

ETHICS IN THE CIVIL SERVICE

INTRODUCTION

A general reflection is that ethical standards in many European public administrations is something comparatively new, especially as expressed in comprehensive documents and in terms of values and virtue. In Constitutions or other legal documents, basic principles may be expressed as democracy, rule of law and efficiency (sound use of public funds). Specific laws regarding for example transparency of documents coupled this.

There are old ethics and perceptions regarding the specific role of a civil servant. Independent agencies or specific ministries may have issued their own administrative procedures or regulations concerning, e.g. accessibility by the public

GENERAL STANDARDS FOR PUBLIC SERVICE CONDUCT

OECD has adopted twelve standards for the development and promotion of public service ethics. These are:

1. Ethical standards for the public service should be clear.
2. The standards should be reflected in the legal framework.
3. Ethical guidance should be available to public servants.
4. Public servants should know their rights and obligations when exposing wrongdoing.
5. An ethical culture requires political commitment.
6. The decision making process should be transparent and open to scrutiny.
7. There should be clear guidelines for interaction between the public and private sector.
8. Managers should demonstrate and promote ethical conduct by setting an example of ethically irreproachable conduct
9. Management policies, procedures and practices should promote ethical conduct.
10. Public service conditions and management of human resources should promote ethical conduct.
11. Adequate accountability mechanisms should be in place within the public service.
12. Appropriate procedures and sanctions should exist to deal with misconduct.

CONTENT OF ETHICAL STANDARDS

When working with ethical standards emanating from various governments, the content naturally varies and it is not possible to find one short definition of ethics in the public service. It is rather a conglomerate of various values and statements. It is however rather surprising that the commonalities between the standards are dominating, especially when the ethical standards have been construed to define similar areas. Differences can rather be detected regarding the scope and direction of the ethics. Some do more strictly deal with how the civil servant shall execute his services, the relationship between the service and the political leadership, as well as mentioning the importance of matters like community commitment, responsiveness, being result focussed, achieving excellence, relationship with the public, loyalty and confidentiality.

Other ethical frameworks include the previous matter but are more focussed on internal relationships and personal conduct – on exemplary conduct - as well as dealing more with matters like personal interests, nepotism and corruption. However, when the various ethical documents deal with a certain issue or matter, there is little or no difference regarding what is perceived as right or wrong.

There is no specific commonality to be traced between European countries as a group and the rest of the world. The differences are rather found in the systems and traditions for promulgating and stating values and norms. Are the norms found in laws or regulations, or in policy documents? Such matters have an impact on the language as well as the format of ethical standards. Are reactions for contravening the principles a matter for courts or disciplinary procedures, on agency level? Or is it up to management to manage disrespect or unwanted behaviour?

Ethics and policies seem to indicate how to do and how to be. Laws and regulations are usually saying what not to do, followed by sanctions.

Another general reflection is that the tradition within countries to produce legal or semi legal documents expressing values, virtues and standards, varies considerably. In many countries, there is no tradition to produce so-called green and white papers expressing policies in a coherent manner. Whatever prescribed is found in laws and regulations, using a legalistic language. One way of expressing ethical ambitions in this context is in introductory paragraphs for a certain law.

It is not easy to trace how ethics is perceived or defined by the public sectors. One line of thought is to base this on ethos, which rather restricts the terminology to matters regarding virtues. Is accountability or equality of opportunity or supporting the government of the day per se an ethical consideration? To refrain from political activities in the workplace, to achieve organisational objectives, being punctual, reporting to the appropriate authority; are such matters beyond doubt ethical?

Government systems like the welfare state could on the one hand be regarded as a commitment to the well being of all – which could be regarded as an ethical approach - but would it be unethical on the part of a civil servant to question all or part of a welfare system?

On a general note, the following commonalities are found in civil service ethical documents, in Europe and elsewhere.

- One often talks of professional ethics in the public sector to be promoted and maintained, to be different from that of the private sector.
- Professional ethos is a founding stone for a strong public administration.
- We in the public sector are not better people than in business, but more is expected from us.
- We are servants of the public, we are tasked to be faithful to the country and to honour the Constitution.

We shall

- Put the public interests first, a statement that assumes that the individual has guidance for what the public interest is. We do not want that to be decided by the individual civil servant.
- Loyally execute the policies of the government of the day,
- Serve the public in an unbiased and impartial manner in order to create confidence in the Public Service
- Treat the citizens as customers entitled to receive high standards of service
- Have regard for the circumstances and concerns of the public in our decision making
- Not discriminate against any member of the public
- Not abuse our position to promote and prejudice any interests
- Being non corrupt
- Respect and protect every person's dignity,
- Recognise the public's right to access of information.

This list can be made much longer and it serves as a general framework for behaviour and what is expected ethically of all civil servants; in essence to build the public's trust and confidence in government.

Without mentioning specific countries, and emphasising that the content of the ethical standards or Code of Conduct are very similar and sometimes close to being identical, there is little or no difference between countries that are among the ten least corrupt and those that are on the bottom of the list. Taking this as a case in point, it illustrates that an exemplary Code of Conduct or an ethical policy has no impact on behaviour, just by being printed.

ETHICAL STANDARDS IN SWEDEN

Sweden has chosen not to develop a comprehensive document that could be labelled ethical standards or a code of conduct. Ethical values are found in parts of the Constitution, like public power shall be executed with respect for all persons equal value and promoting the freedom and dignity of everyone. The legal framework gives directions regarding bias and other matters. It is however beyond doubt that upholding ethical principles and democratic values are of utmost importance for the execution of public services. Below is a condensed summary of statements in various documents related to ethics.

Public sector management is under pressure to fulfil a multitude of goals and objectives that in themselves may be conflicting. Democratic values and public ethos shall permeate the execution of the public activities. Also, the public sector shall play a major role in developing

economic values in the society, guided by rationality, productivity and effectiveness. Performance management, procurement guidelines, result oriented approach to management and other systems drives these latter ambitions. The public system shall be the guardian of such values and directions, to handle the resources provided by the taxpayers.

Of specific importance in Sweden is the principles of transparency and accessibility of documents. All documents, including working papers are open to the public and media in Sweden, unless the Secrecy Act does not explicitly classify certain decisions or areas as being secret. Such documents shall also be listed in the open diary of any public organisation – without disclosing the content. Anyone can request the organisation to justify its decision that certain documents are secret.

Government may from time to time decide to issue policies or submit bills to parliament that gives directions. The following is an extract from a government bill.

The government's aim is that the central administration, while meeting rigorous rule of law, efficiency and democratic requirements, should

- Be accessible and obliging towards the public
- Enjoy the citizens full confidence
- Give business and industry favourable conditions for work and growth
- Be successful and respected in its international cooperation.

Government agencies must carry out its tasks with

- High quality
- Transparency
- Highly motivated and skilled employees
- Competent managers, and
- A capacity for change

Key words would be quality, services, skills and ethics.

Some years back, government spelled out the following four main guidelines for its administration

- Concentration and collaboration
- Quality and skills development
- Focus on performance
- Effective provision of information

Ethical standards have been developed by the agencies themselves. Hence, such documents are more adapted to desired norms for that specific area of services, directions on how to manage, duties and with directions regarding what is good and bad, right and wrong. The Tax authorities, the Police, etc have their own ethical framework. Not all parts of the public sector has developed documents that are labelled or classified as ethics or make use of ethical terminology. A "business idea" or goals usually expresses some values and directions which is also the case regarding the content of plans of operation.

What is important is not how the documents are labelled but rather that a normative system is clear, applicable, understood and accepted by the staff.

COMMON DENOMINATORS FOR DEVELOPING ETHICS

1. It must be clear who is the sender to determine in what ways the code or the norms will be spread and how it will be received.
2. Who is the receiver of the code and what is the connection between the sender and receiver?
3. Are there control systems and modes of sanctions?

It is equally important to determine the **purpose** of the ethical code. Areas to analyse could be

- Creation of good will and confidence
- Strengthening the position of the profession and the operations of the organisation
- Alert people / staff that there are ethical problems
- Give guidance and create precedents
- Information, internally and externally
- Emphasise that there is a need to protect a certain group of people or a partner that is dependent on the operations
- Create a regulatory framework as a standard to evaluate behaviour or deviations
- As a basis for skills development

With regard to norms, the following areas require special attention

- What are the prevailing views on people and on human rights, like respect for everyone's equal value and rights, whether we believe that people are essentially good or bad
- Our view on the right of the individual to be autonomous and the degree of the right of the individual regarding self determination
- The right of integrity, to a private sphere, for the public servant and the client, including an inmate in a prison
- Equality aspects / non-discrimination
- Transparency
- Confidentiality
- A non-corrupt civil service
- The right to transmit information regarding the business of government
- The meaning of responsibility and accountability
- The meaning of loyalty and comradeship
- Trust and the extent of trust and confidence

One could agree that a written document serves no purpose in changing behaviour. The challenge is to make things happen, to ensure not only knowledge of the content of the ethical standards but foremost to provide ownership and understanding of what the ethical standards means in practise. Also, to have systems that reacts against behaviour and actions not in line with the ethics.