Contents

● General presentation
  1. Definitions
  2. French legal framework for deontology
  3. Standards of behavior
● Conclusion
General presentation

- Why professional code of ethics should be used by public servants?
  - Public interest
  - Principle of good public governance
  - Principle of neutrality of the administration
  - Public trust
1. Definitions

- **Morality** treats the ability of distinguishing between *good* and *evil*.
- **Ethics** is a branch of philosophy which addresses questions about morality.
- **Deontology** is a science studying the obligations and the behavior of those practicing a certain profession.
- **Discipline**: sanctions breaches of deontological rules.
1. Definitions (cont’d)

- Deontology + Ethics = A source of help for decision-making
- Deontology + Discipline = An instrument of control of the individual behavior
2. French legal and ethical framework

- Deontology is a mixture of « soft law » and « hard morals »
- Code of Ethics are discussed and adopted by professional orders (MPs: 1947)
- Those Codes are then ratified by the Government
- => Deontological standards may vary from one profession to another
2. French legal framework for deontology

- Failure to comply with his/her ethical obligation (corruption, extortion, misuse of government assets)
  - Rigorous Criminal Law framework:
    - Criminal code 1810
    - Loi October 6th 1919
    - Examples: illegal acquisition of interest: Article 432-12 Criminal code (5 years of imprisonment, 75,000€ of penalty)
    - Revolving door is heavily penalized: Article 432-13
  - Disciplinary Law: easier to implement than criminal law
    - Case CE January 12th 2011 Jean-Huge Matelly (discretion)
The craze for Deontology

- A recent concern because of:
  - Internet
  - Fight against corruption
  - Change in politics
  - International lobby (Transparency international, Doing business …)
3. Standards of behavior

- **Integrity**: putting public service obligations above your own personal interests
- **Impartiality**: acting solely according to the merits of the case and serving equally well Governments from different political persuasions
  
  + Honesty, Objectivity, Efficiency …
3.1. Integrity and privacy

- Always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings
  - Public duties vs. private life
    - Can public servants hold a Facebook account?
    - Can public servants use intoxicating products (drugs, alcohol)?
3.1. Integrity (Cont’d)

- Don’t misuse your official position
  - The abuse of public property and State resources
    - Can a public servant use his/her official car for private purposes (such as: dropping kids at school)?
3.1. Integrity and duty of obedience

- Don’t disclose official information without proper authorization
  - Article 28, Loi of July 13th 1983

- **Whistle-blowing**: You should report evidence of criminal or unlawful activity to the police or other appropriate regulatory authorities
  - Sexual harassment / psychological harassment
3.1. Integrity and simultaneous pursuit of activities

- Don’t undertake remunerative work outside your official duties or use office equipment for such work
  - *Example:* You are a hospital director. One of the doctors are often off work because he has his own office in town. Can he exercise simultaneously 2 activities?

- Exceptions:
  - Scientific, literary or artistic production
  - Teachers that exert a liberal profession
  - Authorization of his/her supervisor
  - Carry on doing its main job effectively
3.1. Integrity and gift

- **Refuse** all the material or personal advantages from anyone that might reasonably be seen to compromise your personal integrity
  - **Article 8 Civil Service Code**: “Civil servants should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgment or integrity”
  - **Example**: You are serving as a judge in a local court. After you settled a dispute between two farmers, the prevailing party wants to thank you by offering you a donkey.

- **Exceptions**:
  - The value of each present admitted may not exceed 30€ (Paris Guidelines of professional practice) or 100€ (Administrative jurisdiction deontology Charter)
  - Notify your supervisor
3.1. Integrity (Cont’d)

- Don’t engage in any transaction or action that is in conflict with or infringes on the execution or your official duties
- Conflicts of interests
- Limitations of revolving-door policy: Limitations of possibility of employment in the future by companies which cases have been handled by your employing office
- Example: You are working for the Energy Ministry. Can you resign and join Exxon?
3.2. Impartiality

- Refrain from favoring relative and friends in work-related activities
  - Example: You are working for the Foreign Trade Ministry. Your cousin has submitted an application for an export license
Impartiality and the obligation of discretion and confidentiality

- Don’t act in a way that is determined by a party political considerations
- Public servants may not become involved in party political activities at the workplace
  - Public duty vs. Freedom of opinion
    - *Can a public servant run for an election?*
- **Discretion, loyalties and neutrality**
  - Case: CE, mach 10th 1974 *Jannès*
  - Freedom of speech, freedom of association
  - Compliance with the rule of incompatibility
3.2. Impartiality

- Religious neutrality
  - Case Dlle Marteaux (May 3rd 2000)
  - Can a French public servant wear a burqa/niqab/hijab?

- Principle of secularism
Thank you for your attention!