

5 Recommendations of the Committee

Civil service ethics can be maintained and developed in several ways that complement each other. Both in Finland and internationally, the focus of ethics work has increasingly shifted from retroactive consequences towards preventive and guiding measures. Value-based ethics work emphasises positive goals and uses values, ethical guidance and training to encourage people to act in the appropriate manner. It effectively complements the traditional, rules-based approach, which reacts to defects or maladministration by legislative means, forbidding certain unethical practices. A legal basis is still necessary, but discussion and leading by example instead of prohibitions are motivating and efficient methods for promoting high quality ethics in administration.

In the Committee's opinion, the high quality of civil service ethics is best promoted by emphasising a value-based, preventive approach in the future, rather than detailed regulation. The Committee prepared its recommendations on this basis and recommends that this approach should be adopted both in the further preparation of its recommendations, and in promoting ethical conduct in other ways.

1. Openness and transparency in administration is key: the more open central government is, the less room there is left for conduct that does not stand up to scrutiny (corruption is always hidden). The Act on the Openness of Government Activities obliges authorities to act openly and ensure the accessibility of documents. Openness must be continuously developed in broad-based interaction with the civic society. Current topics include citizen-orientation, realisation of openness in practice, open data, clear language and administration as facilitator. The media has also played a key role in providing services for citizens and supervising the exercise of power. Civil servants must internalise the broad principle of openness and it is essential that they actively supply information and ensure that openness is fulfilled in administration.
2. Central government offices should organise special Ethics Days, or other sessions for discussing ethical aspects. These events would be arranged in all government agencies, and insofar as is possible, their stakeholders, such as customers and service providers, would be included. Topics for discussion during an Ethics Day could include the value basis of central government, common rules of the game, and potential solutions for problems that have arisen. An Ethics Day would also promote openness in administration, the starting point for good citizen-oriented administration. Such an event would implement a value-based approach to ethics: ideas arise through discussion, and dialogue establishes commitment to values and procedures.
3. The status of civil service ethics should be examined from a range of angles. First of all, citizens' views on the ethicalness of administration and citizens' trust in administration should be monitored on a regular basis. Citizens' views should be surveyed in 2014-2015. Moreover, central government has had good experiences of ethics surveys carried out with civil servants. Such a survey produces information about internal administrative processes. In order to gain a diverse view, the survey for civil servants will be repeated in 2014-2015.
4. Provisions on disqualification in the Administrative Procedure Act, the provision regarding the highest-ranking civil servants' duty to declare one's interests under the Public Servants' Act, and the duty of ministers to declare one's interests under the Constitution are key issues in the regulation of conflicts of interest. The provisions on disqualification in the Administrative Procedure Act have become an integral part of the administrative culture and work quite well. However, these do not apply to interests preceding one's career as a civil servant, or those after it. In some cases, such interests may be problematic and undermine trust in the administration.
5. Financial and other interests preceding one's career as a civil servant are evaluated at the appointment stage through the duty to declare one's interests. These days, the highest-ranking civil servants provide a declaration to the relevant ministry, while ministers declare to Parliament. Changes during one's term in office must also be declared. The Committee proposes that in order to promote openness, declarations of interest by the highest-ranking civil servants, insofar as they are public, and permissions and notifications for ancillary jobs, should be published online in one location. A provision on the disclosure of this information should be included in the Public Servants' Act. Any changes to information should be updated immediately and in order to ensure the up-to-date status of information, the notification should be repeated annually. Government members' declarations of interest should also be made more accessible.

6. The duty to declare one's interests does not take any previous employment relationship into account as a possible interest. However, a civil servant should not handle matters pertaining to his or her previous employer, a partner or competitor thereof, immediately after taking up the new position. In government agencies, practices vary, but as a rule, it is enough to restrict the tasks of a newly recruited civil servant for a period of six to twelve months. If the person in question holds an option to return to his or her previous position, the authority in question should be informed and the person should refrain from participating in matters concerning the previous employer for as long as the return option remains valid, and for the duration of the waiting period after the return option has expired. Such a waiting period after entering public service is more common in central government than a waiting period after leaving public service.
7. The Committee considers mobility between the public, private and third sector desirable. However, in certain situations, direct exit from central government employment may result in a conflict of interest. In order to prevent such conflicts of interest, the highest-ranking public servants in central government, and civil servants who handle particularly sensitive information or information of considerable financial value, are subject to a waiting period clause under the public sector employment contract that imposes a 6-12-month period on hold before transferring to the employment of another employer. The provision regarding the duty to declare one's interests in a future employment relationship should be included in the Public Servants' Act. To ensure uniform practices of application, cases involving a waiting period could be referred to a body responsible for public service ethics.
8. State Secretaries and Special Advisers, who typically have access to sensitive information, are public servants and the guideline of the Ministry of Finance applies to them as well. However, in comparison with other public servants, their positions are short-term, and are tied to a particular minister's term in office. Their turnover is high and many of them move to the private sector during the minister's term in office, or after it. However, the need for a public sector employment contract should be well thought out when appointing such public servants.
9. The Committee sees no difference in principle between ministers and public servants with regard to restrictions after their career in public service. Many countries employ a longer waiting period for ministers than for public servants. At present, no rules or instructions are in force regarding ministers who transfer to other positions before their term in office is over. The situation is slightly different if a minister transfers to the employ of a company in connection with a change of government, because that was already preceded by a phase of the ministers serving in a caretaker government before and after elections. With the same ethical principles applying to ministers and public servants, further examination is needed to establish how the procedure for transfers should be applied to political actors.
10. The Committee proposes that a permanent advisory body on civil service ethics should be established in connection with the Ministry of Finance. The Government would appoint the body, whose composition should ensure a diverse view of society and an in-depth view of public service. The body would issue general recommendations on civil service ethics and statements in cases where a public servant leaves central government employment. So far, very few proposals have been received from the administration as to which are the positions in which a waiting period of restrictions of duties in a new position could be reality, even in principle. As a result of this, the Committee would be tasked with producing general guidelines for the positions in question, utilising good international practices. The actual decision on a waiting period would be for the consideration of the competent authority. Government agencies could refer cases of imposing a waiting period to the body, but with regard to other issues involving civil servant ethics, the body would decide which matters it accepts for review.
11. Enterprises and their interest groups, trade organisations and other interested parties have the right to be heard during the drafting of bills. They have also taken the initiative to present their views. Communication agencies that offer lobbying services are a more recent phenomenon. The authorities must ensure equality in hearing different parties. The transparency of activities is a key measure, also in preventing ethical problems related to lobbying. In Finland, the general principle of government openness has facilitated the monitoring of interaction between the authorities and lobbyists. The principle of government openness and extensive hearing during the preparation of issues, as employed in Finland, does not exist outside the Nordic countries. In this regard, the need for registering interested parties, i.e. a 'register of lobbyists', is not as great in Finland as it is for instance in multinational EU

bodies. Lobbying may also relate to conflicts of interest after one's career in office, if a person employed in central government moves directly to the employment of an interest group or communication agency. Such persons are much sought after for lobbying positions because they are familiar with central government operations and may have easy access to decision-makers. Regulatory measures for transferring to another position, listed above, would apply in these situations. On the basis of the new rules, a lobbyist could also be prohibited from contacting his or her former organisation or colleagues in business contexts for a certain period of time.

12. Internationally, whistle-blower protection is regarded as one of the key measures in preventing corruption. Its purpose is to protect the public servant or employee who disclosed the misuse from any adverse effects, such as demotion or dismissal. No established channels exist for whistle-blowing: it can take place within the organisation, relayed to a party external to the organisation, or made public. In Finland, sources of information are highly protected under the Constitution, the Code of Judicial Procedure and the Coercive Measures Act. In practical terms, the protection of sources is difficult to break. The Council of Europe has issued several recommendations regarding the protection of whistle-blowers, but the enforcement of these recommendations is debated. In this respect, Finland should follow the actions of the Council of Europe.
13. Civil servants and politicians have specific roles in decision-making: public servants are responsible for preparing the decisions, and ministers make the decisions. Publicity largely determines the ideas of citizens on equality and the independence of central government. This applies to civil servants and political decision-makers alike, ministers in particular. Civil servants who present matters have a statutory right to attach a dissenting opinion to decisions. To ensure open preparation in administration, those civil servants who present matters should be guaranteed an opportunity to present their personal justified views as a basis for decision-making. More ethical discussion and training should be organised for civil servants. It would be good to provide the same thing for members of the new Government. Ministers have very busy schedules right from the start, but potential public debates on the morals of decision-makers during the government term are very time-consuming. To make a clear distinction between a political role and the role of a public servant, opportunities for mutual dialogue about ethical practices will be provided for ministers, State Secretaries, political Special Advisers and high-ranking public servants as soon as the new Government begins in office.