

## **Civil service ethics**

*A study of the grounds of civil service ethics,  
its present state and areas of development*

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Summary:  <p>Issues relating to civil service ethics are emphasised in a new way. Since the mid-1980s the focal point of the reform of administration in Finland has been the rationalisation of operations and the development of profitability. In connection with the reform of systems, we have seen clear signs that ethics and values are taking a more important role also in the public sector. In the questionnaire on the state of State personnel administration (1997), 85% of the agency management felt that values and ethical issues were important from the point of view of the operations of the agency. Internationally the emphasis of civil service ethics is apparent in i.a. the study and development work of the OECD Public Management Committee on the subject and in the work of Transparency International (NGO) carrying out comparisons in corruption. The task of the Ethics Project has been to prepare and implement a questionnaire survey on the grounds and present state of civil service ethics directed at the different Ministries as well as agencies and institutions. The results of this survey formed the basis for the conclusions and development proposals of the Working Group in the issue.</p> <p>The questionnaire was sent to c.170 agencies and institutions of central State administration. The survey studied changes in the values of administration, civil-servant ethical principles, unethical procedures and factors affecting civil service ethics. The questionnaire supported the assumption that the value basis of civil service ethics has changed in the last decade.</p> <p>The report looks for ways to promote high-quality civil service ethics through the concept of ethics infrastructure. The aim of the report is to present an overall picture of the entity on which our civil service ethics is based. The report contains the basic central norms providing the minimum requirements for the actions of the authorities and civil servants. In addition, it examines the values creating the foundation of civil service ethics. It also presents the results of the questionnaire survey directed at the agencies in 1999. The Working Group has evaluated the present state of civil service ethics mainly from the point of view of the sufficiency of the ethical system and based its suggestions for certain further measures on this. The starting point is the actions of the civil servants of central State administration and the related ethical questions.</p> <p>The suggestions of the Working Group for further measures to promote high-quality civil service ethics in State administration relate to values and their follow-up, training, information, the integration of values and practice, seminars, participation in international activities, the clarification of need for post-employment restrictions in the State administration and cooperation between the labour market parties.</p>			
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## TO THE PERSONNEL DEPARTMENT OF THE MINISTRY OF FINANCE

On 22 May 1998 the Personnel Department of the Ministry of Finance set up a Working Group to study issues relating to the values and ethical behaviour of State civil servants (the Ethics Project). The task of the Working Group was to prepare and implement a questionnaire survey on the grounds and present state of civil service ethics directed at the different Ministries as well as agencies and institutions. On the basis of the results of the survey, the Working Group was to make its conclusions and development proposals in the issue taking into account the OECD recommendation on the development of ethical conduct in public service (Improving Ethical Conduct in the Public Service; Recommendation of the OECD Council, 23.4.1998).

The Working Group consisted of representatives of State administration and State personnel organisations. Cabinet Counsellor Marja Paavilainen from the Ministry of Finance acted as Chairman until 13 October 1999 and after this, member of the Working Group and Vice Chairman, Ministerial Adviser Kirsi Äijälä. The members of the Working Group were Senior Officers, Legal Affairs Risto Leikos and Kari Peltonen and since 13 October 1999 Senior Administrator Pirjo Staffans from the Personnel Department of the Ministry of Finance, Senior Officer, currently Ministerial Adviser, Katju Holkeri from the Public Management Department of the Ministry of Finance, Director of Internal Audit Hannu Konstari from the National Audit Office, Government Counsellor Elise Pekkala from the Ministry of Trade and Industry, Counsellor of Legislation Martti Simola from the Ministry of Justice, lawyer Markku Nieminen from AKAVA's Public Sector Negotiating Commission, Negotiations Officer Harri Wetterstrand from STTK-J and General Secretary Pirjo Mäkinen from the Joint Organisation of State Employees VTY.

The permanent expert of the Working Group was Researcher Timo Moilanen from Helsinki University and Cabinet Counsellor Marja Paavilainen since 13 October 1999. The Secretaries of the Working Group were Kari Peltonen and Risto Leikos, Members of the Working Group.

As experts the Working Group heard Administrator János Bertók from the OECD Public Management Committee (PUMA), Professor Klaus Helkama from Helsinki University, Counsellor of Legislation Arja Manner from the Ministry of Justice and Researcher Paavo Isaksson.

At the completion of its work the Working Group presents its unanimous memorandum to the Personnel Department of the Ministry of Finance.

Helsinki 31 March 2000

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## LITERATURE

Appendix 1  
Appendix 2

## 1 INTRODUCTION

Civil service ethics is more than the mere definition of actions complying or not complying with the law. The minimum criteria of civil service ethics are defined by legislation. Civil service ethics can be influenced in many other ways. Considering values and ethics as one of the corner stones of civil service ensures a high level of operations in State administration.

The values and ethics of State administration are being emphasised in a new way due to the development of the 1990s. The governments of both the OECD countries and the European Union Member States are increasingly worried that changes in administration may decrease the trust of citizens in administrative systems and increase corruption. The worry is topical also in Finland, although the studies conducted indicate that Finland has the second lowest corruption figures in a comparison of approximately one hundred States.

Continuous change within administration also requires a continuous evaluation of the operating culture of the authorities and the behaviour of civil servants. Established operating procedures do not present answers to all situations.

For example, the increase of market orientation means, i.a., that an agency is expected to acquire part of its funding by selling services (service operations subject to a fee). This requires not only knowledge of the values and operating procedures of the business world but also a deep awareness of values central to civil service. It raises for example questions on what kind of operating procedures are used in contacts outside the State administration, how tenders for public procurement are acquired and handled, how values are included in practical operations and management or which factors can endanger confidence in the actions of an authority or a civil servant in an individual agency. Every situation wherein which a civil servant has to consider the appropriateness of his actions requires consideration and the weighing of different issues with respect to each other as well as an awareness of norms. This involves choices relating to ethical behaviour.

The purpose of this Working Group memorandum is not to give answers to questions on actions that are or are not permissible for an agency or a civil servant. Although the Working Group has also considered these practical questions and has had extensive discussions on them during the course of its work, the objective of the work is different. The focus is rather on an understanding of the values and on good governance based on them. This objective is easier to achieve by constructing and strengthening the ethics infrastructure so that the framework is in order and that confidence in the operations of State civil servants can be ensured as well as possible. The citizens have to be able to trust civil servants and the authorities, while at the same time, the operations have to be productive, effective and efficient.

As the parties exercising public power, it is the responsibility of an authority, an individual agency and civil servant to act so as to fulfil the requirements of impartiality, independence and objectivity. Loss of confidence is often associated with acts, but it can just as well be due to omissions. Confidence is measured more and more by an outsider's view of the actions, even though, as a basis of evaluation, it is insufficient and problematic. Merely the fact that the operations look good cannot be considered a guarantee of good governance. What is important is that the operations actually fulfil the requirements of good governance and are appropriately justified.

This memorandum will look for ways of promoting high quality civil service ethics. The aim of the report is to present an overall picture of the values on which our civil service ethics is based. The report also contains the basis central norms. The empirical section of the report presents the results of the ethics questionnaire survey of the agencies. The Working Group has evaluated the current state of civil service ethics mainly from the point of view of the sufficiency of the ethics infrastructure and based its suggestions for certain further measures on this.

The memorandum is not intended to cover all the ethical questions of the public sector, but it has purposely been limited to the point of view of civil servants and authorities. Also, questions concerning political decision-making and the related interface of civil-servant drafting have been excluded from the study. Nor does the memorandum deal with the problematics relating to the operations of State business enterprises and State companies or the state of indirect State administration and the related ethical questions. The starting point is the actions of civil servants of central State administration and the related ethical questions. The work is connected to the ethics work of the OECD Public Management Committee (PUMA).

## 2 ETHICS AND THE STATE ADMINISTRATION

**Table 1: Some simplified basic concepts**

<b>value</b>	an issue or goal which is considered to be important
<b>ethics</b>	the principles for evaluating the rightness of deeds
<b>morals</b>	commitment to certain values and principles
<b>professional ethics</b>	the own values and principles of a profession
<b>civil service ethics</b>	the values and principles of civil servants and the authorities

Ethics is usually perceived through contrasts of good and bad or right and wrong. **Ethics** means *the rules and principles regulating the behaviour of individuals*. With the help of rules and principles we can find a good, the right or the best action depending on which of the several different schools of ethics the individual bases his actions<sup>1</sup>. Ethically justified action requires that the individual has the ability to consider different alternatives and to place himself in the position of the other person (empathy).

Moral philosophy usually makes a distinction between descriptive ethics, normative ethics and metaethics. **Descriptive ethics** means the description of ethical ideas without presenting an opinion on their rightness. An example of this is the statement *that in the opinion of civil servants it is wrong to take a bribe*. **Normative ethics**, or morals, presents guidelines and rules, which requires commitment to a certain ethical system. An example of this is the statement taking a bribe is wrong *because* it weakens the confidence of citizens in the impartiality of administration. **Metaethics**

<sup>1</sup> The main branches of modern moral philosophy are consequentialism, which emphasises values, and deontology, which emphasises rights and obligations (for further information see e.g. Timo Airaksinen: Moraalifilosofia. WSOY, Porvoo 1987).

on the other hand examines the meaning of the concepts of ethics (e.g. what the term right means).

Ethical values are issues or objectives which are sought after and considered important in actions or behaviour. In the professional ethics of different sectors, values are the internal objectives of the profession. An example of this is the profession of a physician with the objective of promoting health. While justice is considered the objective of a lawyer's profession.

### ***Civil service ethics, professional ethics and personal ethics***

Does civil service ethics differ from professional ethics or, on the other hand, from personal ethics? A civil service relationship is not a profession but a public-law service relationship. Because a civil servant has a special relationship with citizens, the service relationship involves values and principles related to it. These include impartiality, transparency and independence. Basically, public service means acting on the mandate of the citizens, with the funds of the citizens and for the good of the citizens. When we talk about civil service ethics and morals we mean the general values and principles which apply to civil servants<sup>2</sup>.

It is equally essential to differentiate between the proper performance of one's tasks and one's personal opinions. Civil service ethics may require the promotion of issues not considered the best possible by the civil servant himself. Despite this, the starting point is that the civil servant has to promote also these issues. A presenting official is bound by the special liability of a rapporteur, under which a Ministerial Rapporteur is responsible for a decision made upon his presentation. However, the Ministerial Rapporteur has the right to file an objection if the decision differs from his presentation and if he considers that the decision of the decision-maker is against the law or otherwise inappropriate. A Ministerial Rapporteur who has filed an objection is not responsible for the decision made.

Many of the executive tasks of State administration do not essentially differ from the corresponding tasks of the private sector, which is why we may feel that their proper discharge falls rather within the scope of general working life ethics than civil service ethics. However, in tasks of State administration one has to consider not only professional ethics but also the requirements of civil service ethics. If an expert is appointed director of an institution, for example, he is expected to have a better understanding of the principles of the values of civil service ethics and the importance of professional ethics may decrease. However, no unambiguous boundaries can be drawn between professional and civil service ethics.

The term **civil service ethics** refers to actions in a civil-service relationship. The concept cannot be directly applied to State personnel in private-law employment employee relationships, because the State Civil Servants' Act does not apply to them. The differences are based on differences in the legal status of civil servants and employees. The status of civil servants is determined on the basis of the Constitution and the State Civil Servants' Act and the status of employees on the basis of the

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<sup>2</sup> For example Arno Hannus has defined civil-servant morals as follows: "We could say that civil-servant morals mean, on the one hand, the codes of conduct which a civil servant should follow and, on the other hand, the question as to whether the civil servants comply with these codes."



Employment Contracts Act. The main issue is the special official accountability relating to the status of civil servants and the ways in which it is implemented. The status of civil servants and employees is the same i.a. in section 40 of the Penal Code, which deals with offences in office and offences committed by an employee of a public corporation. The acceptance of a bribe in an employee relationship is also a punishable offence.

From the point of view of an agency or institution, what is important is its reliability outwards, its relation to citizens. In this respect, the values and ethical principles of the agency have to apply to all the personnel. From the point of view of a citizen, the criterion for evaluating the operations of an agency is not the legal status of the personnel. Nor do the personnel policy outlines of the personnel strategy of the agency differentiate between civil servants and employees.

### ***Corruption***

Civil service ethics is often thought of in relation to **corruption**, which can be defined as a request for, acceptance or offer of a bribe. However, as far as civil service ethics is concerned, corruption in this sense is quite an easy object. Accepting gifts or other benefits is considered quite inappropriate and bribery-related crimes are punishable offences under the Penal Code. The line to be drawn mainly relates to defining the kind of financial or other benefit that is to be deemed a bribe in an individual case. Cases of corruption are rare in Finland (cf. 3.4).

However, corruption can be understood as a broader issue than just bribery. It can refer to any actions relating to abuse, e.g. to the misuse of one's official position to one's own benefit or to other acts endangering impartiality<sup>3</sup>. Corruption has also been defined as *both bribery, self-corruption and any other effort to influence political-administrative decision-making on morally and socially inappropriate grounds*<sup>4</sup>. This includes deviations from the obligations of public office and/or the pursuit of some special interest. This can be e.g. the pursuit of the interests of an organisation, a political party or an individual by inappropriate means at the cost of public interest. According to this definition, corruption involves the misuse of public power in favour of special interests in order to achieve personal benefits or benefits for an organisation.

### ***Ethical rules***

Ethical codes are tools used by professions for the ultimate purpose of maintaining confidence between customers and the profession. The codes contain instructions for good operations. They do not always include detailed guidelines, but they may consist of core values and principles to be interpreted independently in varying work situations. Their power lies in providing easy-to-remember "rules of the thumb" in simple form. The problem is that rules may simplify matters too much. On the other hand, if we try to make rules comprehensive, they can easily become too complicated. The rules will not have the guiding effect hoped for unless they are publicly

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<sup>3</sup> International literature on civil service ethics often uses the concept **integrity**, which, depending on the situation, means i.a. undivided, honest and independent activity. Integrity is the opposite of corruption (bribery, moral corruption).

<sup>4</sup> Isaksson: Korruptio ja julkinen valta p. 27.

*strengthened, supported by training and information and controlled by means of a board or other body.*

Among the oldest Finnish guidelines of professional ethics are the 450-year-old **Olaus Petri judicial instructions**. These instructions can even today be found on the first pages of the Laws of Finland and they are still significant. For example, the importance of the following instructions can also be considered more extensively from the point-of-view of the work of civil servants:

*"What is neither just nor equitable, cannot be the law; it is for the equity in the law that it is accepted."*

*"The good of the common man is the supreme law; and therefore, what is found useful for the common man shall be deemed the law even if the words of the written law would seem to order otherwise."*

*"He who acts against the purpose of the law acts against the law even if he seems to comply with the words of the law."*

*"All the laws have been enacted for the sake of justice and equity and not for fines. For a fine is to punish those who break the law; but the law prefers not to be broken and would willingly go without fines."*

**Lawyers** have had their own ethical guidelines since 1995 (The Union of Finnish Lawyers, 15.5.1995), which include 12 rules. For example the following contain similarities to the conduct expected also of State civil servants:

*"In his actions, a lawyer shall be independent of external influences which may hamper him in the appropriate carrying out of his duty or in achieving a fair end result."*

*"In his work, a lawyer shall conduct himself in an appropriate manner and act objectively. He shall not be influenced by loyalty to colleagues."*

*"A lawyer shall act fairly and pursue a fair end result."*

*"In his actions and his conduct, a lawyer shall be worthy of the trust required by his duty. He may not allow his own financial interests or other personal motives to hamper him in conscientiously carrying out his duty."*

*"A lawyer shall speak the truth."*

The objective of the ethical guidelines of lawyers is to define good legal practice obligating all those working in the legal profession. In their own work, lawyers working in different sectors should, however, also comply with separately enacted or issued instructions. Thus professional ethics does not exclude civil service ethics but merely complements it.

Some countries have drawn up **ethical norms for the civil servant body**, although they are not a uniform profession in the actual meaning of the term. The norms indicate the central distinctive characteristics of civil service work. For example, the Standards in Public Life in Great Britain<sup>5</sup> contain seven basic principles deemed to apply to all public life (cf. Table 2).

**Table 2 : The Seven Principles of Public Life (UK)**

**Selflessness.** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**Integrity.** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity.** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability.** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness.** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty.** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership.** Holders of public office should promote and support these principles by leadership and example.

Some of the norms and principles of good governance in **municipal administration** have been compiled in a separate publication<sup>6</sup>. The objective is to look for ways to develop good municipal governance.

### 3 THE ETHICS WORK OF CERTAIN INTERNATIONAL ORGANISATIONS

#### 3.1 Organisation for Economic Co-Operation and Development (OECD)

The Personnel Department of the Ministry of Finance has participated in the OECD ethics work since 1995, when Finland, together with eight other member countries, prepared a report on its own situation. On the basis of the reports of the country reports<sup>7</sup>, the research report "Ethics in the Public Service: Current Issues and Practice" was completed in 1996. The report presented factors influencing ethical norms and compliance with them as well as measures taken in the administration of these countries to support ethical management. The report also introduced the new concept of ethics infrastructure, which is used to promote independence and to prevent corruption.

<sup>5</sup> Standards in Public Life. First Report of the Committee on Standards in Public Life. 1995.

<sup>6</sup> Association of Finnish Local Authorities: Hyvä kunnallinen hallintotapa. [Good Municipal Governance] 1993.

<sup>7</sup> Australia, Finland, Mexico, Holland, New Zealand, Norway, Portugal, the United Kingdom, the United States.

### **The Ethics Infrastructure**

A well-functioning Ethics Infrastructure supports a public sector environment which encourages high standards of behaviour. Each function and element is a separate, important building block, but the individual elements should be complementary and mutually reinforcing. The elements need to interact to achieve the necessary synergy to become a coherent and integrated infrastructure. The elements of infrastructure can be categorised according to the main functions they serve guidance, management and control noting that different elements may serve more than one function.

**Guidance** is provided by strong commitment from political leadership; statements of values such as codes of conduct; and professional socialisation activities such as education and training.

**Management** can be realised through co-ordination by a special body or an existing central management agency, and through public service conditions, management policies and practices.

**Control** is assured primarily through a legal framework enabling independent investigation and prosecution; effective accountability and control mechanisms; transparency, public involvement and scrutiny. The ideal mix and degree of these functions will depend on the cultural and political-administrative milieu of each country.

The next phase of the ethics work was the publication in spring 1998 of a 12-point recommendation. The objective of the recommendation is to help the member countries to evaluate institutions, systems and mechanisms which they use to promote compliance with the ethical norms of public administration. In accordance with the ethics infrastructure these contain guidance, management and control norms with which the ethical management systems of public administration can be compared. These principles are a codification of the experiences of the OECD countries and they reflect the common ideas of the countries on what ethical management should be like. The intention is that different member countries emphasise those goals and methods that are applicable to their own conditions in order to ensure compliance with the norms.

The principles may be applied at the national or at a level of lower administration. Political leaders may use the principles in evaluating the ethical management system and the extent to which the ethical norms are used in administration. The principles are tools which each country uses according to its own needs. They are not a separate entity; they are intended as a means for incorporating ethical management in public administration in general.

#### ***1. Ethical standards for public service should be clear***

Public servants need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable behaviour lie. A concise, well-publicised statement of core ethical standards and principles that guide public service, for example in the form of a code of conduct, can accomplish this by creating a shared understanding across government and within the broader community.

***2. Ethical standards should be reflected in the legal framework***

The legal framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every public servant. Laws and regulations could state the fundamental values of public service and should provide the framework for guidance, investigation, disciplinary action and prosecution.

***3. Ethical guidance should be available to public servants***

Professional socialisation should contribute to the development of the necessary judgement and skills enabling public servants to apply ethical principles in concrete circumstances. Training facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning. Impartial advice can help create an environment in which public servants are more willing to confront and resolve ethical tensions and problems. Guidance and internal consultation mechanisms should be made available to help public servants apply basic ethical standards in the workplace.

***4. Public servants should know their rights and obligations when exposing wrongdoing***

Public servants need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. These should include clear rules and procedures for officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to them in cases of exposing wrongdoing.

***5. Political commitment to ethics should reinforce the ethical conduct of public servants***

Political leaders are responsible for maintaining a high standard of propriety in the discharge of their official duties. Their commitment is demonstrated by example and by taking action that is only available at the political level, for instance by creating legislative and institutional arrangements that reinforce ethical behaviour and create sanctions against wrongdoing, by providing adequate support and resources for ethics-related activities throughout government and by avoiding the exploitation of ethics rules and laws for political purposes.

***6. The decision-making process should be transparent and open to scrutiny***

The public has a right to know how public institutions apply the power and resources entrusted to them. Public scrutiny should be facilitated by transparent and democratic processes, oversight by the legislature and access to public information. Transparency should be further enhanced by measures such as disclosure systems and recognition of the role of an active and independent media.

***7. There should be clear guidelines for interaction between the public and private sectors***

Clear rules defining ethical standards should guide the behaviour of public servants in dealing with the private sector, for example regarding public procurement, outsourcing or public employment conditions. Increasing interaction between the public and private sectors demands that more attention should be placed on public service values and requiring external partners to respect those same values.

***8. Managers should demonstrate and promote ethical conduct***

An organisational environment where high standards of conduct are encouraged by providing appropriate incentives for ethical behaviour, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of public service values and ethical standards. Managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, other public servants and citizens.

***9. Management policies, procedures and practices should promote ethical conduct***

Management policies and practices should demonstrate an organisation's commitment to ethical standards. It is not sufficient for governments to have only rule-based or compliance-based structures. Compliance systems alone can inadvertently encourage some public servants simply to function on the edge of misconduct, arguing that if they are not violating the law they are acting ethically. Government policy should not only delineate the minimal standards below which a government official's actions will not be tolerated, but also clearly articulate a set of public service values that employees should aspire to.

***10. Public service conditions and management of human resources should promote ethical conduct***

Public service employment conditions, such as career prospects, personal development, adequate remuneration and human resource management policies should create an environment conducive to ethical behaviour. Using basic principles, such as merit, consistently in the daily process of recruitment and promotion helps operationalise integrity in the public service.

***11. Adequate accountability mechanisms should be in place within the public service***

Public servants should be accountable for their actions to their superiors and, more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles and on achievement of results. Accountability mechanisms can be internal to an agency as well as government-wide, or can be provided by civil society. Mechanisms promoting accountability can be designed to provide adequate controls while allowing for appropriately flexible management.

***12. Appropriate procedures and sanctions should exist to deal with misconduct***

Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an ethics infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules, as well as commensurate administrative or disciplinary sanctions to discourage misconduct. Managers should exercise appropriate judgement in using these mechanisms when actions need to be taken.

***Current stage of the work of the OECD***

In summer 1999, a survey was conducted in the member countries on the state and measures of ethics in the public sector. On the basis of the answers received, a publication is presently being prepared, which will be handled in the OECD Council

in summer 2000. The objective will in particular be to present the practical solutions implemented by different member countries to promote ethical actions and to compare the different systems. The publication will contain both an analytical section and the full reports of the member countries.

### **3.2 The European Union**

In March 2000, the European Commission approved the White Paper on Reforming the Commission. In addition to the principle of good governance, the reform is based on the following starting points: independence, responsibility, accountability, efficiency and transparency.

The reform strategy is built around three related themes: a thorough reform of human resources policy by modernising financial management and financial control as well as new strategic planning. The most important objectives are as follows:

#### *Culture based on service*

The objective is to establish i.a. a European Committee on Standards in Public Life, which will provide advice on ethics, as well as to adopt a Code of Conduct on good governance for the officials of the Commission.

#### *New human resources policy*

The objective is to increase training available to the staff and to improve the procedures relating to the recruitment, training and assessment of managers.

#### *Reform of financial management*

The objective is to decentralise decision-making into precisely defined areas of responsibility and to establish an externalisation policy.

In addition, the strategy contains goals relating to new strategic planning and the remuneration and pension system. The reform strategy in its entirety has been published in the Action Plan, with an Appendix of the timetable of the changes to be implemented.

The European Union has already previously drawn up a Code of Conduct with the objective of supporting the reform of administration in general. The reform was originally launched in 1995 and it is still continuing with the measures of the White Paper. The first Code of Conduct lays down rules for the Commissioners, the second governs the relations between Commissioners and Departments. The drawing up of the Codes of Good Administrative Behaviour for the staff of the European Commission started in 1997. The purpose is to apply the codes of Good Administrative behaviour to staff recruited to the service of the Communities under the Staff Regulations and the Conditions of Employment of Other Servants of the

European Communities<sup>8</sup>. The Codes of Good Administrative Behaviour contain guidelines on compliance with good governance in relations with the citizens.

A challenge to the European Union Commission is the multicultural environment. The aim of the three Codes of Conduct is to reflect national practices with due regard for the requirements of European integration. The aim of all the three Codes of Conduct is to clarify the rules governing the civil servants and their conduct.

#### *Code of Conduct for Commissioners*

The Treaty articles on the Commission make special reference to the independence enjoyed by the Commissioners. The Commissioners are required to promote common European interests. The Commissioners may not take instructions from the government of their own countries or from any other bodies. In their official and private lives, the Commissioners should behave in a manner that is in keeping with the dignity of their office. The object of the Code of Conduct for Commissioners is, first and foremost, to set limits to outside activities which could jeopardise their independence and cause conflicts of interest.

In autumn 1999, the Commission introduced a new, more detailed code of conduct. The new code also includes post-employment restrictions for officials.

#### *Code of Conduct governing relations between Commissioners and Departments*

The Commissioner's Office keeps the Director-General informed about its outside contacts in matters falling within the portfolio and represent the Commissioner outside the institution. It acts solely in the interests of the Commission in performing its tasks.

Departments implement the policy guidelines. They keep their Commissioner informed and consult him or her when required.

The Code of Conduct lists i.a. the basic rules on the policy implementation of the Department and the management of human resources.

### **3.3 Council of Europe**

The conference of the European Ministers of Justice (Valetta, 1994) declared that corruption is a serious threat to democracy, the implementation of the law and human rights. The Conference came to the conclusion that, because the Council of Europe is primarily pursuing the implementation of these values, it should be the Council that starts to fight against corruption. The Ministerial Committee of the Council of Europe appointed a Working Group in 1994 to examine what measures could be implemented against corruption at the international level and what possibilities there would be for

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<sup>8</sup> Staff Regulations, the statutes and regulations applied to officials and other servants of the European Communities, August 1997.



drafting laws, codes of conduct and international conventions against corruption. In addition, its task is to develop follow-up mechanisms for the realisation of the contents of conventions and other operations.

The draft programme against corruption was completed in 1995. The Ministerial Council approved the programme and gave a recommendation to implement the programme before the end of the year 2000.

The Council of Europe Working Group has also prepared a Model Code of Conduct for Public Officials. Its objective is to provide an ethical atmosphere for the actions of public officials: to formulate ethical standards according to which the public officials should act and, on the other hand, to inform the citizens of the kind of conduct they may expect from public officials. The subject areas included in the model are i.a. the basic principles of ethical conduct, reporting illegal or unethical actions, interests, gifts and other benefits, the handling of information held by the authorities, post-employment restrictions for officials as well as follow-up and consequences.

### **3.4 Transparency International (TI)**

Transparency International is an international non-governmental organisation (NGO). Its objective is to promote the reliability of governments and to curb both international and national corruption.

Transparency International is formed of National Chapters located in over 60 countries. The Chapters are financially and institutionally independent but they have to comply with the mission of TI and observe its guiding principles.

In its operations, TI emphasises the co-operation of all the parties concerned with corruption in the fight against corruption. Its operations are based on the curbing of corruption and the reform of systems, not on the investigation of individual cases. TI considers that action against corruption has to be global and reach social, political, financial and cultural systems. In its own operations, TI complies with the principles of decentralisation, versatility, reliability and transparency. TI is politically independent. TI acknowledges the profound ethical and practical need for controlling corruption. In addition, TI has codes of conduct for conflict-of-interest situations and guiding principles for the National Chapters.

TI arranges conferences against corruption; the last one was held in South Africa in August 1999. The National Chapters form alliances in order to strengthen national integrity systems. The National Integrity Source Book is a publication presenting the reforms implemented in different countries. The National Chapters continuously design their own national anti-corruption strategies. TI also supplies various information on corruption and on the fight against corruption. It publishes i.a. statistics on the state of corruption in different countries.

According to the latest Corruption Perception Index published, Finland had the second lowest corruption figures in a comparison of 99 States. The top ten and the bottom ten States of the statistic are as follows:

top 10:			bottom 10:		
Rank	Country	Score	Rank	Country	Score
1	Denmark	10.0	99	Cameroon	1.5
2	Finland	9.8	98	Nigeria	1.6
3	New Zealand	9.4	96	Azerbaijan	1.7
	Sweden	9.4		Indonesia	1.7
5	Canada	9.2	94	Honduras	1.8
	Iceland	9.2		Uzbekistan	1.8
7	Singapore	9.1	92	Tanzania	1.9
8	Holland	9.0	90	Kenya	2.0
9	Norway	8.9		Paraguay	2.0
	Switzerland	8.9		Yugoslavia	2.0

The Corruption Perception Index has been published since 1995. In the first two years, Finland was rated as the fourth least corrupt State, and in the last three years, as the second least corrupt State.

#### 4 CHANGES IN STATE ADMINISTRATION

The actions of State civil servants are regulated and guided by numerous provisions, guidelines and principles. The higher the office of a person, the more discretion and exemplary conduct is required in his tasks. On the whole, during the last few years, the aim as a rule has been to increase the authority and responsibility of the operating units in order to improve the flexibility and efficiency of administration. The differences between the public and the private sectors have diminished and cross-section cooperation projects are more common than before. It is important that the impartiality, independence and objectivity of State administration can still be trusted. As authority increases, also the importance of civil service ethics is emphasised to a greater extent.

The public administration of Finland has experienced considerable reforms in the 1990s in ways which may also influence civil service ethics. Since 1989, i.a. guidance systems, organisations and personnel policy have been targets of the reform of State administration.

New guidance measures have been adopted in the State budget by changing over to framework guidance. In addition, State agencies have gradually changed over to management by performance and result budgeting. Currently all agencies are granted one appropriation in the State budget for operating costs and the agency itself may decide on its use for different production factors.

Market orientation has increased considerably in the 1990s. The most significant implementation method has been to turn public operations suitable for open competition into business enterprises and companies. As a result of these measures, the number of personnel in State agencies financed by appropriations from the State budget has decreased from approximately 212,000 in 1989 to approximately 125,000 in 1999, i.e., by 41 %. Market orientation has also been increased in State administrative agencies by making services subject to a fee as well as by implementing net budgeting for the operations subject to a fee. The operating

procedures for public procurements are now governed by an Act aiming at competition and at ensuring the objective and non-discriminatory treatment of those participating in the tender procedure.

In the development of administration, also the decentralisation of authority and the reform of structures have been central issues for a long time. The number of norms and authorisations has been reduced and legislative drafting has been developed.

As a result of the reform of State personnel policy, the agencies have the authority to recruit their own personnel and to decide on their pay within the limits of the collective civil-servant agreements. As a result of the reforms, authority concerning resources and personnel policy has mainly been transferred to the agencies. This has meant a significant transfer of power and responsibility to the management of the agency, and the tasks of the directors of the agencies have approached those of corporate executives.

Due to the above-mentioned reforms, the actions of civil servants are much less guided by provisions, regulations and guidelines than previously. Today guidance is implemented by setting a certain framework for the operations and, by providing the necessary financial prerequisites and performance goals. In addition, the guidance of State business enterprises is looser than that of budget-financed agencies and it is based on performance and service-level guidance. The guidance of State companies is mainly limited to owner guidance.

## 5 ELEMENTS OF THE ETHICS INFRASTRUCTURE

### 5.1 Norms guiding administration and civil servants

The actions and conduct of civil servants are primarily governed by **the Constitution of Finland, the State Civil Servants' Act, the Administrative Procedure Act, the Act on Openness of Government Activities, the Act on Equality between Women and Men and the Act on Public Procurements. The Penal Code** provides for the criminal liability of civil servants and the employees of public corporations. In addition to these, the general principles of administrative law are significant also as ethical norms guiding administration. The actions and liability of civil servants and the authorities are closely regulated by legislation. Judicial practice draws the line between legal and illegal actions in individual situations.

The Chancellor of Justice of the Government and the Parliamentary Ombudsman, who supervise the activities of the authorities, also play a significant role in ensuring the appropriateness of administrative operations.

#### *5.1.1 Provisions of the Constitution*

The aim has been legally to safeguard the relationship of citizens to public power in several ways. The central provisions on this are included in the new **Constitution**, which entered into force at the beginning of March 2000. They formed the basis of good governance already when the Constitution Act (17.7.1919/94) repealed by the Constitution was enacted.

**The rule of law in administration** is governed by the provisions of the Constitution (section 2, paragraph 3). This means that the exercise of public power is based on an Act and that the law shall be strictly observed in all public activity.

The provisions on the basic rights of citizens were reformed in connection with the amendment of the Constitution Act, the reform of basic rights, which entered into force on 1 August 1995. The provisions on basic rights were incorporated in the new Constitution as such. The basic rights of citizens governed by chapter 2 of the Constitution include i.a. **equality before the law** (section 6), **freedom of movement** (section 9), **the right to privacy** (section 10) and **freedom of religion and conscience** (section 11). **Freedom of expression** (section 12) entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. Also **the principle of publicity** of documents and recordings is governed by section 12. Documents and recordings in the possession of the authorities are public unless their publication has for compelling reasons been specifically restricted by an Act.

The Constitution also includes provisions on **guarantees of good governance**. Section 21, paragraph 1 of the Constitution on protection under the law ensures *everyone the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority*. Also *the right of appeal* relating to the said decision is guaranteed. According to paragraph 2 of the provision, *the most important guarantees of good governance are the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal*. These, as well as other guarantees of a fair trial and good governance not expressly stated in the Constitution, are required by the provision to be secured by an Act. In respect of good governance, the central Act is the Administrative Procedure Act (598/1982).

**Subordination of lower-level statutes** is governed by section 107 of the Constitution. If a provision in a Decree or another statute of a level lower than an Act is in conflict with the Constitution or another Act, it shall not be applied by a court or by any other public authority.

A central provision is section 118 of the Constitution on **official accountability**. According to this, a civil servant is responsible for the legality of his official actions. He or she is also responsible for a decision made by an official multi-member body that he or she has supported. A rapporteur is responsible for a decision made upon his presentation unless he has filed an objection to the decision.

The Constitution also provides for the **general qualifications for public office** (section 125, paragraph 2). The objective of the provision is that the person best qualified is appointed to office. According to the Constitution, the general qualifications for public offices shall be *skill, ability and proven civic merit*. A relatively established interpretation has been developed for these qualifications.

Skill means mainly information and skills acquired through training as well as theoretical familiarity with the issues relating to the office indicated by means of examinations, publications or in some other way. The acquisition of the information and skills required may also be proved by practical experience gained in official duties. Such experience may also be gained through other activities improving the professional skills required for the office in question.

Ability means personal qualities such as natural talent, the ability to work, initiative, the ability for productive work, leadership ability and e.g. readiness for tasks required by internationalisation.

Proven civic merit means impeccable conduct, i.e., that the person is not guilty of reprehensible behaviour or punishable offences in his official actions or otherwise. In addition, proven civic merit means significant merits acquired in general civic activities which are relevant when performing the duties of the office.

Meeting the general qualifications has to be evaluated every time appointments to office are made. When comparing the applicants for the office with each other, an overall evaluation of the merits of the applicants is made on these grounds from the point of view of the duties being applied for.

### *5.1.2 Other legislation*

#### *The State Civil Servants' Act*

According to section 1 of the State Civil Servants' Act, a civil-service relationship is an employment relationship under public law in which the State is the employer and a civil servant the employee. The concept of a civil servant has not been defined in the current Civil Servants' Act. Civil servants are all those who have a civil-service relationship with the State under the Civil Servants' Act. The starting point is that a civil-service relationship is the principal service relationship in core tasks of the State within the budget economy. These include i.a. central State administration, police administration, the Defence Forces and the judicial system. The civil-service relationship is used in duties requiring the exercise of public power. On the other hand, an employee relationship is used mainly in State business enterprises. However, in practice, there is personnel with employee relationships also in agencies within the budget economy.

#### *The Aim of the Civil Servants' Act*

According to section 2 of the State Civil Servants' Act, the aim of the Act is to **ensure the efficient and appropriate performance of State duties while also meeting the legal protection requirements and to ensure that the civil servants' status in relation to the employer is fair**. This provision manifests the basis of Finnish State administration, which consists of the protection of citizens under the law, the internal and external security of the State and the provision of basic services for citizens. Thus the Civil Servants' Act regulates both the conduct required of an authority in its relation to the citizens and the relation between civil servants and the agency representing the State as an employer.

#### *Interests*

Section 8 a of the Civil Servants' Act includes provisions on the **duty** of the highest civil servants **to declare their interests**. The provision entered into force on 1 September 1997. The grounds for the provision on the duty to declare were, above all, an effort to increase transparency in State administration and to uphold public confidence in the impartiality and objectivity of administration. In many OECD countries, the highest civil servants are required to declare their interests. The

objective is to avert also the potential future occurrence of situations where the effect of a civil servant's interests on his ability to perform his official functions has to be evaluated retroactively.

The interests of the highest civil servants have not generally caused any problems in Finland. The aim of the duty to declare one's interests is to prevent, to the extent possible, any threats to civil service impartiality already before they emerge. The provision concerning the duty of the Ministers to declare their interests entered into force already on 1 April 1995.

The duty to declare applies to appointees to public offices or fixed-term civil service relationships referred to in section 26 of the State Civil Servants' Act. They are appointees to the posts of Chancellor of Justice and Deputy Chancellor of Justice in the Council of State, Commander-in-Chief of the Defence Forces, Heads of Departments in the Ministries and corresponding and higher posts as well as appointees to the posts of heads of agencies. The total number of posts with the duty to declare is approximately 130. These posts are those in which the civil servant can be dismissed on less specific grounds than other civil servants, i.e., "when cause exists". Such cause can be e.g. a loss or potential loss of confidence in the civil servant's actions.

The interests to be declared include trade, corporate ownership and other assets as well as tasks not relating to the office in question, ancillary jobs referred to in section 18 of the Civil Servants' Act and other interests which are of significance when evaluating the preconditions of the person to perform the duties of the office to be filled. The substance of the duty to declare is basically the same as for Ministers. However, the duty to declare the interests of civil servants is not as extensive as in the case of Ministers, as only interests of significance to the duties of the civil servant have to be declared.

The interests are declared already before appointment, unlike in the case of the duty to declare of the Ministers. The implementation of the duty to declare before appointment is justified i.a. because already before making the final commitment to the post, the candidate for the post can find out and assess exactly which of his interests are significant in terms of the post concerned and which he may have to give up in order to be appointed. Also the need to prevent appointments leading to situations in which a civil servant could not carry out his duties in practice without endangering public confidence in the performance of official duties, argues in favour of imposing the duty to declare before appointment.

The declaration is submitted before the appointment proposal is presented to the Council of State. It is submitted to the civil servant preparing the appointment and, during a civil-service relationship, primarily to the competent Ministry. Declarations submitted both before appointment and during a civil-service relationship are public with the exception of the information concerning one's financial position.

A similar duty to declare one's interests also applies to persons being appointed **judges**. This is governed by the Act on the Appointment of Judges (205/2000), which entered into force on 1 March 2000.

### *Obligations of an authority and a civil servant*

Chapter 4 of the State Civil Servants' Act contains provisions on the general obligations of an authority and a civil servant. These provisions are significant also as ethical norms of conduct.

**An authority shall treat all civil servants in its service equally** in such a way that no person is unjustifiably placed in a different position to other persons because of his origin, citizenship, religion, sex or political or union activities, or on other comparable basis (section 11). This requirement of equal treatment applies to applicants for office at the time of filling a vacancy (section 6).

A civil servant has the same basic rights as other citizens, including freedom of speech and expression and freedom of association. However, a civil servant whose duties include representing the State as an employer under the legislation on collective civil servant agreements may not hold any standing in an association representing those employed by the State that may conflict with the said official duties (section 12, section 16). The authority concerned shall see to it that civil servants have such benefits and rights attached to the service relationship as are due to them (section 13).

According to the general provisions on the duties of a civil servant in **section 14, a civil servant shall perform his duties properly and without delay**. He shall also **follow the orders of his superiors and supervisors**. This also includes the obligation to perform the duties as cost effectively and efficiently as possible. In addition, a civil servant shall **conduct himself in a manner befitting his status and duties**. This obligation extends also to the leisure time of certain groups of civil servants and individual civil servants – mainly the highest civil servants of State administration and policemen and soldiers.

The Civil Servants' Act contains provisions **on the prohibition to accept a financial or other advantage if this may reduce confidence in the civil servant or in an authority** (section 15). There are no more specific norms on the advantages endangering confidence. The Act also provides for **restrictions concerning ancillary jobs** (section 18). A civil servant may not be disqualified for his own duties by an ancillary job. Similarly, an ancillary job must not endanger confidence in his impartiality to perform his duties or otherwise hamper the proper performance of the duties. Ancillary jobs mean paid work or duties which the civil servant is entitled to refuse, and any profession, trade or business. A civil servant may not hold an ancillary job which requires his working hours to be spent handling the duties of the said job unless the authority concerned grants him permission. Civil servants shall report any other ancillary job to the authority, who may forbid them on the same grounds as when considering whether to grant permission for an ancillary job.

A Government Bill on the Amendment of Section 18 of the Civil Servants' Act is presently before Parliament (Government Bill 26/1999 session). According to the Bill, all ancillary jobs of judges would be subject to permission.

According to section 17, which was in force until the beginning of December 1999, a civil servant may not make use of, or without permission reveal to others, anything that comes to his knowledge in his capacity as a civil servant, regarding which confidentiality is laid down or provided separately or which concerns the health of another person or which clearly may not be revealed because of the nature of the

matter. In connection with the entry into force on 1 December 1999 of the new legislation on openness, this provision was amended. According to it, **the secrecy obligation of a civil servant is governed by the provisions of the Act on Openness of Government Activities (621/1999) and other legislation.** According to the new Act, a person employed by an authority as well as a person in a position of trust may not disclose the secret contents of a document or information which would be secret if recorded in a document. Nor may he disclose any other information which has come to his knowledge in his capacity as an authority and which is governed by the secrecy obligation under the law. Information included in the scope of the secrecy obligation may not be disclosed even after the person no longer acts as an authority or no longer performs duties on behalf of an authority (section 23, paragraph 1).

A new section 18 a was incorporated in the State Civil Servants' Act in 1997. According to the provision, when considering the placement of a civil servant **at the disposal of the State ownership authority or in other representative duties relating to guidance or supervision,** the fact that representative duties may cause only incidental or temporary disqualification in the central official duties of the civil servant shall be taken into account.

Section 19 of the Act contains provisions on the duty of a civil servant, upon request, to provide the competent authority with **any information about his state of health related to the performance of his duties.** A civil servant may also be ordered to take **tests and examinations** to establish his state of health if this is necessary to establish his preconditions for performing his duties.

### *Consequences of violation or neglect of official duties*

The Civil Servants' Act contains provisions on the measures which an authority may take when a civil servant violates or neglects his official duties. These measures include:

**1. A written warning (section 24),** which can be given to a civil servant who has acted contrary to his official duties or failed to meet them unless the act is so serious that it constitutes grounds for giving notice. In minor cases, the superior may give the civil servant *an oral or written caution.*

X had written to the Minister expressing his deep contempt for the appointment policy of a Department of the Ministry. A civil servant has the right, within the limit of appropriate behaviour and the truth, to present even critical evaluations also of the operations of the agency he is employed by. However, the letter had been formulated so that sending it cannot be deemed appropriate of a civil servant of a Ministry. In addition, the allegation presented in the letter concerning the illegality of the appointment procedure was not true. X did not act in the manner required by his position and duties and thus he acted contrary to his official duties so that the Ministry had sufficient cause for a written warning. The demand for rectification was dismissed. *VMLTK:1074/95 A:21.4.1995; Supreme Administrative Court: decision upheld.*

X had been given a written warning for acting contrary to his official duties. The grounds for the warning was the disclosure of tax return information to a third party. On the basis of his training and experience, X should have understood that the keeping of information relating to taxpayers confidential was an essential part of his official duties. X had acted contrary to his official duties by disclosing information he had acquired in his official position to a third party without authorisation. The demand for rectification was dismissed. *VMLTK 78/96 A: 20.3.1996.*



**2. Termination of a civil service relationship (section 25)** for an especially weighty reason.

At least the following cannot be deemed especially weighty reasons:

- 1) sickness, defect or injury on the part of the civil servant unless the consequence thereof is a substantial and permanent deterioration in working capacity and the civil servant is thereby entitled to a disability pension;
- 2) participation of the civil servant in a strike or other industrial action decided on and implemented by a civil service association; or
- 3) the civil servant's political, religious or other opinions or his participation in social or association activities.

Nor may a civil servant be given notice because of pregnancy.

When evaluating the existence of an especially weighty reason, the different requirements directed at the divergent tasks of State civil servants have to be taken into account.

The civil-service relationship of X had been terminated and at the same time he had been suspended from office. According to the grounds of the decisions, X no longer enjoyed the trust which was the prerequisite for continuing in the civil-service relationship and he had demonstrated that he was no longer suitable to continue in office. The District Court had sentenced X to a suspended sentence of imprisonment i.a. for assault and the possession of a knife in a public place. X had a public position which imposed on him the obligation to act in a manner required by his position and office also during his leisure time. X should have understood that his conduct had been inconsistent with the duties required of him. The demand for rectification was dismissed. *VMLTK 117/96 A:2.10.1996; Supreme Administrative Court: decision upheld.*

Notice to terminate the civil-service relationship of X was given. The grounds for the decision was the fact that X repeatedly acted contrary to his official duties and the conduct required of him. X was deemed to have violated his official duties and conduct obligation during his working hours when he had made passes at female clients. The employer had intervened in the conduct of X even prior to these events. The employer had an especially weighty reason referred to in the State Civil Servants' Act to terminate the civil-service relationship of X. The demand for rectification was dismissed. *VMLTK:1171/95 A:5.6.1996 Supreme Administrative Court: decision upheld.*

In addition, the highest civil servants of State administration can be given notice under section 26 of the State Civil Servants' Act if cause exists, i.e., on broader grounds than other civil servants.

**3. Immediate cancellation of a civil-service relationship (section 33)** if the civil servant has grossly violated or neglected his official obligations.

The civil-service relationship of X had been cancelled. A frontier guard has significantly strong rights to exercise public power. In accordance with the Decree on the Frontier Guard, an appointee to an office of the Frontier Guard shall lead a blameless life and be reliable. The Civil Service Committee deemed that, a frontier guard had to fulfil the requirements of his office also during his term of office. A frontier guard had to comply with the code of conduct required by his position and duties also during leisure time. X had stolen reindeer while carrying out his official duties and using a vehicle belonging to the Frontier Guard. The act had been wilful and repeated and its purpose had been to obtain financial benefit. Cooperation with another

frontier guard from the same patrol also indicated that the violation of his official duties had been deliberate. The demand for rectification was dismissed. *VMLTK 108/96 A:22.5.1996*.

The reason given for the cancellation of the civil-service relationship of X was that when he had presented an invoice of 113,450 FIM to be paid by his employer to company Y, X had in actual fact directed the money to be paid to an account which he had the right to use. X asserted that the invoice was for an order to update software, but no offer or order could be found. X should have understood that he was disqualified from ordering products of his own company on behalf of an educational institution. In addition, on the basis of his previous experience as a financial manager, X should have understood that, in the case of such a large procurement the orders and offers together with their terms should be included in the books in order to control procurement costs. Through his actions, X intentionally violated his official duties. Taking into account also the position of X as a director of a unit, the violation was to be deemed grave. The demand for rectification was dismissed. *VMLTK:1081/95 A:20.10.1995*.

**Suspension from office** (section 40) is a safeguarding measure. This is possible for example when a civil servant is suspected of a crime which is significant for the performance of his duties. Suspension from office has been used e.g. during proceedings regarding a charge against the civil servant for accepting a bribe.

X had been suspended from office for the term of proceedings regarding criminal charges. X was charged with assault and violation of his official duties. The District Court had dismissed the charges against X as unproven. On the same day, the Chief of Police repealed the decision on the suspension of X from office. Suspension from office is a discretionary temporary measure, which may not be continued longer than is necessary. The acts of X had been so closely connected to his official duties as a policeman that there had been valid grounds for suspension from office until the decision of the District Court. The demand for rectification was dismissed. *VMLTK 208/96 A:27.11.1996; Supreme Administrative Court: decision upheld*.

X had been suspended from office. The decision was based on information available to the employer during preliminary investigation and the circumstances of the suspected crime. X was i.a. suspected of having accepted a bribe. X had been arrested and held as a remand prisoner in connection with the matter. The employer had lost his confidence in the ability of X to carry out his official duties. The suspected acts were deemed to be so closely connected to the duties of X that there had been grounds for his suspension from office. *VMLTK 172/96 A:25.9.1996*

A civil servant may also be suspended from office if he refuses to have the tests or examinations ordered to establish his state of health or his ability to perform his duties or if he has a sickness that materially detracts from the performance of his office.

### ***Principle of continuation of a civil-service relationship***

The State Civil Servants' Act includes a provision on the principle of continuation of a civil-service relationship (section 55, paragraph 3). According to this, a civil servant's service relationship shall continue uninterrupted if he has been given notice or the service relationship has been cancelled according to a legally valid decision without the grounds laid down in the Act. The purpose of the provision is to promote the independence of a civil servant.

### *A civil-service relationship compared to an employee relationship*

A civil-service relationship is constituted by a unilateral administrative act of an authority, i.e., appointment to an office or a civil-service relationship. The decision requires the consent of the appointee. The duties of a civil servant are determined on the basis of the tasks of the agency and under the law they cannot be agreed upon. In practice, management by performance has brought features resembling contracts also to the determination of the duties of civil servants. According to the system, the results to be achieved during the next term are agreed upon in annual performance and development discussions. However, this agreement does not cover all tasks nor remove the right of the authority to order the duties.

An employee relationship is based on a contract concluded between two parties, the employer and the employee. By concluding the contract, the employee undertakes to work for the employer under his control and supervision for a salary or other consideration. The duties of an employed person are agreed upon by an employment contract. The obligations and liability of employed personnel provided by law are more limited than those of civil servants (Employment Contracts Act, sections 13 – 16). Official accountability only applies to civil servants. Employed personnel performing public duties have in some respects been equated with civil servants and they have been imposed a heavier liability than usual (i.a. the provisions of the Penal Code on the employees of public corporations). The principle of continuation is not part of an employee relationship. If the termination of an employee relationship is found to be illegal, the court may order the employer to pay compensation to the employee.

There are also other differences, e.g. the differences in the determination of the terms of the relationship (collective civil servant agreement – collective trade agreement) and the more limited right of civil servants to undertake industrial action.

## **THE PENAL CODE**

In certain cases the violation of official duties may also be a punishable act . Provisions on the criminal responsibility of a civil servant are included in the Penal Code. The Penal Code contains a separate chapter on offences in office. Chapter 40 provides that the following offences in office and offences by an employee of a public corporation are punishable:

- *Acceptance of a bribe (section 1)*

If a public official or an employee of a public corporation, for his/her actions while in service, for himself/herself or another

- 1) demands a gift or other unjustified benefit,
  - 2) accepts a gift or other benefit which influences, which is intended to influence, or which is conducive to influencing him in the said actions, or
  - 3) accepts the gift or benefit referred to in subparagraph 2 or a promise or offer thereof,
- he/she shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.

A public official and an employee of a public corporation shall be sentenced for acceptance of a bribe also if he/she, for his/her actions while in service, accepts the giving, the promise or the offer of the gift or other benefit referred to in paragraph 1, 2 to another person.

A public official may also be sentenced to dismissal if the offence indicates that he/she is manifestly unfit for his/her duties.

- *Aggravated acceptance of a bribe (section 2)*

If in the acceptance of a bribe

- 1) the intention of the public official or the employee of a public corporation is, because of the gift or benefit, to act in service in a manner contrary to his/her duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or
- 2) the gift or benefit is of significant value and the acceptance of the bribe is aggravated also when assessed as a whole, the public official or employee of the public corporation shall be sentenced for *aggravated acceptance of a bribe* to imprisonment for at least four months and at most four years and, moreover, the public official to dismissal.

- *Bribery violation (section 3)*

If a public official or an employee of a public corporation demands, takes or accepts a gift or other benefit intended for himself/herself or another or demands or accepts a promise or offer thereof that is conducive to weakening confidence in the impartiality of the actions of authorities, and the act is not punishable as acceptance of a bribe or as aggravated acceptance of a bribe, he/she shall be sentenced for a *bribery violation* to a fine or to imprisonment for at most six months.

- *Forfeiture (section 4)*

The gift or benefit that is received or the value thereof shall be declared forfeited to the State from the offender or from the person on whose behalf or in favour of whom the offender has acted.

- *Breach and negligent breach of official secrecy (section 5)*

If a public official or an employee of a public corporation intentionally, while in service or thereafter, unlawfully

- 1) discloses a document or information which under the Act on the Openness of Government Activities (621/1999) or another Act is to be kept secret or not disclosed; or
- 2) makes use of such information to the benefit of himself/herself or another he/she shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *breach of official secrecy* to a fine or to imprisonment for at most two years. A public official may also be sentenced to dismissal if the offence indicates that he/she is manifestly unfit for his/her duties. (625/1999)

If a public official or an employee of a public corporation commits the act referred to in paragraph 1 through negligence or carelessness, and the act, in view of its harmful and damaging effects and the other relevant circumstances, is not of minor significance when assessed as a whole, he/she shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

- *Abuse of public office (section 7)*

If a public official, in order to obtain benefit for himself/herself or for another or in order to cause detriment or loss to another

- 1) violates or neglects to fulfil his/her official duty, based on the provisions or regulations to be followed in official functions, when participating in decision-making or in the preparation thereof or when using public authority in his/her other official functions, or

2) misuses his/her office in respect of a person who is under his/her command or immediate supervision, he/she shall be sentenced for *abuse of public office* to a fine or to imprisonment for at most two years.

The public official may also be sentenced to dismissal if the offence indicates that he/she is manifestly unfit for his/her duties.

- *Aggravated abuse of public office (section 8)*

If in the abuse of public office

1) considerable benefit is sought, or

2) an attempt is made to cause particularly considerable detriment or loss or

3) the offence is committed in a particularly methodical or unscrupulous manner and the abuse of public office is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated abuse of public office* to imprisonment for at least four months and at most four years and to dismissal.

- *Provision on application (section 9)*

The provisions in sections 7 and 8 of this chapter, with the exception of the sanction of dismissal, shall also be applied to an employee of a public corporation when, in participating in decision-making for the public corporation or institution referred to in chapter 2, section 12 or in the planning thereof or when exercising public authority based on his/her employment in another function he/she acts in the manner referred to in section 7 or section 8.

When assessing the actions of an employee of a public corporation, the provisions and regulations that he/she should follow in his/her work shall be taken into consideration instead of the provisions and regulations to be followed in official functions.

The provisions in sections 1—4 of this chapter apply also where the offender is a person in the service of the European Communities or an official of another member state of the European Union, as referred to in chapter 16, section 20. (815/1998)

- *Violation of official duty (section 10)*

If a public official, when acting in his/her office, intentionally in a manner other than provided above in this chapter violates or neglects to fulfil his/her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he/she shall be sentenced for *violation of official duty* to a fine or to imprisonment for at most one year.

A public official may also be sentenced to dismissal if he/she is guilty of the offence referred to in paragraph 1 by continuously or essentially acting in violation of or neglecting his/her official duties, and the offence indicates that he/she is manifestly unfit for his/her duties.

- *Negligent violation of official duty (section 11)*

If a public official, when acting in his/her office, through carelessness or incaution, in a manner other than that referred to in section 5(2), violates or neglects to fulfil his/her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he/she shall be sentenced for a *negligent violation of official duties* to a warning or to a fine.

- *Offences in military office (section 12)*

The offences referred to in chapter 45, where committed by public officials subject to military penal provisions, are also offences in public office.

Offences in office of civil servants subject to military penal provisions are also provided for in chapter 45 of the Penal Code.

In the case of more serious offences (e.g. aggravated acceptance of a bribe), a civil servant shall, in addition to imprisonment and a fine, be sentenced to **removal from office**.

## **The Administrative Procedure Act**

**The Administrative Procedure Act** regulates the appropriateness of handling official duties in administrative matters. The Administrative Procedure Act embodies the service principle. The main objective of the Act is to promote the legal protection of the citizens so that the administrative matter is handled as well as possible. At the same time the aim is uniformity and a high level of procedure and smooth administration. If the authority who has received a document is not competent in the matter, it shall transfer the matter to the correct authority. The competent authority shall:

- handle the matter within a reasonable period
- provide necessary advice, mainly pertaining to procedure
- instruct the party in question to present any clarification required
- offer the possibility to eliminate a defect in a document
- reserve the party an opportunity to be heard before the decision
- provide interpretation services, where necessary
- issue a clear and understandable decision in the matter together with the grounds.

One of the basic objectives of the Administrative Procedure Act is to make the procedure so explicit and to support an individual dealing with administration so that everyone could manage his own affairs without having to resort to expert help.

The Act also contains provision on the **disqualification** of a civil servant in the handling of an administrative matter. A civil servant is disqualified i.a. if he is a member of the Board of Directors or another comparable body or if he is the Managing Director or has corresponding status in an organisation, foundation or public-law agency that is party to the matter or which can expect particular benefit or detriment from the decision in the matter. According to the general provision, a civil servant is disqualified if **confidence in his impartiality is endangered for a special reason**.

The provisions of the Administrative Procedure Act on disqualification will primarily be applied in cases of the disqualification of a civil servant in his official duties. Disqualification generally applies both to **participation in decision-making and the preparation of the matter**. The aim is to prevent situations of disqualification i.a. by means of the above-mentioned restrictions of the Civil Servants' Act concerning ancillary jobs.

Section 10, paragraph 1 of the Administrative Procedure Act contains a provision on the grounds for disqualification (Table 1). Administrative procedure means the handling of a matter by an authority, i.e., making a decision concerning a pending matter and actions immediately serving this. The Act does not apply i.a. to administrative judicial procedure, the preliminary investigation of a criminal case or to execution proceedings (Parliamentary Ombudsman 1993, 9-10).

**Table 1: Grounds for disqualification under the Administrative Procedure Act**

1	<b>disqualification by participation</b> – if a civil servant himself or his close relative is a party to the matter
2	<b>disqualification by an interest</b> – if the civil servant or his close relative can expect particular benefit or detriment in the matter
3	<b>disqualification by representation</b> – if the civil servant himself or his close relative assists or represents a party or one who has an interest in the matter
4	<b>disqualification by service relationship</b> – if the civil servant has a service or commission relationship relating to the issue to a party to the matter or to a party with an interest in the matter
5	<b>disqualification by organisation</b> – if the civil servant is a member of the Board of Directors or a corresponding body or is the managing director or has a corresponding position in a company, foundation or public-law organisation that is a party to the matter or which can expect particular benefit or detriment from a decision in the matter
5a	<b>disqualification by agency</b> – if he is a member of the Board of Directors or a corresponding body of an agency or institution and the matter is under the guidance and supervision of the agency or institution
6	<b>disqualification under general rule</b> – if confidence in his impartiality is endangered for some other special reason.

### **The Act on Openness of Government Activities (621/1999)**

Finnish legislation on publicity has recently been reformed. The Act on the Publicity of Official Documents (83/1951) has been repealed by *the Act on Openness of Government Activities*, which entered into force on 1 December 1999. The purpose of the Act is provided for in section 3 of the Act. According to it, the purpose of the rights to acquire information and the duties of the authorities provided for by the Act is **to implement openness and good information management practice in the acts of the authorities and to give individuals and organisations a possibility to supervise the exercise of public power and the use of public funds, to form their opinions freely and to influence the exercise of public power and to protect their rights and interests.**

The Act contains provision on the time when a public document enters the public domain, the right of access to information in a document, the delivery of information from a document, the duty of an authority to promote access to information and good practice on information management, secrecy obligations as well as derogation from the secrecy obligation and its termination.

### **The Act on Equality between Women and Men (609/1986)**

The objective of the Act is to prevent sexual discrimination and to promote equality between women and men and to this end to improve the position of women especially in working life. The authorities shall promote equality between women and men in a target-oriented and systematic way particularly by changing the circumstances that prevent the realisation of equality.

State Committees, advisory boards and other corresponding bodies shall have both women and men, a minimum of 40 percent each, unless otherwise provided for a special reason. If an agency or institution has a Supervisory Board, a Board of Directors, or other management or administrative body formed of elected officials, both women and men shall be equally represented in the body, unless otherwise provided for a special reason.

Direct or indirect sexual discrimination is prohibited. The Equality Ombudsman and the Board of Equality supervise compliance with the Act.

### **The Act on Public Procurement (1505/1992)**

The objective of the public procurement legislation is to enhance the use of public funds and to ensure that companies providing products and services are treated equally and without discrimination. Procurements shall be subject to competitive bidding, and in the case of procurements exceeding a certain threshold value, detailed procedures shall be followed in the selection of tenderers and tenders. The tender with the best price/quality ratio shall be selected and e.g. the place or residence of the tenderer may not be a selection criterion. Decisions on procurements are subject to appeal.

Finnish legislation is based on European Union Directives, the first of which were issued already at the beginning of the 1970s. At that time, the primary objective was to open corrupt construction contracts to transparent and equal competition. Later on, the concept of procurements has expanded so that the duty to arrange open competitions now applies to all procurement of goods or services with public funds or construction projects irrespective of the method or form of their implementation. Thus also other cooperation arrangements than those based on monetary consideration usually have to be submitted to competitive bidding.

#### ***5.1.3 Principles of administrative law***

The principles of administrative law mainly relate to decision-making and they are taken into consideration in administrative decision-making as rules restricting discretion. They guide the decision-making and other actions of a civil servant and an authority as instructions complementing the provisions of the law. The most important principles of administrative law are the following:

- *The principle of equality*

The principle of equality is confirmed by the provision of the Constitution (section 6). Under it, citizens are equal before the law. In practice, the principle of equality means that in similar cases, when the same norms are applied, the decisions should have the same contents.



The principle of equality has often been specified in legislation. For example, section 6 of the State Civil Servants' Act on the prohibition of discrimination specifies the principle of equality of the Constitution in matters pertaining to appointments. Under section 6 of the State Civil Servants' Act, an authority may not, when deciding on an appointment unjustifiably place any person in a different position to other persons because of his origin, citizenship, religion, sex, age or political or union activities or other comparable basis.

- *The principle of objectivity*

According to the principle of objectivity, the substantive contents of an administrative measure taken and a decision made in an administrative matter shall be objectively justified.

The purpose of the principle is to ensure that the authority handles the matter objectively and appropriately. No inappropriate secondary motives endangering objective consideration may influence the handling of the matter. The principle is implemented i.a. through the provisions on disqualification.

- *The principle of proportionality*

According to the principle of proportionality, an administrative measure shall be in correct proportion to the purpose of the measure. For example, an administrative measure relating to an individual citizen may not violate the interests of the citizen more extent than the objective of the measure (in accordance with the norm) necessarily requires.

Compliance with the principle of proportionality requires that the authority carefully considers the effects of an administrative measure or decision he is contemplating. For example, before taking measures to give notice for a minor offence one should consider whether a caution or warning would be in better proportion to the act than giving notice when taking into consideration the circumstances of the act and the consequences of notice to the party in question.

- *The principle of being bound to the purpose*

According to the principle of being bound to the purpose, an authority shall use his competence only for the purpose for which it has been provided. This principle is closely related to the principles of objectivity and proportionality. Compliance with the principle of being bound to the purpose often requires that the person applying the norm is as aware of the regulatory purpose and objectives of the norm as possible.

## 5.2 Special bodies responsible for ethics

The centralised guidance of personnel policy within State administration is the task of **the Personnel Department of the Ministry of Finance**. The Department is responsible i.a. for the development of legislation relating to State civil servants and

thus also for ensuring that these regulations guarantee the confidence of citizens in the independence and objectivity of State administration.

There is no separate body in Finland responsible for ethics. The legality of the actions of authorities and civil servants is supervised by the Chancellor of Justice of the Government and the Parliamentary Ombudsman.

According to the Constitution of Finland, it is the duty of **the Chancellor of Justice of the Government** to ensure that the authorities and the civil servants, public employees and other persons, when the latter are performing a public task, comply with the law and fulfil their obligations so that no one's legal rights are violated. The Chancellor of Justice of the Government has i.a. the right to attend the meetings of agencies and to obtain information from the records of the Government and its Ministries, the courts and other authorities. The Chancellor of Justice submits an annual report to Parliament and the Government on his activities and observations on how the law has been complied with.

The Constitution also includes provisions on **the Parliamentary Ombudsman**. It is the duty of the Ombudsman to ensure that the courts and other authorities as well as civil servants, public employees and other persons, when the latter are performing a public task, comply with the law and fulfil their obligations. The Ombudsman monitors the implementation of basic rights and liberties and human rights. The Ombudsman submits an annual report to Parliament on his work including observations on the state of the administration of justice and on any shortcomings in legislation.

The Chancellor of Justice and the Ombudsman supervise the legality of the acts of the authorities both on their own initiative and through complaints filed by citizens. In particular, the Chancellor of Justice supervises the legality of decisions made by the Government and for this reason he also attends the meetings of the Government.

The prosecution service is governed by the Constitution (section 104) and the Act on Public Prosecutors (199/1997). The prosecution service is headed by the highest prosecutor, **the Prosecutor-General**, whose duties include i.a. the general management and development of the prosecution service and the supervision of the prosecutors. The Prosecutor-General exercises an independent power of consideration of criminal charges and he may issue general orders and instructions relating to prosecution activities. The Office of the Prosecutor-General has **State Prosecutors**, who are competent to act as prosecutors in the whole country. Their duty is primarily to act as prosecutors in criminal cases most significant for society. A State Prosecutor also acts as prosecutor when the decision to bring charges has been made by Parliament, the Ministry of Justice, the Chancellor of Justice or the Parliamentary Ombudsman. Also the **district prosecutors and the Provincial Prosecutor of Åland** are public prosecutors.

It is the duty of the prosecutor to ensure the realisation of criminal liability in the handling of, consideration of charges for and trial of a criminal case as required by the legal protection of the parties and by public interest. In his duties, the prosecutor shall observe objectivity, speed and cost efficiency.

### 5.3 Efficient mechanisms of responsibility and control

The legislation described above and the general principles of administrative law form the boundaries within which the authorities shall make their decisions. Decisions on matters to be decided in the Ministries are made by the Minister who is the head of the Ministry or by a civil servant of the Ministry. However, the Minister may always reserve himself the right to decide in a matter delegated to be decided by a civil servant. This provision is important from the point-of-view of the implementation of parliamentarism. The exercise of decision-making power is further provided for by special provisions.

Decision-making in the Ministry takes place upon presentation by a civil servant. If the Minister has the decision-making power, he may arrive at a decision different from that presented by the civil servant acting as rapporteur. Unless the rapporteur files an objection, he is responsible for a decision made upon his presentation.

The Ministers have both political and legal responsibility for their actions. Political responsibility is governed by the Constitution. Accordingly, a member of the Government shall enjoy the confidence of Parliament. Legal responsibility on the other hand, was previously based on the provisions of the so-called Ministerial Responsibility Act and, since 1 March 2000, on the Constitution. According to the Constitution, Parliament has the right to examine i.a. the legality of the official acts of the Members of the Government and to make decisions based on this examination. When handling matters being prepared by it, the Constitutional Law Committee of Parliament shall examine the legality of the acts of the Members of the Government, where necessary. It is up to Parliament to decide either that charges shall be brought against a Member of the Government or that the matter shall be dismissed.

The principle of the rule of law of administration is binding on civil servants, as noted already earlier. In addition, there are principles aiming at promoting legal protection and preventing arbitrary decisions. These can be divided into preventive and retroactive means. **Preventive means** include *the impartiality of a civil servant, the hearing of a party, the presentation of the grounds of a decision and publicity*. **Retroactive means of legal protection** are *self-correction, appeal and petition for review*. A citizen has the last two means available to him if he feels that a decision is incorrect or that a civil servant otherwise has acted incorrectly. As stated above, a civil servant is responsible for a decision made upon his presentation.

Citizens have various possibilities to have the correctness of the acts of authorities investigated. Under the Constitution, everyone who has suffered a violation of his rights or sustained a loss through an unlawful act or omission by a civil servant has the right to request that the civil servant be sentenced to a punishment and be held liable for damages or to report the civil servant for prosecution.

If a citizen feels that an authority or civil servant is guilty of incorrect procedure, he can file a petition for review either to a higher authority or to the Chancellor of Justice or the Parliamentary Ombudsman. In connection with a petition for review, the allegedly incorrect procedure will be investigated and, if the authority investigating the matter finds a fault, it will take appropriate action. This action may, when most lenient, consist of pointing out the incorrect procedure to the civil servant for future reference or, when most severe, involve charges for an offence in office.

State administration of Finland is traditionally based on **the principle of openness**. Decision-making is open and documents are public. Only matters and documents which have been separately prescribed as secret are to be kept confidential.

The financial management of the State and its audit are governed by the Constitution. Parliament decides on the adoption of the State budget once it has received the Government budget proposal. Parliament also supervises the financial management of the State and compliance with the State budget. In practice this is performed by **the State auditors**, who submit an annual report to Parliament on the management and state of public funds. The State auditors have the right to obtain the necessary information and accounts from the authorities. In its report on the state of public funds and on the report of the State auditors, the Finance Committee of Parliament expresses its contention on how the State budget has been complied with and State finances managed and presents its proposals based thereon.

**The State Audit Office** is an agency subordinate to the Ministry of Finance. Its duty is to audit the legality and appropriateness of the financial management of the State and compliance with the budget. The State Audit Office prepares an annual report on its operations and submits information on its operations to the Government, the State auditors and the Ministry of Finance. A Government Bill (GB 39/2000 session) is presently before Parliament, according to which the Office will be joined to Parliament on 1 January 2001.

#### 5.4 Civil service ethics as part of State personnel strategy

As stated above, legislation and particularly the State Civil Servants' Act contain provisions which are important also as ethical norms of conduct. For example, chapter 4 of the State Civil Servants' Act regulating the obligations of an authority and civil servant is important in this respect.

The significance of ethical rules has clearly been emphasised lately. An example of this is **the personnel strategy of the State** approved in autumn 1995 and its references to high ethical requirements. The objective of the personnel strategy is to provide guidelines for the personnel policy of State administration as a whole and to give the agencies and institutions principles which they can use when drawing up personnel strategies applicable to their own units.

The personnel strategy states the following on values and ethics:

*"The issue of the values of social policy and working life is being discussed extensively. The ethical starting points of public administration are being evaluated. The new personnel strategy of the State is built on the values of the State sector. The foundation of leadership and cooperation is formed by the common values of the State sector. The aim of State administration is national success and the satisfaction of citizens with the activities and results of the organisations of the constitutional state. Services shall be provided in a reliable, objective and cost-efficient way. The actions of a civil servant may not be influenced by personal sympathies or antipathies nor by the pursuit of his own interests."*

The personnel strategy states i.a. the following on leadership:

*"High-level civil service ethics is required of the leaders of State administration. Financial and other interests may not endanger independence."*

Newer guidelines of ethics and personnel strategy are included in the Government Resolution of 16 April 1998 High-Quality Service, Good Governance and a Responsible Civic Society (cf. Point 5.7. below). No code has been compiled for the whole State administration.

## 5.5 Values and information

According to the Government Resolution on the reform of the selection qualifications and selection procedure of top civil servants (6 February 1997), the most important values of State administration in Finland, which form the basis of civil service ethics are the following:

- independence
- impartiality
- objectivity
- reliability of administrative operations
- openness
- the service principle
- responsibility

The changes in administration and its operating environment have created also new values, such as effectiveness and result-orientation, which complement the above list. These values generally relate to the operations of agencies and they are defined separately for each agency. The realisation of the above-mentioned values is ensured by provisions and judicial practice.

In addition to provisions and instructions, values are conveyed to new civil servants through the actions of superiors and colleagues. The aim should be that the training of civil servants also deals with ethical questions.

Values and the related provisions can be examined as follows:

### 1. Independence

The independence of the actions of the authorities and civil servants is ensured by provisions at the Constitution level. Since 1 March 2000, section 125 of the Constitution, like the earlier Constitution Act, contains a provision, on the conformity of administration to law and the grounds for appointment into office.

The State Civil Servants' Act safeguards the independence of a civil servant through the obligation to conduct himself in a manner befitting his status and duties, and the restrictions on acceptance of financial or other benefits and on ancillary jobs. The principle of continuation of a civil-service relationship is also an important guarantee of independence. From the point-of-view of independence, important are also the

provisions of the Administrative Procedure Act on the disqualification of civil servants in administrative activities.

## **2. Impartiality and objectivity**

The Constitution imposes on civil servants the duty to treat everyone equally when performing their official duties. The Administrative Procedure Act provides for disqualification in certain specifically mentioned situations as well as in other situations if confidence in impartiality is endangered for a special reason. The State Civil Servants' Act prohibits discrimination both in appointments to and during a civil-service relationship.

## **3. The reliability of administrative activities**

Public reliability is ensured first and foremost by the duty of the highest civil servants to declare their interests. Further norms ensuring reliability include the prohibition to accept financial or other benefits if this would reduce confidence in the civil servant or authority and the prohibition of an ancillary job if it would endanger confidence in the impartiality of the civil servant in the performance of his duties.

## **4. Openness**

The openness of the activities of an authority in relation to citizens is governed by the Act on Openness of Government Activities. Openness has traditionally been one of the basic principles of Finnish State administration and the Nordic administrative culture. The publicity principle dates from the 1700s.

## **5. The service principle**

The service principle is governed, i.a., by section 4 of the Administrative Procedure Act, according to which an authority has a general duty to advise citizens in dealing with the administration.

## **6. Responsibility**

The confidence of the citizens is important and relates to responsibility in office. Provisions relating to responsibility include also the provisions of the Civil Servants' Act on a warning, on notice to terminate and cancellation of a civil-service relationship if a civil servant has violated or grossly violated or neglected his official duties. Responsibility may also become actual through the provisions of the Penal Code.

A form of responsibility which is not directly based on legal provisions, but which, nevertheless, is part of the system and which is becoming more and more important in practice, is responsibility for results. This applies both to the relationship between the Ministry and an agency subordinate to it and to goal-setting and result monitoring implemented inside the agency. Result monitoring is an essential part of steering and management by performance.

## 5.6 Pay systems

The basis of the pay-policy system of the State employer drafted by the Personnel Department of the Ministry of Finance in 1992 was, in particular, the fact that the pay is often the most visible, and in financial terms, the most important expression of personnel policy. In addition, the pay and the basis for its determination often have decisive importance for the operating conditions and motivation of the operating units.

The objective of both the pay-policy programme and the State personnel and employer policy is to ensure the competitiveness of the State sector pay in comparison with other sectors. This is a prerequisite for the State to be able to induce talented and competent people into its service also in future years. Also the objective of upholding good prerequisites for the incorruptibility of civil servants is a factor in the background.

### *The present pay system*

Most of the agencies still use a pay system based on offices, titles and pay schedules. The offices are placed in the pay schedules according to the demands of the job. When an office is established, also the basis of its pay has to be determined.

The pay system of civil servants is based on collective civil servant agreements. The present pay system can be divided into the actual salary and various supplements and bonuses. The actual salary generally includes the basic salary, a cost-of-living supplement, age bonuses and a supplement for cold areas and the archipelago. The most important supplements are the remunerations paid on the basis of working-hours and times, and additional remunerations. Civil servants can also have raises for given periods of service and personal bonuses. According to the State Civil Servants' Act, which entered into force in December 1994, an agency may conclude an individual agreement with a civil servant on the terms of his service relationship. The agreement with a civil servant, referred to in section 26 of the State Civil Servants' Act, is concluded by the Government.

The present pay system does not directly include factors aiming at influencing the actions of civil servants on moral grounds or rewarding morally high-class conduct. However, the requirements of high morals may have indirectly influenced the placement of certain offices in the pay schedules when the offices were established.

### *The new pay systems*

The mutual principles of the employer and the main negotiating organisations relating to the reform of the State pay system were recorded in the agreements in 1993. In 1999, about 9 percent of the approximately 125,000 persons included within the budget economy were covered by the new pay systems. Reform work is going on in almost all State agencies and institutions.

The aim is to achieve agency-specific pay systems with a job-specific component based on the demands of the job, a component based on personal work performance and command of the work as well as a pay component based on a result reward depending on the results of the work of a group or the individual.

In connection with the development of the pay systems, also the factors will be ascertained that should be considered when evaluating the demands of the job as will also their weighting and the fact how personal factors will influence the pay.

In the pay of civil servants, the requirements of high ethical standards will be emphasised more, which is mainly the result of a more open pay basis determined in the pay policy programme as well as of the development of assessment tools. The new system also makes it easier to monitor the implementation of equality.

The introduction of the new pay systems essentially requires that the users are sufficiently skilled to use the systems correctly. Therefore ethical considerations will be taken into account when training the users. From the point of view of the functionality of, and trust in, the pay system, it is generally important that the personnel is aware of the basis of the pay system and that a superior gives the person in question sufficient information on the criteria for evaluating the demands of the job, which form the basis of the pay and on the grounds for the evaluation result of the personal pay component.

## 5.7 Political support – stands taken by the highest management

In its resolutions, the Government taken a stand on the promotion of the ethics of State administration. The latest resolution **High-quality Services, Good Governance and a Responsible Civic Society (1998)** outlines the guidelines of the policy of governance for the new millennium. The principles of good governance form the foundation when ensuring higher-quality services for the citizens as customers of public services and as taxpayers. In addition to the availability of the services, their quality as well as customer-orientation and freedom of choice will be emphasised.

The resolution states that clear political guidelines will be needed to steer the new differentiated State sector that has replaced the former centralised State. The difference of values and principles in different parts of the State sector has also been taken into account. The traditional values of sound administration are important in the traditional State administrative functions as well as in the production of services. In the production of other public services, the emphasis will be on customer-orientation and other values of service activities. In attending to the production and business functions of the State, the business values will be complied with.

The resolution on governance is based on extensive preparation by civil servants under the guidance of the State Sector Committee. The aims and measures of governance presented in the resolution are:

- continuous evaluation of public functions
- emphasising the responsibility of civic society
- strengthening the role of the Government as the Political Leader
- clarification of the systems of accountability
- continuation of the reforms of central government
- improving the quality and availability of public services
- measures relating to personnel and employment policies
- enhancement of the steering of market-oriented functions



From the point-of-view of civil service ethics, the stands taken by the Government particularly on the development of the system of accountability for performance and the guidelines of the State employer and personnel policies should be mentioned in this context.

### *Clarification of the systems of accountability*

In order to implement democratic and Parliamentary steering, the Government will launch a project to clarify the agencies' accountability for their performance. Issues belonging to the accountability for performance – such as the contents of a results agreement – will be clearly defined. In order to attain their goals, the agencies will need sufficient resources and powers. Part of a well-organised system of accountability is a well-functioning reporting system on the results.

The openness and transparency of governance as well as the accountability of agencies and civil servants will be increased. This will require product and cost calculations, publicity of activities and especially more clearly defined accountability of the civil servants.

### *Employer and personnel policies*

State employer and personnel policies emphasise, the need to **ensure their competitiveness, justness and responsibility**. According to the resolution, high-level civil service ethics and maintenance of accepted values will form an even more important steering tool after the dismantling of regulation and centralised control. Everyone working for the State will have to know the ingredients of good governance and the requirements imposed on him by high-level civil-service ethics. A debate on values will take place on the levels of the State sector and the work units in cooperation with the personnel and it will be maintained as part of the development of the policies and the working conditions.

According to the resolution, the undisturbed continuity of the functions of government will be ensured even though the personnel is getting older and a large part of the present personnel will retire in the next decade. The steering tools of central government include general personnel policy, the definition of the legal position of the personnel, the general arrangement of the terms of employment, the overall responsibility for the maintenance of labour peace as well as employer activities at the level of central government. Issues of personnel and employer policy will be paid more attention to in the performance management. It is also important that the State employs a sufficient number of qualified and continuously developing, well-motivated and skilful personnel in order to be able to successfully deal with the functions entrusted to it. In order to improve the determination of the correct number of personnel, the planning of an evaluation and data system will be launched.

In the reforms of management and leadership, the Government especially emphasised **personnel leadership**. Quality goals will be set for leadership. The work skills and job satisfaction of the personnel are part of interactive cooperation and good leadership. Therefore they will be included in the evaluation criteria of leadership.

## 6 THE ACCOUNT: ETHICS AND VALUES OF CIVIL SERVANTS

### *Background of the account*

Since the mid-1980s, the focal point of the development of administration in Finland has been the rationalisation of operations and the development of result-orientation. The system reforms have brought clear signs of ethics and values assuming a more and more important role. In the survey of the status of State personnel management (MoF 24/1997), 85% of the agency executives considered values and ethical questions important from the point-of-view of the operations of the agency. However, civil service ethics is so extensive and complex a phenomenon that the above result only gives a rough indication of its contents and significance.

Because no comprehensive up-to-date material on civil service ethics was available, the task of the Ethics Working Group was to ascertain the present situation. It would have been possible to compile the data in several ways, e.g. by interviewing experts or by requesting statements. Because the topic is rather extensive and because civil service ethics is emphasised in different ways depending on the task area, the best way of acquiring comprehensive data was a questionnaire. This report presents the results of the questionnaire on i.a. the following points.

- 1) changes in the values of governance
- 2) principles of civil service ethics
- 3) unethical practices and
- 4) factors affecting civil service ethics.

### *The method of implementing the questionnaire*

The questionnaire was sent to c. 170 agencies and institutions of central State administration. The questionnaire was addressed to the head of the agency, who was asked to allocate the questionnaire to the top management of the agency and to personnel representatives. The distribution and copying of the form was carried out inside each agency. The form included a field for the number of persons to whom the questionnaire was distributed. The data was complemented by re-sending the form to agencies that had returned less than half of the answers by the due date (43 agencies). Even after this, 14 agencies did not answer the questionnaire at all. A total of 647 answers were received and the computed return percentage of the questionnaire was 70.2 (for further details cf. Appendix 1).

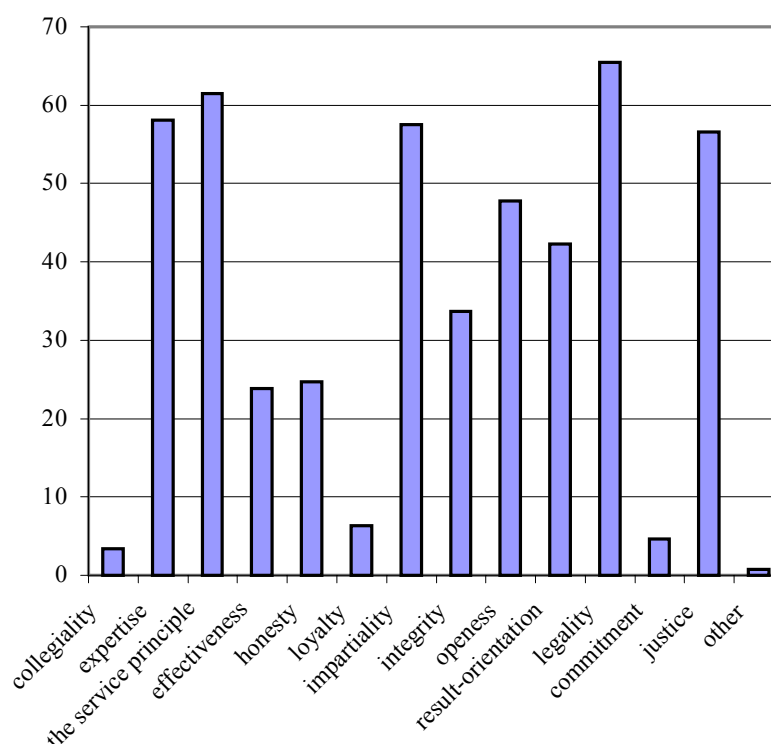
### **6.1 The value basis of civil service ethics**

The questionnaire supports the assumption that the value basis of civil service ethics has changed in the last decade. It is interesting to note that the value basis was deemed to have remained the same by only a fraction of those who answered the questionnaire, only 3.0 %. The change was estimated to be slightly stronger in one's own agency than within administration on average (cf. Table 2). Is this due to an actual change in values or only to a feeling of change as a by-product of other changes in working life?

**Table 2: Changes in the values of State administration in the last 10 years (%)**

	Strong change	Some change	No change
Administration in general	38.5	58.5	3.0
One's own agency	45.2	49.7	5.1

Some light is shed on the question when the values are studied in more detail in Figure 1. Over half of those who answered felt that the most important values of State administration are **legality** (65.5%), **service** (61.5%), **expertise** (58.1%), **impartiality** (57.5%) and **justice** (56.6%). In addition to these values, also openness (47.8%) result-orientation (42.3%) and integrity, i.e. incorruptibility, (33.7%) were emphasised. The opinions of the management and the personnel representatives were very similar: the five most important values were common, only their order was slightly different.

**Figure 1: The most important values in State administration (%)**

Legality, impartiality and expertise are traditional virtues of State administration while the service principle and result-orientation are more modern values<sup>9</sup>. Although those who answered feel that the value basis has changed, this does not mean that the old values have been wiped away. Next to the traditional values, new values have appeared, of which the service principle has already made a breakthrough and result-orientation will follow. One could talk about a *conglomeration of values*, to which each era adds its own layer.

<sup>9</sup> On the other hand, locating the "source" of justice is a more difficult task. In Finland justice has been closely linked to the judicial system and the Olaus Petri judicial instructions. According to the instructions, the law as such is not a sufficient guarantee of the implementation of justice, but the law shall be applied in a just manner (the words of the law vs. the purpose of the law). It is likely that in the view of those who answered, legality, impartiality and expertise together provide the framework for just decision-making.

The new values are accepted more easily if they do not contradict the earlier values. Changes can easily lead to different combat situations, in which the supporters of different values defend their positions by means of exaggerations: for example, the very idea of improving the effectiveness of operations is deemed to lead to a weakening of the ability to serve and of legal protection. However, these are not logically or causally bound to each other, but can be implemented side by side. The central values of State administration do not as such contradict each other, but they can easily lead to a conflict concerning the value that should be emphasised in each situation. Indeed, conflicts between values are the basic reasons for ethical problems. All the above-mentioned values are important, but they cannot all be always complied with at the same time.

### *The values of one's own agency*

In the opinion of those who answered the questionnaire, the values of their own agency do not greatly differ from the general values of State administration. The only clearly distinctive feature was the fact that, instead of legality, **expertise** (82.1%) became the most important value. The aim has been to introduce the values of agencies i.a. in operating strategies, personnel strategies, in connection with operational and financial plans, in planning documents, separate declarations of operational values, service commitments, the quality manual and the mission statement. In addition to stating the values, actual principles and norms can be found in the professional-ethical manuals and ethical rules of certain special sectors. According to the answers received, over half (62%) of the agencies in some way call attention to values and civil service ethics in their strategy documents and some of the agencies (10%) are launching development work relating to the subject. One fifth (19%) of the agencies pays no attention to values and civil service ethics in their strategy documents.

In the light of the documents, the values of different agencies are very different. One agency emphasises expertise, job satisfaction and awareness of quality and cost efficiency, while another agency emphasises result-orientation, international relations and initiative. Such traditional values of civil service ethics as impartiality, independence and compliance with the law are not very often mentioned in the documents. As factors uniting the agencies one could mention **customer-orientation**, **result-orientation** and **openness**, which are presented as the most important values in nearly every other document. Every third document brought forth the importance of continuous development or the readiness for change, cooperation and expertise. Other values mentioned included quality consciousness, reliability, environmental protection and mutual respect.

The differences between the values of the agencies may seem disturbingly big at first and raise the question of the disintegration of civil service ethics, but in practical work the aim is not to set unconditional values. It is more a question of *strategic values*, which are taken more into account in certain projects within a certain time frame, than of defining permanent ultimate values.

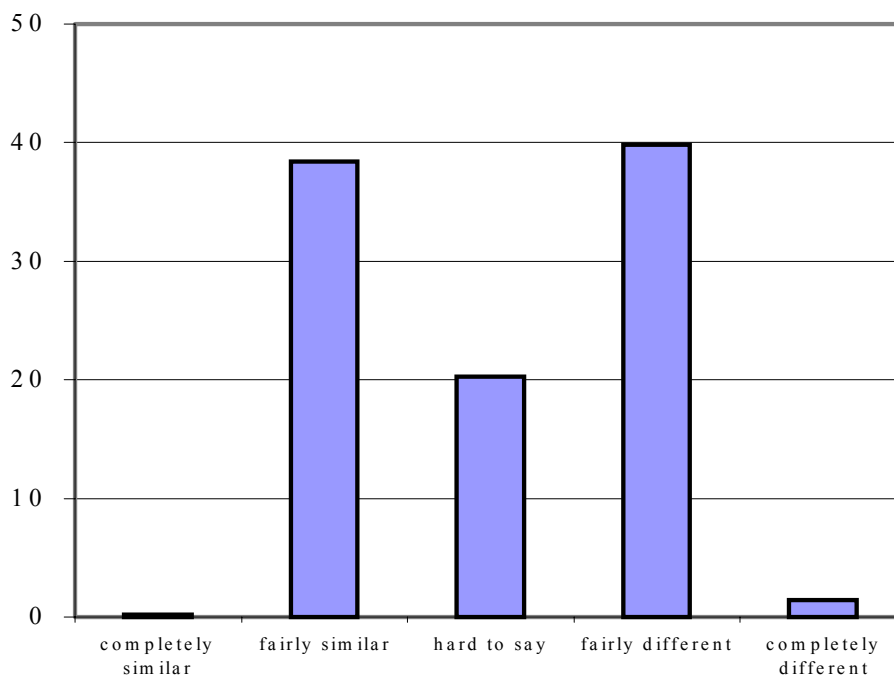
It is clearly the aim of the agencies to bring forward values which are central from the point-of-view of their task areas, which helps to clarify its operations. When the personnel knows what is expected, there is less confusion and the prerequisites for building confidence are good. Secondly, it is apparent that the values which have been brought forward in the different sectors are quite heterogeneous. There are big

differences even between similar units, which raises the question as to whether the values which have been brought forward are the central ones after all. It would be good to sound the values of one's own agency in relation to others, especially values providing the basis of the civil service ethics of State administration. If the process results in values which are unessential from the point-of-view of the operations, it only serves to obscure the requirements of public duties. Management by values needs to be more systematic and values need to be linked more closely to everyday work.

### *Evaluation of the values of the private sector*

Those who answered the questionnaire were also asked to evaluate the values of the private sector at a general level. The comparison is important from the point-of-view of civil service ethics: if the values of State administration and the private sector are similar, there is no room for civil service ethics, it is more a question of general working life ethics. In the opinion of civil servants, the two central values of the private sector are result-orientation (75.7%) and effectiveness (73.3%). In the case of expertise and service, the situation did not really differ from State administration while openness (18.4%) and justice (19,0%) were not considered core values of the private sector by those who answered. The same question was asked in a different form further on in the questionnaire (cf. Figure 2).

**Figure 2: The values of the civil servant body and the private sector (%)**



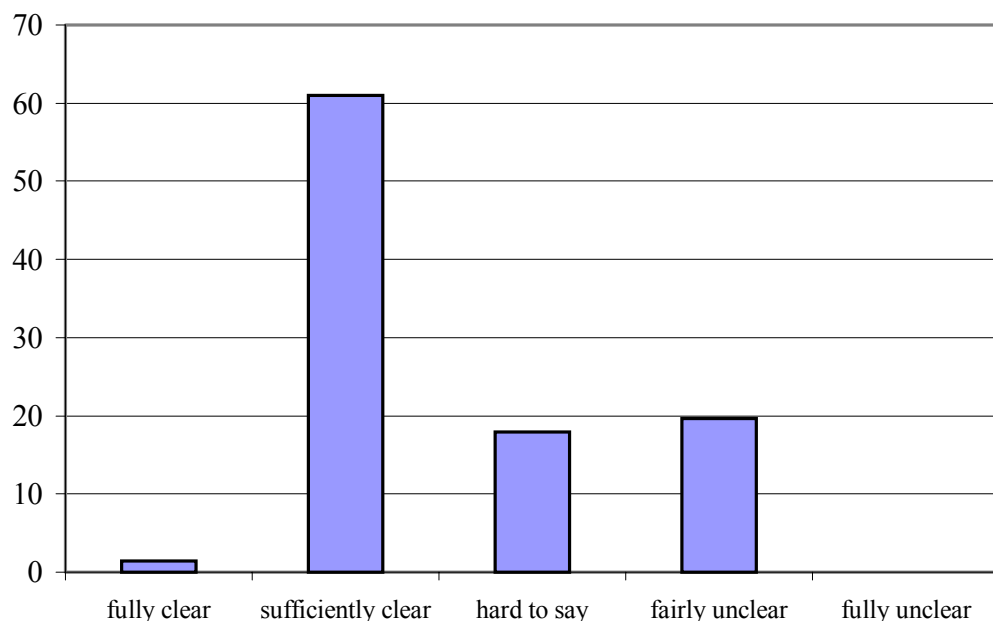
According to Figure 2, the opinions of civil servants on the value bases of the public and private sectors are divided into two: some see them as rather similar (38.4%) while to others they are quite different (39.8%). It should be noted that only one person (0.2%) felt that the values of the public and the private sectors were completely similar. On the basis of this material, one can conclude that civil servants see important similarities between the value bases of the public and private sectors. However, the value bases cannot be totally united, because, in addition to differences of emphasis, particularly openness and justice result in qualitative differences. These differences make civil service ethics rather unique.

The majority of those who answered felt that the values of State administration and practical operations correlated fairly well (78.3%). In other words, it seems that double standards do not occur very often ("don't do as I do, do as I say"). Those who answered feel that value discussions are necessary (91.2%). According to the data, values are discussed more often among the management (78.3%) than among the whole personnel (48.5%). The most usual fora for value discussions were executive groups, cooperation bodies, various value seminars and personnel magazines. On the other hand, values are always present in discussions, if only implicitly, and the recognition of a discussion explicitly as a value discussion requires certain conceptual readiness. This is why the probability of recognising values or ethical sensitivity increases with the level of education (correspondingly also the number of 'hard to say' answers decreases). In this study the distortion caused by differences in education is slight, however, because as many as 91% of those who answered had academic degrees.

## 6.2 The clarity of the principles of civil service ethics

The civil servant management and personnel representatives were asked, in addition to values, also about the clarity of ethical principles. Principles mean rules, rights and obligations based on values. The majority of those who answered felt that the principles of civil service ethics are sufficiently clear (61.0%), but a significant number of those who answered felt that they are fairly unclear (19.7%). None of those who answered felt that the rules were fully unclear.

**Figure 3: The clarity of the principles of civil service ethics (%)**



By combining the above-mentioned classes, the proportion of those who felt that the principles are clear is 62.4% and the proportion of those who felt that the principles are fairly unclear or for whom it is hard to say is 37.6%. This is most likely due to the fact that the central principles of civil service ethics cannot in fact be defined clearly unambiguously; they differ according to official status and administrative sector. For example, the personnel of the judicial system is expected to show great moderation

regarding entertaining or hospitality, while in many management tasks entertainment is a necessary part of official duties. In some countries the situation has been clarified by drawing up ethical codes, which list either the core values of administration (Great Britain) or the central principles (the United States). Two-thirds (67.5%) of those who answered estimated that ethical codes could be useful also in Finland. Among those who felt that civil service ethics are unclear, rules were even more in demand: 75.4% felt that rules are necessary.

One way to ensure the level of civil service ethics is the duty to declare one's interests. The duty of the highest civil servants to declare their financial and other interests is a means which is often used internationally to prevent disqualification and other situations endangering confidence. According to Table 2, those who answered the questionnaire felt that the duty to declare is justified (87.3%). On the other hand, the extension of the system to other highest managers is not deemed necessary (31.0%).

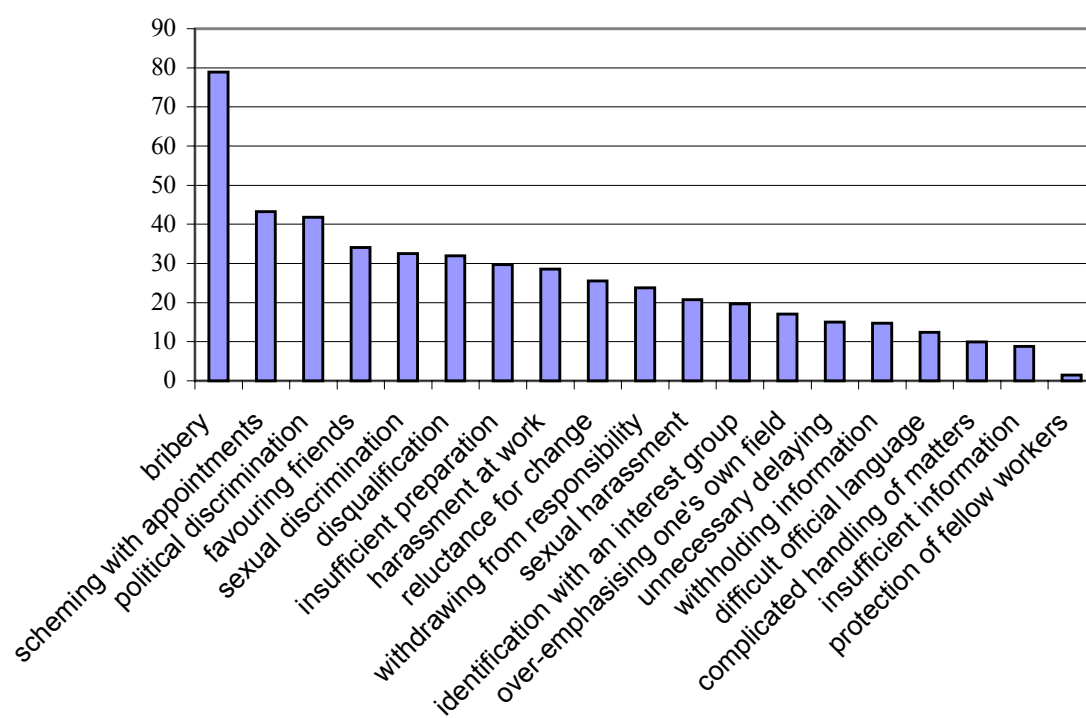
**Table 3: The necessity of the duty to declare one's interests (%)**

	Necessary	Not necessary	Hard to say
Present situation	87.3	7.8	4.8
Extension	31.0	55.3	13.7

Another means to prevent and monitor conflicts of interest is the duty to apply for permission for and to declare ancillary jobs. 44.4% of the heads of agencies have had to refuse ancillary jobs themselves or they have had to forbid a subordinate from accepting one. Among other top management, the corresponding figure is 34.6% and among the personnel representatives, 18.5%. The number of ancillary jobs of those who answered was not asked<sup>10</sup>. Apparently there is some administrative-sector-specific variation in the practice of notifying ancillary jobs and ancillary jobs are not supervised very actively.

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<sup>10</sup> According to a study conducted in summer 1999, the total number of valid permissions for ancillary jobs in the Ministries was 50 (1.1% of the civil servant body of the Ministries) and the number of notifications of ancillary jobs was 71 (1.6%).

**Figure 4: The most harmful unethical administrative practices (%)**

In Figure 4, a group of unethical administrative practices has been placed in the order of their "harmfulness". The Figure shows which phenomena the civil servants consider the most harmful ones, not the extent to which these phenomena occur. The civil servants feel that it is very important to keep public administration free from bribery (78.9%). Corruption as such is not a significant problem in Finland. According to the estimate of those who answered, corruption is the least frequent of all unethical administrative practices: 65.2% had never observed it, and according to 30.8% it occurs mainly at an annual level (the figures should not be interpreted so that the civil servant would have requested or accepted a bribe). However, when asked about gift-like benefits, it was noted that 61.5% of those who answered, or of the civil servants in their agency, had been offered a gift at some point, 48.7% had received an offer of a trip from a third party at some point and 82% had been offered a luncheon at some point. Whether these should be seen as corruptive phenomena largely depends on the details of the incident: was the offer made because of the official position of the person, was it intended to affect the actions of the civil servant, etc. According to those who answered, there has been no significant change in the offering of gift-like benefits in the last decade. Compared to the other European Union Member States, the situation relating to corruption in Finland was seen as extremely good (88.0%).

After bribery, the worst unethical administrative procedures were scheming with job packages and trading offices (43.2%) as well as political discrimination (41.8%). Also favouring friends (34.1%), sexual discrimination (32.5%) and participation in the handling of a matter despite one's disqualification (31.9%) were considered extremely harmful practices. In the opinion of those who answered, the most usual of the above-mentioned unethical practices included the use of too difficult official language and reluctance for change. Also territorial thinking, unnecessarily complicated handling of matters, insufficient preparation, insufficient information and unnecessary delays occurred in administration. An exact study of these phenomena would, however,



require a more detailed form or the use of an alternative method to compile data (e.g. interviews).

### 6.3 Factors affecting civil service ethics

The value basis and ethical principles of State administration are often learned only in working life, in practical situations involving interaction. Civil service ethics is not taught separately, and the teaching of the professional ethics of different sectors is quite unsystematic (Myyry 1999). Personnel administration can promote high level civil service ethics. With the reform of the grounds for appointments of the management, ethics and morals have been added to the general appointments criteria of the highest civil servants. This raises the question as to how civil service ethics are taken into account in recruitment, job familiarisation and personnel management.

The picture given by Table 4 on the way factors of civil service ethics are taken into account when appointing new personnel, is contradictory. According to the answers of the top management, ethical factors are taken into account significantly more often than according to the personnel representatives. The answers of both parties may either have been embroidered (giving "the correct answer") and exaggerated or the management may be better acquainted with the appointment of managers and the personnel representative with the appointment of other personnel. In other words, this may be a natural difference in points of view related to official status. In any case, the number of 'hard to say' answers was high in all the groups, which means that those who answered either do not have a comprehensive understanding of the grounds of recruitment in their agency or civil service ethics are not yet perceived as appointment criteria<sup>11</sup>. Both reasons may be true. Ethical points of view were taken up particularly in job interviews, where questions were asked on the values and interests of the applicant and his knowledge of the rules of the game of public administration.

**Table 4: Consideration of factors of civil service ethics when appointing new personnel (%)**

	Considered	Not considered	Hard to say
Head	48.5	12.4	39.1
Other top management	41.3	17.7	41.0
Personnel	23.7	26.0	50.3

Factors relating to civil service ethics can be taken up in connection with job familiarisation (cf. Table 4). According to the material, the situation varies considerably, i.e., it depends on the person handling the familiarisation. As was the case in the previous question, also here the points of view of the management and the personnel differ (22.2% vs. 11.2%).

<sup>11</sup> The operationalisation of an abstract phenomenon is never simple. According to the manual drawn up to assist in the appointment of civil servants (Miten johtaja valitaan ja valitsee, Edita 1998) a person being interviewed may be asked questions directly relating to his values and be requested to give concrete practical examples of them (ibid., p. 59-60).

**Table 5: Consideration of factors of civil service ethics in job familiarisation (%)**

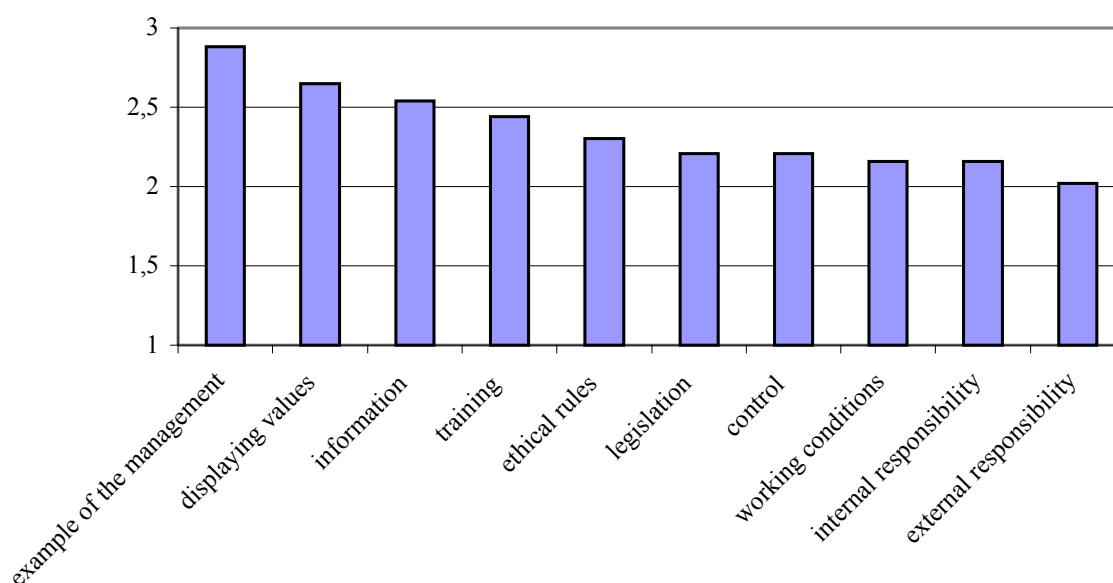
	Systematic	Varied	Not considered
Head	22.2	69.6	8.2
Other top management	19.2	68.5	12.2
Personnel	11.2	67.6	21.2

Also the relationship between personal and personnel management and ethics is considered more positive by the management than by personnel representatives (Table 5). Personal and personnel management have been the subject of special interest in State central administration only for the last few years. Therefore personnel management skills have not been very well developed or in demand, let alone valued. In the opinion of those who answered, ethical factors were considered above all in different value discussions and seminars (particularly in the executive group) and in training. In personal management, many issues can be promoted by one's own example. In some agencies personnel management also included emphasising the ethical rules of the agency.

**Table 6: Consideration of civil service ethics in personnel management**

	Yes	No	Hard to say
Head	50.9	14.6	34.5
Other top management	44.2	24.2	31.6
Personnel	22.2	33.9	43.9

As stated above, civil service ethics is a rather complex issue and it cannot be significantly affected by any individual measure. The ethics infrastructure offers a framework for analysing factors effecting civil service ethics. The evaluations of those who answered are found in Figure 5.

**Figure 5: The effect of various measures on civil service ethics**

(1 practically no effect, 2 slight effect, 3 strong effect)

Those who answered felt that definitely the most important individual measure having an effect was **the example of the management** (2.9). With its own conduct, the management provides the standards which in time will penetrate the entire organisation. Another factor which was found to have a strong effect was displaying values (2.7). Factors with a slight effect were information (2.5), training (2.4) and ethical rules (2.3). The effect of legislation and other measures was found to be slighter. Legislation can and should be used to determine the minimum level of ethics in order to prevent abuse (*low road*), but it is difficult to use legislation to motivate and encourage people to ethically high-level conduct (*high road*). Internal (2.2, e.g. an audit) or external (2.0, e.g. inspections by the Parliamentary Ombudsman) mechanisms of responsibility were not deemed very significant. Also the significance of working conditions was deemed to be of little importance (2.2).

\* \* \*

The results of the questionnaire have been studied above mainly as a whole. This is possible because there are no significant systematic differences between the groups answering (these cases have each been reported separately). The management of the agency and the personnel representatives agree on practically all central issues. Nor are there any significant differences due to sex except for the fact that women have chosen the alternative 'hard to say' more often.

It is clear that there is no unambiguous answer to many of the questions asked in the questionnaire. The questions mainly serve to find out the impression of the person of reality. The results of the questionnaire are not as such normative in nature, because in ethics percentages are not valid as reasons. In other words, if the majority of those who answered have the same opinion, it is not yet any reason to act in the same way. One questionnaire does not disclose the ultimate truth of a complex phenomenon such as civil service ethics. It is more likely that the results may raise the right questions and provide incentives for a discussion on the subject.

## 7 CONCLUSIONS

### 7.1 Starting points

The starting points of the conclusions and proposals of the Working Group are, on the one hand, the results of the agency questionnaire, and on the other hand, an examination of the basis of our national systems with regard to the sub-areas of the 12-point OECD recommendation. This memorandum examines the elements of the ethics infrastructure, their realisation and emphasis in State administration in Finland as well as the development targets. In addition, the Working Group has familiarised itself with international development by studying the work of certain individual countries and the OECD, the European Union and the Council of Europe to promote high-level public sector ethics.

The changes of State administration and its operating environment require the status of civil service ethics to be evaluated in a new way. The operating environment has become more demanding and complex. Values and ethics are emphasised in a new way when developing the different activities of State administration including the sectors of management and personnel policy.

Civil service ethics and morals can be affected in many different ways. On the basis of the questionnaire of the Working Group examined above, the most effective means in order of importance were the following:

- Example of the management
- Displaying values, value discussion

These two means clearly stood out as the most important ones. The other effective means in order of importance were:

- Information
- Training
- Ethical rules/instructions

The effect of legislation was deemed slighter than that of the other means stated above.

The different factors affecting a good ethical operating environment strengthen and complement each other. Several of the elements of personnel policy are significant in strengthening and supporting ethically high-quality conduct. Skilled and motivated personnel is an essential prerequisite of the result-oriented and successful activity of an individual agency. The special features relating to a civil-service relationship as a form of service relationship provide the legislative basis of civil service ethics.

It is the responsibility of each agency and individual civil servant to promote high-level civil service ethics by means of practical measures in addition to fulfilling the requirements of result-orientation. As authority and operational freedom increase, so does responsibility. The differentiation of activities requires value discussions and the determination of values at agency level. This is not enough, however. Values have to be visible also in everyday practical activities both inside the agency and in relations with interest groups and citizens.

Personal responsibility for values and their realisation needs to be monitored. It is the duty of State administration at central level to support the agencies in i.a. the sectors of management and personnel policy so that they can acquire tools for their own continuous development work.

## 7.2 Development areas

### 7.2.1 *Value discussion, determination of values*

The result of the agency questionnaire study conducted by the Working Group indicated that the factors given as the values that form the basis of the civil service ethics of State administration are still appreciated. **Legality, the service principle, expertise, impartiality, justice and openness** were high among the most important values. After these followed **result-orientation**, which was, at the same time, deemed the most important value of the private sector.

The values determined by the agencies for their own activities differ from these values. This is natural because their starting point is the operations and aims of the agency in question. The values of the agencies have to complement and specify general values. They also have to be in harmony with common values. The situation

can also be conceived so that common values form the foundation, on which the values of the agencies are built. Thus the common values form the basis for the more specific values of the agencies, which perform individual service or other activities.

Values may not remain as words only. Much more important than words on paper is the content which the organisation has wanted to give to them and which should be kept in mind by all civil servants. Values are present in all activities and the objective of their determination is to steer everyday activity. In an ideal situation, values can be used to find the correct solution. This can also be set as the aim: in situations uncertain from an ethical point of view, values steer towards the correct operating practice. An ability to advance so far requires persistent and determined work. Values have to be simple, clear in their interpretation and remembered by everyone in order for them to become real.

### ***Values and result-orientation***

When values are determined with regard to both internal (e.g. personnel policy) and external activities, they can be used to effect also result-orientation. Values and ethics are ways of promoting the performance of the actual tasks of the agency – e.g. taxation, police duties, higher education. The citizens have the right to expect agencies and civil servants to act in a result-oriented, effective and cost-efficient way. However, from the point of view of civil service ethics and morals, it is a question of ensuring that the activities also fulfil the requirements of high-level ethics without compromising the demands of result-orientation or effectiveness so that the citizens can rely on this. These two requirements are not contradictory, but they can be reconciled. In practice, this may be problematic, because it is not always possible to be aware of issues which require ethical choices.

In the steering relationship between a Ministry and an agency subordinate to it, also ethical issues can be paid attention to. For example, the development of an ethical code of behaviour and teaching it to the whole personnel may be set as a performance goal. The criteria for its realisation may be e.g. that, in the opinion of the personnel, the instructions and know-how are sufficient or that the issue is clarified by means of a customer questionnaire. These performance goals may be related to either personnel policy, customer service and products or even strategic issues relating for example to the operating culture and basic solutions of the agency.

It is the duty of the State Audit Office to audit the legality and appropriateness of the financial management of the State as well as compliance with the budget. These duties do not, as such, include ethical elements, which are involved with ethical audits in private enterprises.

### ***The importance of the value process***

Getting started requires a mutual value process involving the whole personnel. This is the only way to internalise the meaning and content of values – in simplified terms of individual words – from the point of view of everyone's own work. If this does not take place, values will not have the impact that the real commitment of the personnel brings to operating practices and behaviour. In order to be functional, values have to be recognised and accepted by everyone.

The maintenance and improvement of high-level civil service ethics requires that the agencies launch their own value processes and implement in their operations the values provided by the results. The objective of the process is, on the one hand, to determine the values which are central from the point of view of the operations of each agency. The aim is also to incorporate the general values of State administration and the values of the agency itself into practical operations. In addition, the objective is to make the values a part of everyone's individual work tasks and to acquire meaning for them in everyday work.

### *Values as part of practical operations*

Commitment to values and ethical norms has to be apparent in the everyday management customs and practices of the organisation. When the values have been determined, they are incorporated also in the operating and personnel strategies of the agency. In addition, they can have an effect on the competitiveness and attraction of the State as an employer.

Values are also part of the communication between State agencies and organisations outside State administration – private undertakings and various associations. Different operating practices may increase uncertainty as to what is appropriate in the performance of official duties and what is not. What is possible in a private undertaking is not always appropriate in a State agency. On the other hand, the importance of values and ethics as prerequisites of successful operations has increased. They have become a competition factor. Some undertakings also set requirements for the ethical practices of their business partners. If these are not fulfilled, no business is carried on with that undertaking.

The organisations of State administration need to pay attention to these factors in their activities with third parties, for example, when subjecting operations to competitive bidding and when purchasing services. By trying to ensure the reliability of the undertaking in advance, one can act on a basis which also tolerates external evaluation. Operating practices which also every civil servant should be familiar with are thus created. This is the way to promote the internalisation of values.

Because of the increase in communication between State administration and the private sector, it must be ensured that operating procedures and practices fully comply with the requirements of impartiality, independence and equality imposed on civil-servant activities. These may not be compromised in any context nor may even an impression arise that would indicate deviating from them. Private undertakings and cooperation partners are not always aware of these issues. Agencies and civil servants should be aware of and pay special attention to this. If necessary, cooperation partners should be informed of the requirements relating to the actions of the authorities.

The same principles apply to activities in an international environment. International connections require that one is well informed of the cultures represented by the people that one is in contact with. Values and generally accepted good manners are not the same in different cultures. Therefore it is useful for civil servants in international duties to know the codes of conduct of a foreign culture. One also has to be aware of the practices which, from the Finnish point of view, are prohibited, such as corruption. In this way, one can recognise in one's own actions the problems relating to different operating practices when they come up. Awareness does not require one's own actions to be unethical, but helps to understand the conduct and practices of the other party.

Conscience is not a sufficient indicator when operating in one's own culture nor in a foreign culture.

### 7.2.2 *The clarity of norms, ethical instructions*

Every civil servant should know what is expected of him. Factors promoting awareness include **the clarity of norms, information on them and knowledge of their practical application**. The special features of the status of civil servants are not self-evident especially to new civil servants irrespective of whether they are young people just entering working life or people who have worked for a long time outside State administration. Therefore the central employer and personnel policy unit and every organisation has to take responsibility for increasing awareness.

An individual civil servant will be faced with situations in which the correct code of conduct or practice is not clear in advance. There might be no detailed regulation or ethical guidelines. In the opinion of the Working Group, the necessity of **an ethical instruction** based on values and starting from the duties of one's own organisation should be evaluated in connection with the value process. On the one hand, the instruction would clarify the realisation of the aims which are central for the agency. In addition, it could make the contents of good governance tangible in the activities of an individual agency.

The agencies could also develop a solution to ethical problems so that civil servants are provided an opportunity for **ethical consultation** in individual problem situations. Open discussion within the working community promotes the realisation of good objectives.

Practical aids in decision-making situations could include different questions to test ideas to evaluate the strength of a solution from an ethical point of view in advance. Questions as a tool in ethical decision-making is handled in literature relating to the topic (e.g. Tapio Aaltonen and Lari Junkkari: *Yrityksen arvot & etiikka* [The Values and Ethics of an Undertaking]). Decision-making is not always easy and clear and therefore it is worth to learn asking questions when looking for the right solutions. Questions can be asked from different angles. The questions may facilitate decision-making for example in situations where alternative solutions are not clearly right or wrong. There may also be situations where both of the alternatives can be either right or wrong depending on the point of view. The person making the decision has to be prepared to see that even a decision which does not feel comfortable may be right.

A list of questions of for example the following type may help before a decision is made (ibid. p. 283-284):

#### **Questions:**

- \* *Have I considered all the facts and analysed the situation sufficiently?*
- \* *Have I listened to both my reason and my feelings?*
- \* *Have I discussed the matter with others and been presented with points of view different from my own?*
- \* *Have I given the decision enough time to mature?*
- \* *Have I considered the consequences of the decision sufficiently and does the decision fulfil the requirements of justice and impartiality?*

*\* Is the decision transparent so that I can openly present its grounds and the factors affecting it?*

*\* Can I wake up feeling confident knowing that my decision will be discussed in the afternoon papers that day?*

*\* Can I feel reasonably calm when I tell those involved about it?*

*\* What is the combination of skill, expediency, imagination and courage that will help me to act in accordance with my own sense of justice?*

In addition to the questions, when making a decision, one can imagine that there is a party - either an individual or an audience - present listening and looking.

### ***Financial or other benefits offered by third parties***

In public discussions, individual cases come up now and then where a civil servant is suspected of having accepted a bribe or some other inappropriate benefit. The subject of discussion is how the acceptance of the alleged benefit affects the credibility and reliability of the agency and civil servant in question. The question is whether the actions of the authorities have been performed in accordance with the public interest required or whether the civil servant has acquired a private benefit, which, in an extreme case, may even have influenced his official duties.

For such cases, there are no unambiguous provisions or instructions which apply to the whole civil servant body. The legislative basis is factually clear, but because of the nature of the issue, it is broad with regard to practical situations. The provisions provide a possibility to interpret them taking into account the values and moral requirements of society.

For example, according to the State Civil Servants' Act *a civil servant may not demand, accept or receive any financial or other benefit if this may reduce confidence in him or in an authority* (State Civil Servants' Act, section 15). A civil servant may, under the Penal Code, be sentenced to a punishment for **acceptance of a bribe**, *"if he for his actions while in service, for himself or for another, takes a gift or other benefit which influences, which is intended to influence, or which is conducive to influencing him in the said actions"*. The offence may be deemed aggravated if the gift or benefit is of significant value. The acceptance of a financial or other benefit may also be punishable on the basis of the provisions on **the violation of official duties**.

There are no provisions or instructions in Finland for evaluating the value of a prohibited benefit. The criterion for evaluation is **whether the demanding, accepting or taking of the benefit weakens confidence**. In this evaluation, one has to consider the position of the civil servant in question in the organisation and his duties and, on the other hand, the kind and recurrence of the benefit in question as well as the other factors and circumstances surrounding the act. On the basis of the financial value of the benefit alone, it is not possible to conclude whether it is a benefit weakening confidence. Confidence may be weakened even though the financial or other benefit does not actually affect official duties if, when considered objectively, it could affect them.

The Ministry of Finance has issued an instruction in 1983 on official trips paid for by third parties. According to it, the activities of the agency are planned so that official trips can be made with the appropriations of the budget of the agency itself. This is a clear rule. According to the instruction, accepting a trip financed with other than State



funds is possible only if the procedure does not endanger the impartiality, independence and equality of administration. In practice it may be difficult to draw boundaries on these grounds, and the leading principle should be that agencies themselves finance the necessary trips of their civil servants in contacts with parties outside State administration.

There is some **judicial practice** relating to cases of bribery of civil servants. For example, in the following case, the civil servant was sentenced for acceptance of a bribe and a bribery violation to a fine. The Ministry had issued the appropriate travel order to the civil servant.

Due to his position, the Director-General of the Ministry of Education had the opportunity to influence the State subsidies of sport organisations, which were being prepared in his department. He had participated in trips to sports events abroad which had been paid for by a sport federation receiving a State subsidy and belonging to a sport organisation and by a company owned by an association supporting this sport federation. He was found guilty of accepting a bribe and of a bribery violation, punishment 100 day-fines. (SC 1997:33).

In the case of the sentence imposed by the Supreme Court on 24 March 2000, the question was whether the members of the Water Rights Court, in the circumstances evidenced in the decision of the Supreme Court, were guilty of negligent violation of official duties when they accepted entertainment provided by a power company.

The Parliamentary Ombudsman had in 1997 ordered charges to be brought relating to the entertainment accepted by the members and presenters of the Water Rights Appeal Court and the Water Rights Court of North Finland. According to the preliminary investigation, they had participated in a total of almost 30 different events in which the company had offered them entertainment. The purpose of the entertainment events had often been either to give information on or to negotiate on issues relating to permissions pending or being prepared. Entertainment had been offered also in connection with visits to water construction sites and during events which can mainly be described as public relations. The chairman of the Water Rights Court, A, and his wife had, for example, participated in the so-called celebration skiing event arranged in honour of the retirement of the managing director of the company, which included accommodation and entertainment paid for by the company. The charges brought by the State Prosecutor in the Helsinki Court of Appeal applied to A and two members of the Water Rights Court, B and C. – The Court of Appeal sentenced A for negligent violation of official duties to 20 day-fines and B and C to a warning (after a vote).

The Supreme Court agreed with the Court of Appeal i.a. that the prohibition of the Civil Servants' Act to accept financial or other benefit weakening confidence also applies to the holidays or leisure time of a civil servant and that, according to chapter 40, section 11 of the Penal Code, the sentencing to a punishment does not require the existence of a detrimental and harmful effect. As far as the skiing trip was concerned, the Supreme Court found that confidence in a civil servant or an authority may also be weakened by the fact that the spouse of a civil servant or another person close to him is given a benefit on the basis of the office of the civil servant. Section 15 of the State Civil Servants Act and section 21 of the former Civil Servants' Act may thus be applied also to benefits given to the spouse of a civil servant. In the case at hand, the benefits given to the spouse of A have clearly been prohibited benefits. The Supreme Court found that, in his actions, A had in this case been guilty of negligent violation of his official duties.

The Supreme Court stated the following on sentencing: When evaluating the reprehensible nature of the actions of A, B and C, one should note that as the chief judge higher requirements should be imposed on A than on B and C. The chairman, in particular, has a heavy responsibility to arrange the operations of the court in an

appropriate manner. Thus the chairman cannot justifiably invoke the entertainment practice prevailing in the field as a mitigating circumstance. Taking into consideration the fact that the act A has been found guilty of consists of several incidents and the nature of the actions as a whole, conviction and sentencing cannot be waived. However, the imposition of a fine on A is severe considering that the entertainment practice has apparently been formed in the course of time and has been so extensive that even for practical reasons it has led to the waiving of charges in the case of several judges and civil servants in almost corresponding situations. Thus the realisation of the principle of equality in this situation favours a lenient punishment practice also in the case of A. Therefore the Supreme Court feels that a warning is a sufficient sanction for A. On the other hand, the negligent violation of official duties which B and C have been found guilty of, should, taking into consideration the minor nature of the entertainment as well as the said practice, and also taking into consideration their positions as rank-and-file members of the court, be deemed pardonable in the circumstances. Thus punishment and sentencing shall be waived in their case. – The Supreme Court amended the decision of the Court of Appeal and dismissed one of the charges directed at A, one directed at B and two directed at C. A was sentenced for negligent violation of official duties on 21.- 23.4., 31.8. and 1.9.1994, 26.- 27.6.1995 as well as on 12. and 13.6.1996 to a warning. (Vote; SC:2000:40).

The question of accepting benefits offered by third parties often relates to ethical values, to what is deemed right and wrong, appropriate or inappropriate for a civil servant from time to time. The provisions provide a minimum level and allow different interpretations as society develops. It is obvious that a more and more extensive interaction between civil servants and other parties, e.g. different organisations and the private sector, has become a part of both domestic and international activities. The questions of compliance with different practices arising in connection with interaction have to be discussed both at central level and agency-specifically, where necessary. The questions which have to be discussed include i.a. *why does a party outside State administration pay for official trips or other benefits, what is their value, can they influence impartiality in the performance of official duties, are they recurrent, will the civil servant remain under a debt of gratitude, what does the third party expect of the authority, is it a question of a competitive position, etc.* At the same time, one has to remember that polite social relations include moderate hospitality on both sides.

### **7.2.3 The need to amend legislation**

Legislation forms an essential part of the ethics infrastructure. Legislation pertaining to State administration and the civil servants sets the minimum requirements for the actions of the authorities and the conduct of civil servants. There is a danger that very detailed regulation may form a temptation to look for ways of circumventing them. The activities may fulfil the requirements of the letter of the law, but they are still not ethically acceptable.

In the opinion of the Working Group, the general level of Finnish legislation meets the requirements to ensure high-level civil service ethics. No actual shortcomings have emerged and it is estimated that more detailed regulation cannot, as such, improve the present situation. Legislation may need the support of clarifying instructions in cases where detailed ethical points of view need to be considered in problematic cases.

Clear and uniform compliance with the provisions on ancillary jobs, external interests and competing activities, etc. ensures sufficient openness and supervision of the conduct of civil servants. Also activities outside one's official duties as well as post-

employment activities are significant when evaluating the ethical conduct of a civil servant.

In international comparison, Finland differs from several other OECD countries and European Union Member States in that we do not have provisions or codes of conduct for a civil servant transferring from State administration to employment within the private sector. Problems relating to these transfers have been discussed also in public during the work of the Working Group in summer 1999 when European Union Commissioner Martin Bangemann, responsible for competition issues, announced that he was transferring into the employment of a company called Telefonica. What raised discussion was the fact that in his duties as Commissioner, Mr. Bangemann had acquired extensive information on undertakings within his own area of responsibility and on their operations. His intention to transfer into the employment of a company operating in a competition position raised the question of the utilisation of information received in official duties and included within the scope of business secrecy in favour of one's own undertaking in an unjustified way. There were no provisions on transfer restrictions in the European Union. At that time, also the state of Finnish legislation and the need to amend it in this respect was raised.

According to a study completed in the OECD, there are valid transfer restrictions in a total of 16 of 29 member countries. The restrictions may have an affect on the contents of official duties prior to the transfer and the contents of the new duties for a maximum of two years after transfer. The restrictions are also included in the model regulations relating to conduct being prepared by the Council of Europe.

The Working Group has not been able to study the issue in more detail within the framework of its mandate and schedule, but considers the issue to be of importance because of the related ethical questions.

**The Working Group deems that the issue of regulating the transition period of civil servants is important and requires separate preparation in the Ministry of Finance.**

#### *7.2.4 Management, the example of the managers*

Management includes both **the steering and management of activities and leadership and personnel management**. The sectors of management are emphasised differently in different management tasks depending on the duties and level of the organisation of the agency. Leadership ability evidenced in practice is a qualification requirement for top offices in State administration. The qualifications required of the managers of State administration have clearly increased and become more diversified in the last decade. Personnel leadership in particular has a central role in the development of management.

In many ways, the work of the managers of State administration is no different from management in the private sector. The main differences relate to the values and starting points of State administration, which form the framework of the actions of the authorities. However, civil service ethics is very important especially in the actions of managers, because they influence the operating guidelines and practices the most. In addition, the managers set a standard for the personnel with their own conduct.

As the result of the agency questionnaire indicates, the conduct of managers and superiors – **the example of the managers** – plays a key role in promoting ethical conduct. It is clear that personnel cannot be expected to commit to the values and good objectives of the organisation if the managers themselves do not seem to act accordingly. Conduct contradictory to the values is noticed and the motivation and desire of the personnel to act in the interests of the common good decreases if the superiors set an opposite example. The managers and senior civil servants are also responsible to ensure that the agency fulfils its obligations as an employer provided for by the law. These obligations, defined in the law at a rather general level, are given their concrete contents in the operating guidelines of the agency itself and in the ways they are implemented in practice.

The example of the management and the practical implementation of values is connected to **evaluating** how the aims are achieved in practice. When the managers are evaluated, also their conduct in accordance with the values of the organisation can be evaluated. The managers have a key role here, because by acting in accordance with the values themselves they can promote the rooting of the values in the organisation.

A general measure aiming at good personnel policy and at the same time at ensuring high-level civil service ethics, is **creating a culture based on discussion** in the working community. Open discussion offering both the organisation and the individuals the possibility continuously to evaluate and review their activities, promotes awareness of issues affecting the work.

**The requirement of equal treatment of civil servants** (State Civil Servants' Act, section 11) means that a civil servant may not be placed in a different position to other persons because of his origin, citizenship, sex, religion, age or political or union activities or on another comparable basis. Equal treatment has to be evident also in practice. As a result, the personnel can feel that the activities of the employer are fair and they can rely on this. In practice these issues are evident e.g. in the allocation of tasks, career planning, appointments, the development of the personnel and in reactions to inappropriate conduct. This also means that the responsibility relating to management by performance extends to every civil servant.

The main obligations of a civil servant are **the duty to work and the duty to act in a manner required by his position and duties**. A civil servant has the duty to follow official orders, i.e., to follow the orders of his superiors and supervisors. Non-compliance with them is deemed misconduct in office. The level of conduct relating to the duty to act and required by the position and duties of the civil servant varies according to different civil servant groups and individual civil servants depending on their duties. This affects also management. The contents of the duty to act often have to be evaluated in situations involving the appropriateness of conduct from the point of view of citizens.

Good personnel policy also ensures that civil servants are aware of what is expected of them and that fulfilling one's obligations is required of everyone equally. Similarly, managers and those in senior positions have to take responsibility to ensure that neglect or violation of duties causes an immediate reaction when the matter becomes known.

Management requires **reactions and decision-making** even in difficult situations. In the area of personnel policy these issues include i.a. reacting to the inappropriate conduct of a civil servant/employee (e.g. neglect of one's duties, unauthorised absence) and the steering of persons with alcohol problems into care. Problems require fast measures so that they do not have time to expand and affect the operations of the working community more extensively. When a decision is made in an individual case, it is useful to have procedures determined inside the agency, which also the personnel are familiar with. Confidence in impartiality and justice increases when the personnel knows what is expected and when inappropriate conduct is reacted to in ways that everyone is aware of.

The most important measures relating to problem situations are discussions, a caution by a superior, a written warning and the termination and cancellation of a civil-service relationship. In order to ensure the reliability of activities, the application of the system of sanctions in accordance with civil servant legislation must be uniform and clear.

Civil servants should have access to steering and **internal consultation assistance** in problematic issues (e.g. together with the private sector or different organisations). It is advisable to organise this at agency level, for example as a part of the implementation of values.

### ***7.2.5 Selection of civil servants***

The appointment process to public offices is open and public. The use of discretion in making appointments, objective evaluation and making the appointments on the basis of qualifications are the leading principles that also define the use of discretion. In appointment procedure, uniform and transparent grounds and procedures are complied with so that the appointment process is as reliable as possible.

Especially in the appointment of the highest civil servants, it is important to take into account factors relating to good civil service ethics and to ensure the personal ability of the persons recruited to act in the manner required of a good civil servant. Since 1997, the general grounds for the appointment of the highest civil servants have included ethics and morals. It is, however, necessary to pay attention to these factors also in the appointment of other than the highest civil servants.

In practice, it is important to establish how the appointee views his future duties and how they fit in with his own values. This can be done in connection with the job interview by means of different practical tests or tasks, for example. Aptitude tests or the evaluation of leadership qualities can also include evaluations relating to values and ethics.

The reform of the appointment of the highest civil servants included developing the selection process so that it is more professional than previously. The aim was also to increase the openness of the procedure, which is an essential part of the process of appointment to public offices in Finland. To ensure a professional process, the following stages are important and their use is recommended in the selection of all civil servants:

- \* **task analysis**
- \* **information on open position and tasks**
- \* **interviewing the best applicants (an outlined interview )**
- \* **the evaluation of aptitude and leadership qualities, where necessary**
- \* **an objective comparison of the professional skills of the applicants and the personal qualities required by the performance of the duties**
- \* **drawing up a justified appointment memorandum.**

Appointees to the highest public offices (those referred to in section 26 of the State Civil Servants Act) are requested to notify their interests. All these stages ensure also the ethical level of the process of appointment to public offices.

### ***7.2.6 Familiarisation***

At the beginning of a civil-service relationship, there should always be a period during which the civil servant is familiarised with his new duties and the organisation. This applies to those starting in the first jobs of their careers and persons who come from outside State administration with even long-term experience of the operations of a private undertaking for example. What they have in common is that at the familiarisation stage it is extremely important to communicate the value basis of State administration, the principles steering operations and the rights and obligations relating to the status of a civil servant. The contents of the familiarisation training naturally include the basic principles and norms which the civil servants are expected to comply with in their work.

### ***7.2.7 Development of the personnel***

After the familiarisation stage, the aim of the regular development of the personnel is to maintain and further develop the professional skills of the civil servant. The general **guidelines of personnel and training policies should include values and ethical conduct**. Also the civil servant himself has to take responsibility for maintaining his own knowhow. With training, it is possible to improve the awareness of civil servants and their ability to examine alternative solutions and to make also ethically sustainable decisions. In the continuous development of a civil servant one should emphasise his individual readiness to make decisions and to conduct himself in accordance with the values.

Developing expert and leadership potential is part of the development of personnel. Developing potential and **career planning** also relate to values and ethics. They can be seen as part of the internalisation of values and compliance with personnel policy in accordance with the values. By developing these, one can affect the commitment of individuals to the values of the organisation and thus promote the realisation of high-level civil service ethics in the agency.

However, civil service ethics should not be seen as a separate subject area, but as an integral part of all civil-servant training. With the help of **training**, it is possible to coach civil servants to become aware of the significance of ethical issues in their own work. This requires concrete exercises, in which the person is required to take a stand on the operating procedure that he himself would choose in the given situation. The discussions relating to the exercises and the grounds presented have an important role in the entity. New training methods need to be examined and introduced.

### **7.2.8 Performance and framework discussions**

**Framework discussions** between a superior and a subordinate, which are part of management by performance, are a good tool also as a forum for an examination of ethical conduct. In the discussions, attention can also be paid to the way in which the values have been implemented in practice. In these discussions, factors promoting ethical conduct and the exemplary activity of the person can be taken up as well as any issues which still need to be developed. Individual feedback promotes the rooting of good operating practices in the working community.

In accordance with the development guidelines of personnel and employer policies, also issues relating to personnel policy, such as **the working ability and work satisfaction of the personnel**, should be set as the performance goals and evaluation criteria of management and the work of superiors.

## **7.3 Previously suggested and on-going development measures**

### ***The Familiarisation Project***

The Personnel Department of the Ministry of Finance appointed a Working Group on 1 October 1999 to prepare a familiarisation programme for civil servants recruited to the State. The basis for this is maintaining the competitiveness of the State with regard to the young, trained work force entering the employment markets.

The aim of the Working Group is to develop familiarisation practices for those taking up presenter or expert tasks. In addition to the familiarisation of one's own duties, the aim is to give the new-comer also a more extensive understanding of the working processes of the whole agency and the social significance of its duties. For this reason, the familiarisation programme should include training in the special features of the status of a civil servant and administrative procedure as well as familiarisation with the other units of the agency and/or outside organisations closely related to the operations of the agency by means of short working periods.

The familiarisation programme will be planned and implemented in the year 2000. The Working Group has to draw up its report on the results by 28 February 2001.

### ***The Potential Development Project***

The aim of the Potential Development Project, which was appointed by the Personnel Department of the Ministry of Finance on 15 December 1997, was to call attention to systematic training in superior and expert tasks and to consider potential in State administration in general. The aim of the project was also to further the opportunities of women to increase their skills in connection with training in leadership and expert tasks. The aim was, in particular, to develop operating procedures and a selection of means on the basis of the experiences of individual agencies to foster leadership and expert potential and their application also more extensively in State administration.

The final report of the Working Group "Tulevaisuuden johtajat ja asiantuntijat" [The leaders and experts of the future] (Ministry of Finance Working Group Memorandum 22/99) was completed in October 1999.

The final report of the Potential Working Group states that State administration has to be able to ensure the recruitment and keeping of qualified personnel also in the future. Challenging tasks and developing career prospects are important in this context. In order to ensure their functionality and to maintain competitiveness, the organisations of State administration have to consider the development of their future leadership and expert resources. Fostering potential is part of personnel strategy. From the point of view of the individual, it can be called a career path, the plans and valuations relating to the working career of the individual. It must be possible to combine these with the needs of the organisation as well as possible.

### ***The Project for the Development of Management***

The aim of the project appointed by the Personnel Department of the Ministry of Finance in November 1997 was to support and strengthen the responsible work of superiors and leadership and to develop their evaluation. The final report of the project was completed on 25 November 1999 (Working Group Memorandum of the Ministry of Finance 24/99).

The report of the Working Groups states i.a. the following:

”The reports of the agencies often mention values, missions, visions, aims and goals, agreement on them, their review and their adaptation to the environment. These approaches ensure that development corresponds to the needs arising from the strategies and operations of the organisation.

In many cases, the development of the management systems of the agencies included the launching and maintaining of a value discussion, agreements on values with the personnel and the rooting of values in the operations of the organisation. The central principle has been that the entire personnel has a chance to participate in the value process and that everyone can feel that the values are his own.”

The report also states that performance and development discussions have been selected by the agencies participating in the project as one of the central measures and development targets of personnel management. As far the success of discussions is concerned, mutual preparation, motivation and the authenticity of the situation seem to be essentially important. The Working Group suggests in its report that joint seminars on these subject areas be arranged with the Ethics Project and the Potential Development Project. The seminars will be open so that also persons not participating in the projects will be invited to them.

### ***The Working Group on Sponsorship***

The Working Group appointed by the Ministry of Finance has studied private financing granted to State agencies and institutions, i.e., so-called sponsoring. The term of the Working Group was 23 April 1999 – 31 March 2000. The basis of the appointment of the Working Group on Sponsorship was the fact that parallel to the actual activities of State agencies and institutions financed by the budget and the activities financed by the income from activities subject to a fee, a form of financing has been created in which the financing is supplied e.g. by undertakings. In practice, the undertakings have acquired visibility (an advertising edge) for a fee by participating in the financing of the activities of the agency.



The Working Group was given the following tasks:

- to clarify the sponsoring of the activities of State agencies and institutions at present and the operational practices used
- to evaluate the significance and acceptability of sponsoring as part of the financing of the activities of agencies and institutions as well as the possibilities to increase this private financing
- to outline the principles and practices to be applied to sponsoring agreements and to the financial management of agencies and institutions regarding sponsoring
- to evaluate the possible need to development legislation and instructions on the basis of the above, and
- to present the necessary legislative proposals and to make other proposals.

The suggestions of the Sponsoring Working Group are not available at the time of writing this.

### ***Instructions on ancillary jobs***

The Personnel Department of the Ministry of Finance is preparing a letter on ancillary jobs to agencies and institutions. The objective is to draw the attention of agencies and civil servants to the provisions of the State Civil Servants' Act on ancillary jobs and the evaluation of the permissibility of ancillary jobs.

## **7.4 Suggestions for further measures**

On the basis of the study presented above, the Working Group proposes the following further measures to promote high-level civil service ethics in State administration.

### ***1. Values and monitoring them***

General values forming the basis of civil service ethics and their development are monitored in a centralised way. The monitoring can be included in the evaluation and monitoring of State employer and personnel policies taking into account the proposals made by the Working Group of the Evaluation Project of the Effectiveness of State Employer and Personnel Policies in its report (Ministry of Finance Working Group Memorandum 18/98).

### ***2. Training, information***

- The Ministry of Finance will prepare a publication compiling the values that form the basis of the civil service ethics of State administration and their significance as well as a short account of the most important norms and instructions relating to the status of a civil servant and the conduct required of him.

The publication will be distributed to new-comers and it can be used in familiarisation and other personnel training. It will also be published in the Internet so that it is available to all civil servants.

- Similar material will be prepared also for citizens using information channels to be specified in further work.
- Ways of incorporating civil service ethics in management and other personnel training will be studied.

### ***3. Values as part of practical activities – appointment of a pilot project***

The Ministry of Finance will appoint a project with the objective of providing practical models for the determining of values and their incorporation in the practical activities of the agencies. The aim is to make the values common to the agency and part of their everyday activities. The project will be implemented as a so-called pilot project. A report will be drawn up of the work and the other agencies will be informed of the experiences.

The project should give answers/results in the following areas:

- How values are defined
- What these values are
- How the personnel participates in determining the values
- How the example of the management is taken into account
- How values "become part of everyday life" so that every civil servant can internalise them
- How the realisation of values is evaluated annually
- How each civil servant has implemented the values in practice
- Ethical instructions supporting the value process (the pilot agency will draw up ethical instructions)

### ***4. International activity***

The Personnel Department of the Ministry of Finance will continue to participate in international work to promote high-level civil service ethics.

As part of this work, this report will be translated into English and sent to the OECD.

In Nordic cooperation, discussions will be held on the state of civil service ethics and on practical measures.

### ***5. Seminars***

The Ministry of Finance will arrange a series of seminars on values and ethics for the representatives of the management of the agencies. The series will be arranged in cooperation with the Project for the Development of Management and the Potential Development Project.

As part of the development of management, the aim of the seminars will be to awaken discussion on civil service ethics and to give information

on projects relating to the development of management and to indicate directions for continuous development.

***6. Post-employment restrictions in State administration***

The Working Group feels that the issue of regulating the transfer period of civil servants is important and requires separate preparation in the Ministry of Finance.

***7. Continuous cooperation between the Ministry of Finance and personnel organisations***

Civil service ethics is discussed in contacts between the Ministry of Finance and State personnel organisations as deemed appropriate.

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Valtionhallinnon arviointityöryhmän loppuraportti, Helsinki. Ministry of Finance, Public Management Department, 1999

Government Resolution on the reform of the appointment qualifications and methods of top civil servants 6.2.1997 (VM2/22/97)

Viljanen, Pekka: Virkarikokset ja julkisyhteisön työntekijän rikokset. Jyväskylä 1990.

## **LINKS**

### **OECD**

#### **Public Management Ethics**

**in addition links to the ethics-related web sites of different countries and organisations**

<http://www.oecd.org/puma/gvrnance/ethics/index.htm>

### **TI - Transparency International**

<http://www.transparency.de/>

### **The European Commission Codes of Conduct**

[http://europa.eu.int/comm/codesofconduct/index\\_en.htm](http://europa.eu.int/comm/codesofconduct/index_en.htm)

### **Great Britain**

#### **Committee on Standards in Public Life**

<http://www.public-standards.gov.uk/default.htm>

*Further information:*

<http://www.vn.fi/vm/julkaisut/index.html>

<http://www.vn.fi/vm/tyonantajana/index.html>

## THE ACCOUNT: ETHICS AND VALUES OF CIVIL SERVANTS

### Further information on the implementation of the questionnaire and research ethics

The targets of the questionnaire were the top management of the agencies and institutions of central State administration and personnel representatives. The draft of the questionnaire was drawn up by researcher Timo Moilanen, and the members of the Working Group commented on it at several meetings. The aim has been to draw up the form so that its results can be compared with the results of previous questionnaires as well as possible in order to notice any changes. Prior to the actual compilation of the data, the functionality of the form was tested by asking five persons outside the project group to answer the questions and to comment on the form. On the basis of the feedback received, the final questions were formulated.

### Research ethics

In addition to the number of internal copies distributed in the agency, the person who answered was also asked to give his name and organisation as background information. The reason for this had not been justified separately in the questionnaire or the appended letter, which surprised some of those who answered. Asking personal data was necessary because the form was distributed inside the agency. Without information on the person who answered, it would have been impossible, or at least very impractical, to send any possible return requests. It would have been necessary to re-send the form to everyone, although some had already returned the form within the period given.

Many questionnaire studies maintain a list of those who have answered, because, on the one hand, this enables return requests to be sent to those who have not answered and, on the other hand, to evaluate distortions caused by non-answering. This is generally done by means of a series of numbers on the form. Asking for the identity of the person who answers in the answer form does not endanger the confidentiality promised (the answers of individual people may not become public). After all, most interviews are based on confidentiality even though the researcher knows what has been said and by whom. In the case of a questionnaire, the situation is clearly more sensitive: it is more difficult to build trust because the person submitting the information does not meet the researcher face to face. From the point of view of the professional ethics of the researcher, the situation does not differ in any way, however: facts which have been agreed as confidential will remain confidential.

In the ethics project the confidentiality of the answers has been ensured in two ways. Firstly, the questionnaire forms have been returned directly to the expert of the project, who has handled their registration. Recording the answers in the observation matrix of the statistics programme has been the responsibility of the research assistant of the Ethics Project. The answer forms have never been available to a third party. Secondly, it is important to know that the name of the person who answered is not recorded in the observation matrix. The name has no relevance from the point of view of the analysis of the data, it is only needed to send possible return requests. The answer forms themselves will be destroyed appropriately after the data have been recorded.

## The answers

A total of 647 answers were returned, with the following distribution: 172 from heads of agencies (26.6%), 287 from other top management (44.4%) and 173 from personnel representatives (26.7%)<sup>1</sup>. The total size of the sample cannot be determined exactly, because the forms were distributed inside the agencies. With the help of the information received from the field regarding the distribution of the forms, the computed return percentage of the agencies who returned the forms can be calculated, which was 70.2%. A total of 19.6% of those who answered were women and 57.7% were men (in 22.7% of the cases the sex of the person who answered was not apparent from the form). According to the level of education, those who answered were divided as follows: almost two-thirds of those who answered had a higher university degree (61.8%) and less than one third a higher degree (22.6% were doctors, 6.7% licentiates) while the rest were divided between those with college-level degrees (3.8%) and others (5.1%). The most usual educational backgrounds were law (21.6%), natural history or technical training (21.3%) and political or social science (12.3%). The largest single age group was the 50-59-year-olds (45.7%), who were followed by the 40-49 –year-olds (25.0%), and the over 60-year-olds (10.0%) while those under 40 formed the smallest group (4.9%). Data on age were missing from 14.2% of the forms.

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<sup>1</sup> The official position of 15 people who answered (2.3%) was not entered on the answer form.

**I Change in administration and values in administration**

Distribution in the agency:  
 Management:  
 pcs

1. Have the values of State administration changed in the last ten years?

- Administration in general
  - yes, strong change
  - remained the same
  - yes, some change
  
- My own agency
  - yes, strong change
  - remained the same
  - yes, some change

2. The table below lists a number of values usually considered significant in the handling of public tasks. The values are emphasised slightly differently in different countries and in different times. Many of the values in the table are evident inter alia in the personnel strategy of the State, the policy decisions of the Council of State and in public debate. The following questions (3-6) aim at finding values that are of central significance in your opinion.

- 1) **Collegiality:** acting loyally and displaying solidarity towards fellow workers
- 2) **Expertise:** acting on the basis of competence and expertise
- 3) **the service principle:** acting with respect towards citizens and helping them
- 4) **effectiveness:** acting so that the goals are achieved with minimum costs
- 5) **honesty:** acting truthfully and keeping promises given
- 6) **loyalty:** acting in accordance with the instructions and decisions of superiors
- 7) **impartiality:** acting free from outside influence, independent of interest groups
- 8) **integrity:** acting with integrity, committed to one's official tasks
- 9) **openness:** acting openly and transparently without secrecy
- 10) **result-orientation:** acting efficiently and economically
- 11) **legality:** acting in compliance with existing laws, regulations and instructions
- 12) **commitment:** performing one's tasks zealously and diligently
- 13) **justice:** acting in accordance with the general idea of justice and equality
- 14) **other, what:** \_\_\_\_\_

3. Which of the values in the table are the most important for State administration on a general level? Circle at most five numbers below indicating the most central values.

1 2 3 4 5 6 7 8 9 10 11 12 13 14

4. Which of the values in the table are the most important from the point of view of the operations of your own agency? Circle at most five numbers below indicating the most central values.

1 2 3 4 5 6 7 8 9 10 11 12 13 14



ETHICS PROJECT: QUESTIONNAIRE FOR AGENCIES

5. Which of the values in the table are the most important for the operations of the private sector on a general level? Circle at most five numbers below indicating the most central values.

1 2 3 4 5 6 7 8 9 10 11 12 13 14

6. How well does the practical operation of State administration correspond to the ideal values referred to above?

- very well                       fairly well                       hard to say  
 fairly poorly                       very poorly

7. Is there a need to discuss values and the principles of good governance in your agency?

- yes, a lot                       yes, some need                       hard to say  
 hardly at all                       not at all

8. Has your agency had a discussion about values?

- Among management     a lot     somewhat     hard to say     fairly little     not at all
- The personnel at large     a lot     somewhat     hard to say     fairly little     not at all

9. Does your agency have fora or procedures suitable for a value discussion?

- no                       cannot say                       yes, what \_\_\_\_\_

## II Principles of civil service ethics and discussion about them

10. Are the central principles of civil service ethics clear, i.e., do the civil servants know everything that the handling of public tasks requires of them (administration in general)?

- fully clear                       sufficiently clear                       hard to say  
 fairly unclear                       fully unclear

11. Does the personnel employed by the State have a uniform idea of ethically correct procedures?

- very uniform                       fairly uniform                       fairly diffuse  
 fully diffuse, varies according to the person                       hard to say

12. Are issues relating to civil service ethics discussed at your agency?

- very much (weekly)                       fairly much (monthly)  
 hard to say                       fairly seldom (once a year)  
 very little (never)

13. Is there a more general need in society to discuss civil service ethics?

- very much                       fairly much                       hard to say  
 fairly little                       not at all

14. Have values or other issues relating to civil service ethics been taken into account in the action strategy, personnel strategy or other personnel development programme of your agency?

- yes, explicitly (send a copy of the programme with your answer)  
 yes, but it is built into the programme  
 no, but a project thereon is pending  
 no

15. Many professions like lawyers and journalists have their own code of ethics. In the case of civil servants, civil service ethics is supported by several provisions of the Civil Servant Act, the Administrative Procedure Act and the Act on the Openness of Government Activities as well as e.g. the rules of public procurement. Do you see a need or a possibility to draft separate written rules concerning all the civil service (so-called codes of ethics)?

- yes, the rules would be very necessary to guide the operations  
 yes, the rules could be useful  
 hard to say  
 no. No rules are needed  
 no, the rules would only hamper operations

### III Ethically problematic situations and procedures

16. In what situations do you encounter ethically problematic situations? Circle the correct alternative.

1) all the time 2) sometimes 3) hard to say 4) seldom 5) never

- In the interaction and co-operation between the public and the private sectors... 1 2 3 4 5
- In work between different public-sector agencies.....1 2 3 4 5
- In internal work within my own agency.....1 2 3 4 5
- When working with political leadership..... 1 2 3 4 5
- In personnel management.....1 2 3 4 5
- In customer relationships.....1 2 3 4 5
- In public procurement (goods purchases, consultancy agreements)..... 1 2 3 4 5
- In personnel and labour-market policy .....1 2 3 4 5
- In other issues, what \_\_\_\_\_ ..... 1 2 3 4 5

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17. How general are administrative practices that are to be considered unethical?

Generality: 1) weekly 2) monthly 3) hard to say 4) once or twice a year 5) never						
1)	favouring friends .....	1	2	3	4	5
2)	use of excessively difficult official language.....	1	2	3	4	5
3)	accepting economic benefits (bribery) .....	1	2	3	4	5
4)	political discrimination.....	1	2	3	4	5
5)	influencing the handling of a matter despite one's disqualification .....	1	2	3	4	5
6)	sexual discrimination .....	1	2	3	4	5
7)	decision-making without proper preparation .....	1	2	3	4	5
8)	withholding information.....	1	2	3	4	5
9)	unnecessary delaying of a matter.....	1	2	3	4	5
10)	identification with an interest group .....	1	2	3	4	5
11)	reluctance for changes .....	1	2	3	4	5
12)	sexual harassment at the work place.....	1	2	3	4	5
13)	withdrawing from one's responsibility when errors occur.....	1	2	3	4	5
14)	placing one's tasks above the overall benefit .....	1	2	3	4	5
15)	scheming of job packages and trading with offices.....	1	2	3	4	5
16)	refraining from giving proper information on issues .....	1	2	3	4	5
17)	unnecessary complicated handling of matters .....	1	2	3	4	5
18)	harassment at work .....	1	2	3	4	5
19)	protection of fellow workers .....	1	2	3	4	5
20)	other unethical procedures, what .....	1	2	3	4	5
21)	_____.....	1	2	3	4	5

18. Which five of the above practices should it be most important to eliminate from public administration? Circle below the five most detrimental practices.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

19. Do the tasks of your agency contain decision-making situations typical of you, but differing from other agencies and requiring ethics?

- no special features
- yes, these include \_\_\_\_\_

20. Do you encounter in your work situations in which your idea of an ethically justified practice and the official practice of the agency differ from each other?

- often
- sometimes
- hard to say
- seldom
- never

21. What is your attitude to different operating practices ré the above (question 20) situations of difference?

1) always acceptable 2) depends on the situation 3) in exceptional cases only 4) never acceptable 5) hard to say

- Be loyal or resign ..... 1 2 3 4 5
- Express the disagreement within the agency and continue in the task..... 1 2 3 4 5
- Express the disagreement within the agency and withdraw from the task (no resignation)..... 1 2 3 4 5
- Open public protest (by your own name in public) ..... 1 2 3 4 5
- Covert public action (leaking the issue to the public) ..... 1 2 3 4 5
- Active work against the decision with the help of others (e.g. seeking support from the opposition) ..... 1 2 3 4 5
- Other means, what \_\_\_\_\_ ..... 1 2 3 4 5

#### IV Trips, presents, luncheons

22. Are the civil servants of your agency offered trips, presents or luncheons etc. paid by third parties and to be considered gift-like?

- trips:             a lot             somewhat     hard to say     seldom     never
- presents:         a lot             somewhat     hard to say     seldom     never
- luncheons:       a lot             somewhat     hard to say     seldom     never

23. Have these situations increased during the last decade?

- trips:             increased strongly  increased somewhat     remained the same  
                          decreased a little     decreased strongly
- presents:         increased strongly  increased somewhat     remained the same  
                          decreased a little     decreased strongly
- luncheons:       increased strongly  increased somewhat     remained the same  
                          decreased a little     decreased strongly

24. Have you yourself had to refuse or forbid your subordinates from accepting trips, presents, luncheons or part-time jobs for ethical reasons?

- trips:             often             sometimes     hard to say     seldom     never
- presents:         often             sometimes     hard to say     seldom     never
- luncheons:       often             sometimes     hard to say     seldom     never
- part-time jobs  often             sometimes     hard to say     seldom     never

25. Does your agency have guidelines for this type of situations?

- Trips:  no  
 yes, written guidelines  
 established practice
- presents:  no  
 yes, written guidelines  
 established practice
- luncheons:  no  
 yes, written guidelines  
 established practice

26. Is there a need for guidelines?

- trips:  no need  present ones sufficient  need to clarify  need for flexibility
- presents:  no need  present ones sufficient  need to clarify  need for flexibility
- luncheons:  no need  present ones sufficient  need to clarify  need for flexibility

## V Use of different responsibility mechanisms

27. Should the responsibility mechanisms monitoring State administration be increased?

- reporting:  yes  sufficient  preferably less  not necessary  hard to say
- audits:  yes  sufficient  preferably less  not necessary  hard to say
- evaluations:  yes  sufficient  preferably less  not necessary  hard to say
- legal control:  yes  sufficient  preferably less  not necessary  hard to say
- personal resp. for results.:  yes  sufficient  preferably less  not necessary  hard to say
- other, what \_\_\_\_\_  yes  sufficient  preferably less  not necessary  hard to say
- \_\_\_\_\_  yes  sufficient  preferably less  not necessary  hard to say

28. Should a leading civil servant himself resign in cases of serious lack of trust and should firing be made easier?

- resignation  yes  no  all right at present  hard to say
- firing  yes  no  all right at present  hard to say

## VI Openness of administration

29. Are the activities of administration generally open enough?

- yes  no  hard to say

30. How actively do the media follow the activities of your agency?

- actively  reactively  passively  hard to say

ETHICS PROJECT: QUESTIONNAIRE FOR AGENCIES

31. Does your agency monitor the opinion of the citizens regarding openness e.g. through citizen feedback?

- yes                       no                       hard to say

32. Do you consider it necessary that the highest civil servants declare their economic and other interests? Should this practice also be extended to managers on a lower level?

- |                     |                                 |                                     |                                   |
|---------------------|---------------------------------|-------------------------------------|-----------------------------------|
| • present situation | <input type="radio"/> necessary | <input type="radio"/> not necessary | <input type="radio"/> hard to say |
| • extension         | <input type="radio"/> necessary | <input type="radio"/> not necessary | <input type="radio"/> hard to say |

33. Does your agency have cases of disqualification due to part-time jobs or other reasons?

- |                                |                               |                                   |
|--------------------------------|-------------------------------|-----------------------------------|
| <input type="radio"/> weekly   | <input type="radio"/> monthly | <input type="radio"/> hard to say |
| <input type="radio"/> annually | <input type="radio"/> never   |                                   |

34. Does your agency have a regular system to avoid cases of disqualification?

- no                       hard to say                       yes; what kind of system  
\_\_\_\_\_

35. Do the civil servants of your agency present in public personal views differing from the official viewpoint of the agency?

- whenever the person himself considers it necessary  
 in exceptional cases only  
 never

36. How often are there such cases in your opinion?

- weekly                       monthly                       annually                       hard to say

**VII Personnel management and development of the personnel**

37. Are civil service ethics paid attention to in personnel management in your agency?

- no                       hard to say                       yes, how \_\_\_\_\_

38. Does your agency need outside development support (e.g. training services) to solve questions of civil service ethics?

- no                       hard to say                       yes, what \_\_\_\_\_

39. Do your subordinates or colleagues contact you in issues of civil service ethics?

- no                       hard to say                       yes, the issues typically relate to  
\_\_\_\_\_

ETHICS PROJECT: QUESTIONNAIRE FOR AGENCIES

40. Are issues of civil service ethics taken into account when choosing new personnel?
- no                       hard to say                       yes, how \_\_\_\_\_
41. Are ethical requirements relating to a person's civil-servant status discussed in the orientation of a new person?
- no                       yes, systematically     it varies, depending on the person handling the orientation
42. What is the preparedness of the personnel of your agency
- to identify and solve ethical problems in their own administrative field:  
 very good                       fairly good                       hard to say  
 fairly poor                       very poor
  - to implement the professional responsibility of an expert and applier in the administrative field in question:  
 very good                       fairly good                       hard to say  
 fairly poor                       very poor
  - to carry on a thorough discussion on ethical issues relating to his own actions:  
 very good                       fairly good                       hard to say  
 fairly poor                       very poor
43. Does your agency use methods to disclose abuse or other unethical behaviour (e.g. a suggestion box)?
- no  
 yes, what \_\_\_\_\_

**VIII Present state and future of civil service ethics**

44. To what extent do the values of civil servants and private-sector personnel differ from each other?
- nearly identical     pretty much the same     hard to say     fairly different     completely different
45. How much corruption do you think exists in public administration and in business life?
- State administration     a lot     somewhat     hard to say     seldom     very seldom
  - Municipal adm.     a lot     somewhat     hard to say     seldom     very seldom
  - Business life     a lot     somewhat     hard to say     seldom     very seldom

ETHICS PROJECT: QUESTIONNAIRE FOR AGENCIES

46. Does the convergence of the public and private sectors affect corruption in State administration?

- Increased interaction as such (joint projects, networks)
  - considerable increase       some increase       no effect
  - some decrease       considerable decrease       hard to say
- Use of new accounting and audit models
  - considerable increase       some increase       no effect
  - some decrease       considerable decrease       hard to say
- Open competitions for public services
  - considerable increase       some increase       no effect
  - some decrease       considerable decrease       hard to say

47. In your opinion, what is the relationship of corruption in Finland and in other EU Member States?

In Finland things are

- very well       fairly well       like elsewhere
- fairly badly       very badly       hard to say

48. Are there differences between the values of different agencies?

- nearly the same       fairly similar       hard to say       fairly different       completely different

49. How uniform do you think the values of the civil service are in official acts? The values of civil servants are

- completely identical       fairly identical       hard to say       fairly different       completely different

50. How could the level of civil service ethics be maintained and improved in the future?

	Large effect	Small effect	Hardly any effect
• legislation and other norms.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• information .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• training (e.g. a short course) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• the example of the management .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• displaying the values .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• internal mechanisms of responsibility (e.g. audits).....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• external mechanisms of responsibility (e.g. Parliamentary Ombudsman).....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• control .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• taking working conditions into account (salaries etc.) .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• ethical rules .....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• other, what _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

51. What is your estimate of civil service ethics compared to the situation ten years ago? At present the situation is

- considerably worse       slightly worse       the same
- slightly better       considerably better



52. Compared to the situation ten years ago, do issues of civil service ethics come up stronger today than before?

- yes, considerably stronger       yes, somewhat       no change  
 no, fewer situations       no, there are no such situations

53. Finally, we would like to hear your opinion on how some development trends from the last ten years show in the operations of your agency? Circle the correct alternative.

1) increased strongly 2) increased somewhat 3) no change 4) decreased somewhat 5) decreased strongly

- market guidance ..... 1 2 3 4 5
- interaction with the private sector..... 1 2 3 4 5
- the agency's own competence..... 1 2 3 4 5
- political guidance ..... 1 2 3 4 5
- discretionary powers of civil servants..... 1 2 3 4 5
- services subject to a charge ..... 1 2 3 4 5
- responsibility for results..... 1 2 3 4 5
- savings policy ..... 1 2 3 4 5
- normative guidance..... 1 2 3 4 5
- use of external services, out-sourcing..... 1 2 3 4 5
- internationalisation ..... 1 2 3 4 5
- other, what ..... 1 2 3 4 5
- \_\_\_\_\_ ..... 1 2 3 4 5

## IX Background information

54. Name of the agency:

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55. Field of administration:

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56. Answers given by:

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57. Official position:

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58. Year of birth:

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59. Education:

60. (If answers given by two or more): Were the answers easy to arrive at?

- yes, the persons were unanimous
- yes, the persons were unanimous on most questions
- hard to say
- no, the persons disagreed in several cases
- no, the persons disagreed totally

61. How did you feel about the questions? Was something important left out? (If necessary, continue overleaf or on a separate sheet):

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***Thank you for answering!***

Please return the questionnaire to:

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