Ethics and integrity in civil service

National Agency of Civil Service-Romania

Adriana Circiumaru
head of unit
Seminar on legislation regarding transparency, ethics and integrity in public administration

**Legislative framework**

- Law no. 7/2004 (republished) on Civil Servants Code of Conduct
- Order no. 4500/2008 on establishing a single framework for completing and transmitting data and information on the compliance of civil servants with the rules of professional conduct and implementing disciplinary measures
- Government Decision no. 1344/2007 on the organization and functioning rules of the disciplinary commissions
Seminar on legislation regarding transparency, ethics and integrity in public administration

Legislative framework

- Law no. 161/2003 on certain measures to ensure transparency in exercising public dignity or civil service positions and in the business environment, prevention and combat of corruption
- Law no. 571/2004 regarding the protection of whistleblowers
Civil Servants Code of Conduct

- Scope and objectives
- General Principles
- General Rules of Conduct
- The Coordination, Monitoring and Control of the Implementation of the Rules of Conduct
Civil Servants Code of Conduct

Scope and objectives

The Code of Conduct regulates the mandatory general rules of moral and professional conduct for civil servants.

Objectives:

• securing the increase in the quality of the public service,
• ensuring a good management with a view to best serving public interests
• contributing to the elimination of bureaucracy and corruption in public administration
Seminar on legislation regarding transparency, ethics and integrity in public administration

- General Principles that govern the professional conduct of civil servants:
  - supremacy of law
  - priority of the public interest
  - ensuring the equal treatment of citizens in their relation with public authorities and institutions
  - Professionalism
  - Impartiality and independence
  - Integrity
  - Freedom of thought and expression
  - Openness and transparency
  - Honesty and fairness
Seminar on legislation regarding transparency, ethics and integrity in public administration

General Rules of Conduct:

- To provide a high quality public service
- Loyalty to the law and to the public institutions
- Freedom of opinion
- Public and political activity
- The use of image
- Relationships within civil service
General Rules of Conduct:

- Conduct in International relations
- Restrictions regarding the acceptance of presents, services and advantages
- Objectivity
- The use of political prerogatives
- The use of public resources
- Restricted participation in acquisitions, license granting or leasing
Seminar on legislation regarding transparency, ethics and integrity in public administration

The Role of the National Agency of Civil Servants

Coordinates and monitors the application of the rules of conduct

- monitors the application and compliance with the rules of conduct in public institutions and authorities;
- drafts studies and reports on the compliance with the rules of conduct;
- cooperates with the NGOs whose activities focus on promoting and protecting the legitimate interests of the citizens in their relation with civil servants;
The Ethics Counsellor

The civil servant appointed by the head of the public institution or authority to monitor the compliance with the rules of conduct and to offer ethics counselling.
The ethics counsellor duties

- provides **advice and assistance** on the compliance with the rules of conduct (task in the job description)
- **monitors** the implementation of the Code of Conduct by the personnel in the public institution and authority in which they activate
- draws up **quarterly reports** on the compliance with the rules of conduct
The role of the ethics counsellor

**Preventive function** regarding misconduct:
- knowledge of specific rules of conduct of civil servants
- informing civil servants about the decisions of disciplinary commissions and courts
- informing the management of public institution/authority on the main causes of non-compliance with the rules of conduct
- continuous training on legislation and interpretation of rules of conduct
- improving the image of civil servants in the eyes of citizens
Issues that were the subject of ethics counselling were link to:

- incompatibilities and conflicts of interest
- behavior of civil servants during working hours;
- providing quality public service;
- scope of duties of civil servants;
- rights and obligations of civil servants.
The civil servants violation with guilt of the duties they hold and the rules of professional and civic conduct provided in the Code of conduct = misconduct.

Misconduct leads to a disciplinary sanction for the civil servant.
The Disciplinary Commission

A deliberative structure without legal personality, independent in exercising its duties, with power to review acts of civil servants as misconduct and to propose how to address them, with the identification of applicable disciplinary sanction or dismissal notification.
Disciplinary sanctions

- Written reprimand
- Salary decreases with 5-20% on a period of 3 months
- Suspending of the right to advance/get a promotion on a period of 1 to 3 years
- Downgrading in civil service on a period to 1 year
- Dismissal from civil service
Incompatibilities regime

- A civil service position is incompatible with any civil service position other than the one the civil servant is appointed in, and with any high official position
- Civil servants may not have other jobs and can not perform other activities, paid or unpaid (according to Law no. 161/2003 and Law no. 330/2009) as follows:
  - in public institutions and authorities;
  - in the political official’s cabinet, unless the civil servant is suspended from the civil service position during this appointment, under the provisions of the law;
  - in the autonomous public services enterprises, companies or other profit-making units in the public sector (per a contrario, in the non-profit entities in the public sector and the non-profit and profit-based entities from the private sector the interdiction is not applicable);
  - as a member of an economic interest poll.
Civil servants can:

- may have jobs and perform activities in teaching, scientific research, literary and artistic domain

- may have jobs in other areas of the private sector which are not directly or indirectly linked to the duties performed as a civil servant, under the job description
The civil servant is not within an incompatibility situation if she/he:

- is appointed by an administrative act, issued under the law, to represent state interests in connection with activities carried out by operators with capital or assets owned wholly or majority state-owned, according to the normative acts in force,
- is appointed by an administrative act, issued under the law, to participate as the representative of a public authority or institution in bodies or joint management bodies, established under the normative acts in force,
- is exercising a mandate of representation, appointed by a public authority or institution, as expressly provided in normative acts in force
The civil servant is not within an incompatibility situation if she/he:

is appointed by administrative act to be part of project teams in projects with grants funded through post-accession EU funds and through external refundable or not refundable loans contracted or guaranteed by State

**Exception**
civil servants exercising duties as auditor of monitoring and control activities carried out during the project’s implementation and civil servants who are part of the project team, but the activities conducted in the project creates conflicts of interest with the civil service position they hold.
Conflict of interests

Situation in which there is a civil servant has a personal interest that might influence their objective performance of their duties.

When do we have conflict of interests?

- The civil servants is called to process an application, take a decision or to participate in making a decision about a person or entity with which it has personal / patrimonial relationships

- The civil servant participates in a civil servants commission composed of I degree relatives and spouse

  The interests of I degree relatives, spouse can influence decisions that they must take in public office
Protection of whistleblowers

**Whistleblowing** = notification made in good faith of any offense involving a violation of law (under the law as a disciplinary offense, misdemeanor or offense), of professional ethics or of the principles of good governance, efficiency, effectiveness, economy and transparency.

**Whistleblower** = the person that makes a notification in good faith of any offense involving a violation of law, and works in a public institution and authority
Thank you!
adriana.circiumaru@anfp.gov.ro