



Centrul de
Resurse
Juridice

Measures for improving the ethics officer status

16 May 2012

Seminar on legislation regarding transparency, ethics and integrity in public administration

Ethics system

- **Under the law, each leader/manager of public organisation has to appoint an ethics officer.**
- **The ethics officer has to be public servant and it is recommended to be selected from the human resources department.**

Ethics officers duties

- **The ethics officers have three broad responsibilities:**
- **to provide advice and assistance to public servants from the respective public organisation on compliance with the code of conduct;**
- **to monitor the implementation of the Code of Conduct in the respective organisation;**
- **to prepare quarterly reports on compliance with the rules of conduct by the public servants and biannual reports on disciplinary proceedings.**

Background Documents

- **National Integrity Strategy 2012-2015**
- **Bi-annual compliance reports on the conduct of public officials, ethical standards and disciplinary procedures, National Agency for Public Servants, 2008-2011**
- **Report on the implementation of ethics officers' regulation, Center for Legal Resources, 2009**

National Anticorruption Strategy 2012-2015

- **Highlights the responsibilities of each manager of a public institution to prevent corruption.**
- **Prescribes the consolidation of the status and role of ethics officer.**
- **Regulates integrity testing to ensure compliance with ethical standards**
- **Develops a self-evaluation mechanism and evaluation missions.**

Challenges

- **In some organizations ethics officers are not even appointed and the mandatory reports are not submitted to the National Agency for Public Servants**
- **the average level of submission is below 22% and there is a decreasing trend**
- **Although the vast majority of public organisations is not reporting (almost 80%), those that are reporting tend to be large organisations in term of number of public servants working there.**

Mandatory reports on ethics submitted to NAPS

2009-2011

	2009				2010				2011	
	1st Quarter	2nd Quarter	3 rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter
No. of public organisations reporting	1018	1248	1225	1105	989	956	973	984	773	826
% of public organisations reporting from the total no. of public organisations	21.68	26.58	26.09	23.54	21.06	20.36	20.72	20.96	16.46	17.59
No. of public servants working in the organisations reporting	71566	85974	81953	73065	72543	71794	71052	72362	67406	69502
% of public servants working in the organisations reporting from the total no. of public servants	63.36	76.12	72.56	64.69	64.23	63.57	62.91	64.07	55.85	57.59

Challenges

- **ethics officers are not properly trained to perform the advising and assistance duties.**
- Only 30% of the ethics officers attended vocational training in the last year. The 2009 independent study report that ‘from the total of 149 ethics officers who participated in training only 28 persons (18.8%) participated in courses on ethics advice and assistance and 49 of them (32.9%) in courses that are only partially related to the implementation of the rules of conduct for public servants and ethics counselling

Challenges

- **Few officers have practical experience with ethics in their day to day job**

The 2009 CRJ report found that 43.3% of the ethics officers have a daily work that is not connected in any way with ethics area: managing labour contracts and keeping labour records; communication, secretariat and Public Relations, calculate budgets, salaries and financial rights, keep retirement records or perform internal audit.

Other 21.4% of the officers have a daily work poorly connected with ethics: staff recruitment, conduct professional performance evaluation. Only 13.2% of the ethics officers have a daily job connected with ethics area: implement integrity and transparency standards or they are legal advisers

Challenges

- **The ethics officers do not have sufficient time available to complete their duties as this kind of persons have in average responsibilities in 4.7 major areas of work**
- **The reports submitted by the ethics officers are poorly crafted and do not provide information on the causes and consequences of breaches of conduct**

Results

- In two and a half years 2935 public servants requested ethics assistance from the officers and 7181 received such assistance (almost 6% from the total population of public servants). The difference between the demand and the supply side can be explained by the pro-active approach of the officers that organised information meetings with public servants.

Results

- The number of public servants under disciplinary proceedings tends to be stable in the last three years, representing approximately 1% from the total number of public servants. Almost half of the complaints are investigated and dismissed every year. The other complaints turn out to be valid and disciplinary sanctions are proposed. Nevertheless, around 60% of the sanctions consist in written reprimand.

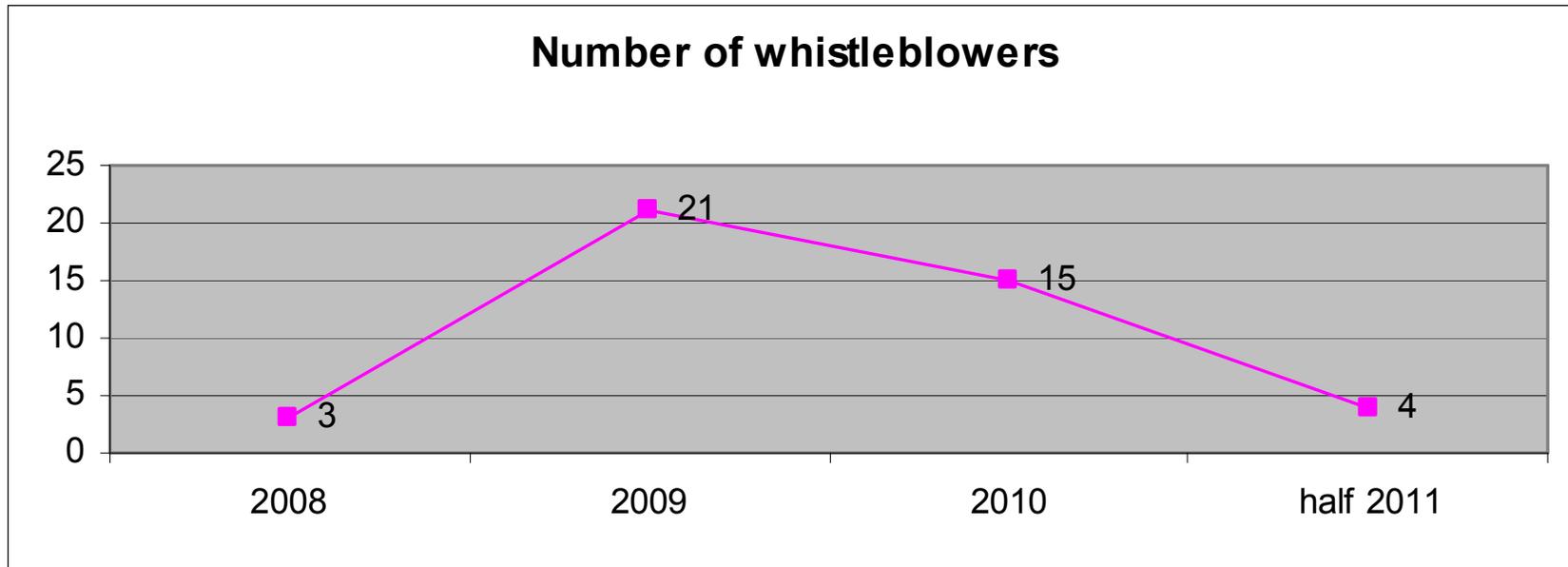
Results

- The disciplinary complaints are submitted mostly from within the public organisations, by managers (65% of the complaints) or peers (22% of the complaints). The beneficiaries of the public services (citizens) are responsible for only 12 % of complaints

Results

- The number of whistleblowers is irregular and few public servants (under 0.01%) put themselves under the protection of whistleblowers law.

Results



Results

- The ethics policy implementation as well as the results obtained is not encouraging. What to do?

Recommendations

- Widening the powers of ethics officers;
- Regulating a comprehensive ethics and conformity management system for the public administration;
- Raising the demand for integrity by the external environment of public administration (civil society organizations - CSOs, citizens, business sector).

Widening the powers of ethics officers

- regulating the obligation of ethics officers to develop corruption vulnerability analyses at the organisational level;
- giving them the powers to monitor the wealth and interest declarations of the staff and acting as contact point for the National Agency of Integrity,
- appointment of the ethics officer by voting in the organisation
- regulating them as contact point for National Integrity Strategy 2012-2015

Regulating a comprehensive ethics and conformity management system

- Regulating a specific public function of conformity officer to advise both the public servants and the contractual personnel;
- Developing procedures, instruments, resources, monitoring and independent audit; publishing extended guidelines for ethics counseling and the development of specialized training for ethics;
- Ensuring independence for the conformity officer in order to build confidence and professionalism;
- Increase the budget available for training.

Raising the demand for integrity

- Improving the complaining system – make it user friendly (+ information campaigns for citizens and companies)
- Supporting CSOs monitoring projects
- Include civil society organizations and business sector in the policy board