Safa, 2000. p. 217.

The legislator has authorized, through Article 30 of the Federal Law No. 11, 2008 regarding human resources, the cabinet to issue a federal system for evaluating the performance of the federal employees as recommended by the federal human resources authority.

From the effort of the UAE Government to be one of the best countries in the world by 2021, through the provision of high-quality and excellent services to its people comes the task of managing government human resources, as a vital driver in the creation of technical and administrative cadres in compliance with international standards, within enhanced legislation and regulations and through best practices in the field of human resources.

The law was officially issued and reflects a set of principles² which are

1. Strategic consensus: this means connecting, in general, the individual staff performance with the strategic planning of the federal government and in particular the ministry or the federal entity that the employee works for.
2. Goal setting administration: this means involving the employee in planning and setting achievable goals which he/she is expected to adhere to the criteria and indicators that lead to attaining these goals. This is meant to directly improve job satisfaction.
3. Regular feedback: this is meant to encourage line managers and directors to constantly provide the staff with feedback and comments for performance improvement.
4. Integration: this means connecting the federal employee performance with promotion, rewarding and training.
5. Fairness and credibility: through a predetermined set of criteria, procedures, and policies that are in line with the federal legislation, establishing a fair, objective, a reliable and credible system for evaluating employee performance.

The legislator also succeeded in enacting a system for evaluating the performance of federal public employees, the question remains how successful he is in providing legal guarantees to maintain and implement the system with fairness and objectivity and in a manner that creates mutual trust between the employee and the organization which enables the latter to perform its services with quality.

Prior to answering the question of the study, the scope of system and its personal and procedural actions should be closely studied so that the assurances of the fairness of the system and the procedures for possible grievance of the evaluation are identified.

1. THE IMPORTANCE OF A PERFORMANCE MANAGEMENT SYSTEM FOR THE EMPLOYEE

In light of the importance and the value of the employee performance, almost all legislation in this regard make a connection between the outcomes of the evaluation of the employee's performance and his continuing in their jobs, promotion, and accessing to relevant financial privileges.

² Performance Management System. In: *Federal Human Resources Authority* [online]. [2015-10-20]. Available at: <<https://www.fahr.gov.ae>>.

In Article 31(2) of the decree regarding human resources, the legislator clarifies the expected outcomes of the employee performance evaluation process. These results are summarized below:

Eligibility for Promotion:

The legislator confines the eligibility for obtaining exceptional career growth and financial promotion to the employees who exceed significantly the standards. While employees with “exceed standards” evaluation are eligible for professional and financial promotion, employees whose performance reports are “meet the standards” are entitled only for the regular increments. Employees whose performance reports indicate “need improvement” are not qualified to any promotion.

In the Article 36 of Legislative Decree No. 11, 2008 on the federal human resources, the legislator divided promotions into two types: regular promotions and exceptional promotions.

A. Regular Promotion: this designates one regular step promotion or its financial equivalence and is divided into three types:

1. Career growth promotion:

In this type of promotion, the employee is promoted to a higher job provided that it is vacant or newly opened due to restructuring or new distribution of duties and responsibilities.

The decision to promote the employee to a higher job or grade entitles him/her to get the salary of the degree promoted to or 10% increase of the salary of the new grade, whichever higher to the employee.³

The annual appraisal report originates the basis for promoting the employee to a higher grade. According to the performance management system, only employees who obtain “significantly exceed standards” and “exceed standards” are eligible for a promotion. When contenders have equal evaluation reports, the experience in the organization is to determine who will be promoted.⁴

2. Financial promotions:

Approval by the Minister, the organization may give an employee who has a rating performance (exceeds expectations significantly), or (exceeds expectations) or (meet expectations) no more than 10 % increase in the salary without prompting him to a higher grade or step further.

3. Exceptional promotion

Basically, promotion is limited to a step or a degree higher; however, the exceptional promotion may permit the employee to obtain two steps higher and is of two types:

³ Article 38/3 of the Federal Law by Decree No. 11 of 2008 on human resources.

⁴ Article 40/2 of the Federal Law by Decree No. 11 of 2008 on human resources.

3.1 Exceptional career Growth Promotion:

In order to get this type of promotion, the minister's approval and "significantly exceeds expectations" performance reports are required. The employee will be promoted two grades to a vacant job and will be eligible for all benefits of the new job or a 20% increase in the salary.⁵

3.2 Exceptional financial Promotion:

In the absence of a vacancy and the presence of a desire of the administration to reward hardworking employees, it is permissible with the consent of the minister to increase the salary of an employee with no more than 25% of his basic salary of his current grade provided that the employee holds "exceed expectations significantly" performance report.⁶

However, in the UAE legislation, the criterion for promotion eligibility is efficiency and ability as measured by the annual appraisal report. Seniority is a decisive factor in this regard only when employees have the same annual report.

B. Periodic salary increment

Article 32 of the Human Resources Law linked between periodic salary increment and the results of the annual employee performance report. Consequently, staff whose performance report indicates (need improvement) is not eligible for any salary increment for that year.

C. Non-Financial Rewards

The decree also authorizes the federal agencies/organizations to provide non-financial rewards during the year from within its budget to employees who contribute significantly to their organization resulting in developing the work with these federal organizations and agencies. Employee achievements are evident in certificates of appreciation, the nomination for the prize, awarded the title of Employee of the Month or year or provide in-kind gifts, or any other way that the federal organization finds it suitable.

D. Eligibility for Sabbatical (study leave)

Article 82 of the Regulations for the Human Resources Law limits the right to qualify for a sabbatical to employees whose annual appraisal form is "meet expectations" and higher. Employees with the "needs improvement" category are not eligible for such leave.

E. Determinants for lieutenantcy

While the Emirati legislator authorizes the public employees to fill a vacancy that is equivalent or at maximum higher two grades than the position currently occupied by

⁵ Article 39 of the Federal Law by Decree No. 11 of 2008 on human resources.

⁶ Article 39 of the Federal Law by Decree No. 11 of 2008 on human resources.

the employee; however, the employees with “needs improvement” reports are not allowed for lieutenantcy.⁷

F. Transport and termination

Although the legislation prevents the employees whose performance reports reflect “needs improvement” from promotion and increments, the legislator requires the employee’s direct manager to devise an intervention plan to support the underachieving employee to improve his/her performance. The intervention plan should include an official meeting with the staff to discuss the causes that have led to the low performance and the future steps, which are outlined below:

1. Develop a six-month intervention plan to improve staff performance. The plan should:
 1. Reflect and show understanding of performance expectations and what are the tasks that must be accomplished during a limited period of time.
 2. Describe the tasks and responsibilities for training and professional development.
 3. Include special training and professional development strategies.
 4. Include a specified period of time to improve performance.
 5. It supports and emphasizes the importance of the work being performed and implemented.
2. Monitor, train and constantly provide the concerned employee with constructive feedback.
3. Review and discuss the employee performance.
4. At the end of the first phase of improving the performance, which extends for six months, a meeting between the employee and the direct manager should be scheduled and held to discuss the progress in the employee performance and to make sure that the obstacles for not doing well are removed.
5. In case no progress is achieved, then a written warning is issued to the employee and the probation period will be extended for more six months in which the same procedures should be implemented to assist the employee to improve his/her performance. In case no progress is observed, the direct manager can:
 1. Recommend in writing to senior management the transfer of the employee to another job compatible with his abilities.
 2. Recommend in writing to senior management to terminate the employee’s contract due to inefficiency and poor performance.⁸

2. COMPREHENSIVE APPROACH OF PERFORMANCE MANAGEMENT

The UAE legislator obligates that all federal employees including part and full time must undertake performance evaluation, except for those working in service jobs.

⁷ Article 35/6 of executive regulations of the Federal Law 2012 on human resources.

⁸ Chapter 6 of the System of management performance.

The legislator excluded from the application of performance management members of the judiciary system provided that their own performance systems are consistent with the principles and the general framework of the federal system of performance management.

One of the best advantages of the legislation is that it requires all employees to the process of performance evaluation so that every employee is monitored, executes and maintains the duties of their jobs effectively. Controversially, some legislation excluded the senior positions from the evaluation process on the pretext that the occupants of these jobs are under constant evaluation. In such a situation, top management has absolute authority in assigning, promoting and/or dismissing employees in these positions; this power that the administration endorses replaces the annual performance evaluation.⁹

Concerning the evaluation of the employee who is on a leave for pursuing his studies, the academic achievement results and the reports that the organization constantly receives from the criteria for annual appraisal.¹⁰ With regards to the employee on secondment, their performance is assessed in coordination with the organization he/she works for in accordance with the Federal Government staff performance management.¹¹

3. THE PARTICIPATION OF THE EMPLOYEE IN THE ANNUAL EVALUATION PROCESS

As has been indicated earlier, the employee performance in the UAE is measured through the annual appraisal document by law. The legislator defines the appraisal manuscript as a documented work plan written on a special form that includes goals and competencies with an indication of the weight of each objective and how to assess achievement and tasks, responsibilities and evaluation mechanisms for each goal and the efficiency and skill required level competencies. The document also contains sections for formative and summative assessments.

The question, then, who is in charge of preparing this documented work plan and decide its characteristics?

Preparing the appraisal plan undergoes two stages.

3.1 First phase: Planning Performance

This phase includes the steps below:¹²

A) Furnishing Overall Goals

The aim of this phase is to bring about consensus between the strategic plans for each federal organization with performance management department. In order to achieve this, the undersecretary of the ministry meet his/her assistants to review the institutional goals

⁹ Al HELOW, M. *The legal Regulation of the Public Federal Employment in the UAE*. Al Ain: UAE University Publications, 1999. p. 146.

¹⁰ Article 82/12 of executive regulations of the Federal Law 2012 on human resources.

¹¹ Article 38/11 of executive regulations of the Federal Law 2012 on human resources.

¹² Performance Management System. In: *Federal Human Resources Authority* [online]. [2015-10-20]. Available at: <<https://www.fahr.gov.ae>>.

of the strategic plan originally adopted by the federal government and ensure the alignment between the goals set by the federal government and the goals they set for their ministries.

Subsequently, the Assistant Undersecretary meets with his subordinate managers to inform them of the strategic plan, and the performance indicators with a purpose to match the organization annual goals with those of the strategic plan. Thenceforth, the process is repeated in each department and unit of the organization where the head of departments holds meetings with their staff to decide on their department goals that must be tightly in line with the organization. After all these meetings, the line manager's wit in the department organizational units arrange meetings with his staff to deal with them to identify their individual goals based on their main responsibilities and objectives and organizational units.

B) The preparation of the annual performance document

This setup is done through a series of steps:

1. Setting goals

As indicated earlier, the direct manager meets his staff individually to discuss the objectives and expected competencies of each of them. These objectives must be specific, clear, measurable, achievable, time-specific, and relevant to the overall goals of the federal government.

Obviously the legislator placed restrictions on the goal formation in order to make the assessment process more objective in terms of defined standards of assessment, validity and reliability.

However, the performance management system in the UAE requires that a minimum of four objectives be determined by the employees whose grades are between Undersecretary of the Ministry to the sixth grade while the other grades (except for service jobs) objectives are limited to the main responsibilities and duties.

2. Determine weight of the goals

After the goals are being determined, the line manager with the employee decides the weight of each goal. The weight is expected to reflect:

A) The relative importance of each goal compared with the other goals.

B) The key areas that the staff should focus on.

In all cases, be sure that all the goals in a total weight equal to 100%.

3. Determine behavioral competencies.

The annual performance from includes twofold main components:

A) Goals, which we talked about earlier, which can be summarized in one sentence (what is expected to accomplish?), what expected from the individual employee to achieve over the next year. In fact, the identification of these goals helps the employee to focus on the basic aspects of the work to achieve the feat with all the efficiency and effectiveness.

B) Behavioral competencies: after setting the goals and their weights, the direct manager and the employee agree on the mechanisms and the behavioral competencies

provided in the performance management system in order to achieve the goals. The employee can choose his style to achieve his goals provided that it is in accordance with the general framework of efficiency.

4. Behavioral competencies and talent management system is divided into:

- A) Core competencies: generic competencies that are required by all staff who occupy the tenth grade and above. These competencies include teamwork, communication skills, focus on results, efficient resource management, accountability, and focus on customer service.
- B) Leadership competencies: include leadership skills like lead change, empower employees and develop their abilities, strategic thinking.

Performance management system requires those incumbents in leadership positions from grade 2 and above and the senior management position to have both core competencies and leadership competencies. On the other hand, employees in the supervisory and supporting jobs are expected to have the behavioral competencies.

Therefore, the employee performance evaluation is implemented in accordance with the targets that are agreed upon with the immediate supervisor and the competencies, whether basic or leadership.

3.2 Phase II: Interim Review

This review is scheduled during the months of June-July of each year, where the direct manager and the employee meet to review the progress in the implementation of goals and the overall performance of the employee, and the difficulties that prevent the achievement of goals. They also discuss the competencies and behavioral desired, and how to change or modify any goal if it is proven to be unrealistic or irrelevant, provided that this modification is used to hide the low performance of the employee.

This phase also represents the last chance for identifying the challenges that face the employee and any possible adjustments in the goals and their weights.

Human resources in the main office is expected to receive a copy of the interim review for documentation.

4. THE MULTICIPLITY OF EVALUATION ENTITIES

Most, if not all, employment related legislations recognize the jurisdiction of the direct manager in the evaluation of the staff on the grounds that it is the in heart of his authority on his subordinates. Additionally, he is the ablest to constantly monitor their work and evaluate their overall performance.

In Article 31 of the Decree Law on Human Resources, the legislator has entrusted annual performance evaluation process to the employee's direct manager who already participated with the employee in the process of document preparation and review its performance.

The direct manager and the employee conclude the performance report based on what has been handled and monitored in the interim review stage.

Next, the employee must sign on the report; however, it should be pointed that the employee's signature indicates that he is informed and is aware of the outcomes and does not imply his acceptance or refusal of the annual appraisal report.

Then comes the next stage where the annual performance reports for all staff are sent to the “control and proportion” committee, which is formed in each of the federal organization and which is headed by the Director-General (Chairman) and the membership of the of Undersecretary, Director of Human Resources Management and Minister Assistants.

The basic task of the committee is to evaluate the different levels of performance at the Federal Authority organization and to ensure the fair and equitable evaluation. The decisions of the committee are considered final evaluation of each employee, the outcomes of the performance (annual appraisal report) are communicated formally to the concerned staff through the Director of Human Resources.

The legislator has stipulated that the committees adjusting and balancing the distribution shall not exceed the overall results of the performance evaluation in the federal ceiling (0–5%) for significantly exceeds expectations and (5–15%) more than expected and (80–100%) meets the expectations (0–5%) needs to be improved.

Thus it can be said that the legislature did not give the administration absolute power in the performance evaluation process that is subject to review by the budget and adjustment committee, which gives the employee evaluation process further objectivity and impartiality.

5. ENSURE THE PUBLICITY AND THE VALIDATION OF THE EMPLOYEE PERFORMANCE EVALUATION

The legislator requires that the evaluation must be accompanied with the justifications for the rating as well as the reasons for strengths and weaknesses and areas of improvement that the employee needs to address. All must be well-documented and written on the performance evaluation report.

Through the condition that the appraise signs his evaluation report, the legislator ensures the publicity of the evaluation report. This also guarantees the fairness and the objectivity of the evaluation process, in one hand, and provides the employee with his weaknesses and strengths to ensure the continuation of the best practices and improve areas of weakness, in the other.

6. IDENTIFYING THE LEVELS OF PERFORMANCE AND THE REQUIREMENTS FOR EACH LEVEL

The legislator specifies four different levels for employee performance evaluation:

A) Significantly exceeds expectations

The employee who deserves this appreciation is the one who has achieved his goals efficiently and effectively throughout the year by 100%, has worked hard and achieved targets other than agreed in the performance document, and has suggested applicable proposals and initiatives taken by the organization.

At the level of behavioral skills, this employee enjoys and has proved to meet all the behavioral indicators that are required for this level of performance throughout the period of the evaluation. The last requirement for this level is that the employee must not take any administrative sanctions.

B) Exceeds expectations

This level is given to the employee who has achieved his goals by 80–100% with efficiency and effectiveness. Moreover, these objectives achieved have impacted significantly the administration day-to-day operations.

Employee at this level endures all the behavioral indicators required for the level and demonstrates distinguished performance of some behavioral indicators of the skill level in four specific competencies as a minimum, and did not take any administrative sanctions.

C) Meet expectations

At this level, the employee has done his duties and responsibilities regularly and in accordance with the prescribed assets, has achieved most of his goals by (60–80%), and has proved that the employee enjoys most of the behavioral indicators required to this level of performance without showing any interest in possessing other indicators.

D) Needs improvement

This is the lowest level in which the employee's objectives are attained by less than 60% in many key areas resulting in enrolling the employee in an intervention plan to improve his performance.

At this level, the employee lacks most of the competencies in four categories or more which negatively affects the work on the team, so the need to enhance his efficiency becomes an important requirement.

7. THE GRIEVANCE ON EVALUATION REPORT

Evaluating the performance of public employee is a human activity and whatever assurances the legislator stipulates to secure the objectivity and fairness of the process, personal interest and favourism may play a role in passing judgment on the employee performance. Therefore, in case the employee is not convinced with the outcomes of the evaluation process, the legislator requires open challenge for grievance. This is done to satisfy one's desire for justice first, and second to create an atmosphere of trust within governmental departments. In response to this concern, the legislature in the UAE United Arab employee has allowed the employee to object to the results of his performance evaluation through two routes:

7.1 Administrative appeal

Under article 30 of the Decree Law on human resources for the year 2008, the performance management system necessitates the inclusion of an appeal on the results of the annual performance evaluation procedures and outcomes.

Therefore, the performance management system ensures explicitly the right to staff members in the (needs improvement) category to appeal for a better evaluation report according to the following mechanism:

(1) Applying in writing to the direct manager within five working days from the date of notification of the report outcomes to the employee.

(2) The direct manager is to discuss the grievance with the employee to reach a solution to the objection. If the employee is satisfied with the outcomes of the meeting, evaluation objection is signed by the two parties and filed. However, if the report is modified as a result of employee's appeal, both parties sign a form prepared in advance and sent to the human resources management to take action.

(3) In case of failure to reach agreement with the direct manager, the employee may raise the complaint within five days to the director in a higher level who in turn has to respond to the complaint in writing within a maximum of ten working days, provided that he discusses the matter with the Director of Human Resources Management.

(4) When the employee is not satisfied and convinced with the higher-level director's response, he may appeal within five working days to the minister or his representative. The latter has to respond within one month of the date of sending the grievance and his decision shall be definitive in this regard.

The UAE legislative approach in this regard is better than the Jordanian approach, which limits the objection process in one stage by giving the authority to consider the administrative objection to a specific committee formed by each minister in his ministry from a well-reputed president and two members to decide on the matter within 14 days from the date of submitting the objection.¹³ This is particularly true if we contemplate that the Jordanian legislator limits the objection in one stage, without clarifying the conditions and mechanisms of this committee. It only necessitates broad criteria in committee members, such as fairness and objectivity, but says nothing about the requirements that guarantee the independent and neutrality of the committee.

7.2 Judicial Review

There is a common consensus among different legislation that the decisions of the administration on evaluating the performance of public employee are final administrative decisions. However, the employee may appeal for the cancellation of his evaluation report in the court. For Example, the Jordanian High Court of Justice has confirmed that annual reports of the performance of a public employee affect greatly on his legal position and promotion and hence the decision of committees in this regard shall be considered as a final administrative decision.¹⁴ The same conclusion was also reached by administrative judiciary in France (the French State Council), which decided that granting the appellant zero of twenty degrees without reasonable reason related to the attitude of that appellant or his insufficiency in employment makes such grades tainted by a defect of deviation in power or misuse.¹⁵

¹³ Jordanian Regulations of Performance Management of 2018.

¹⁴ Decision No. 149/2008 of the Jordanian High Court of Justice.

¹⁵ LAUBADERE, A. *Traité de droit administrative*. Tome 2. Paris: L.g.d., 1984. p. 114.

In the United Arab Emirates, the employee may appeal against a specific evaluation report in a given year to the Federal Court within sixty days from the date of informing him with the decision in accordance with the provisions of Article 116 of Legislative Decree of human resources for the year 2008.

The employee may also apply for annulment of the administrative decision regarding the evaluation if it was issued according to personal interests or was based on discrimination against an employee because of his color, race, sex, age, religion or origin. It is useful here to mention that legislation around the world prohibit employers from treating employees differently based on certain qualities unrelated to their job performance. A good example is the Civil Rights Act of 1964, the Americans with Disabilities in Employment Act, and other federal and state laws. According to such laws,¹⁶ employers are not allowed to discriminate against an employee with regards to his promotions, benefits and performance reviews.

It is important to mention here two points: The first one is that the legislator in the UAE did not make grievance available to all employees who feel that their performance reports are imbalanced and limited it to those with (needs improvement) performance evaluation. Basically this right should be available to any employee who wants to appeal against the results of the performance evaluation. In my view, responding to and maintaining the justice is more important than the claims of some specialists in public administration who ground their opposition on the pretext that giving the right to appeal for all employees would create several problems for management. It will affect the relationship between superiors and subordinates; in addition to this the administration will be preoccupied in deciding on the grievances.¹⁷

While the second point is that It is obligatory for the employees with “needs improvement” evaluation report to first complete the administrative appeal as a condition for judicial appeal, while being on any other level of evaluation staff can go directly to judicial appeal.

8. THE APPLICATION OF PERFORMANCE MANAGEMENT SYSTEM

The implementation of Performance management system has started manually in 2012 by filling out the pre-standard forms of performance assessment. In 2019, all performance measures have become automatic in the sense that they do not require manual procedures but done electronically in accompanied with a personal interview between the employee and his boss.

In fact, the implementation of the performance management system may face some challenges relating to the existence of non-measurable competencies, such as the ability to change, strategic thinking, and the ability of employees to set goals consistent with the government strategy. This may require in-depth training to provide employees with such necessary skills

¹⁶ See, for example, Title VII of the American Civil Rights Act of 1964.

¹⁷ AQQAILI, O. W. *Manpower Management*. Amman: Dar Zahrran, 1996. p. 227.

CONCLUSION

Like other legislation, the legislator in the UAE has adopted in the Human Resources Act of 2008 and its amendments a system for evaluating the performance of the public employee and has named it performance evaluation. Furthermore, he issued for this purpose a special detailed system with clear procedures and ends. The legislator has also embraced goal driven evaluation process that, I believe, is a distinctive method. The employee is involved and knows the duties he assumes throughout next year resulting in creating some kind of trust, cooperation and understanding between the employee and his administration.

The legislator has also succeeded in enforcing objectivity and publicity of the evaluation process by first making it evidence based process screening the weaknesses and strengths of the employee, second by not limiting the performance evaluation to only the direct manager. He necessitated showing the results of the performance evaluation on a special committee formed in every federal organization.

The legislator confirms the possibility for the staff to make administrative and/or judicial appeal, but unfortunately did not make an objection administrative option open to all employees and limited to those with evaluating (needs improvement) performance. We were hoping that this privilege is open for all employees who are dissatisfied with the result of their evaluation report, especially that the evaluation results affect the promotion opportunities.

Despite the availability of proper and fair legal infrastructure with regard to performance assessment, such infrastructure alone will probably be unable to meet the challenges of assessment. The matter also depends on the employee's initiative and his willingness to defend his gains, rather than backing off from objection and challenging the measurement decisions for fear from the chiefs, or for fear of losing any future job gains.