

OECD Public Management Policy Brief

Building Public Trust: Ethics Measures in OECD Countries

Public service is a public trust. Citizens expect public servants to serve the public interest with fairness and to manage public resources properly on a daily basis. Fair and reliable public services inspire public trust and create a favourable environment for businesses, thus contributing to well-functioning markets and economic growth.

Public service ethics are a prerequisite to, and underpin, public trust, and are a keystone of good governance. But what is needed to build public trust today?

Based on the experience of all 29 OECD countries, this Policy Brief describes what makes an effective and comprehensive ethics management policy. It also suggests policy directions to build further trust in public institutions.

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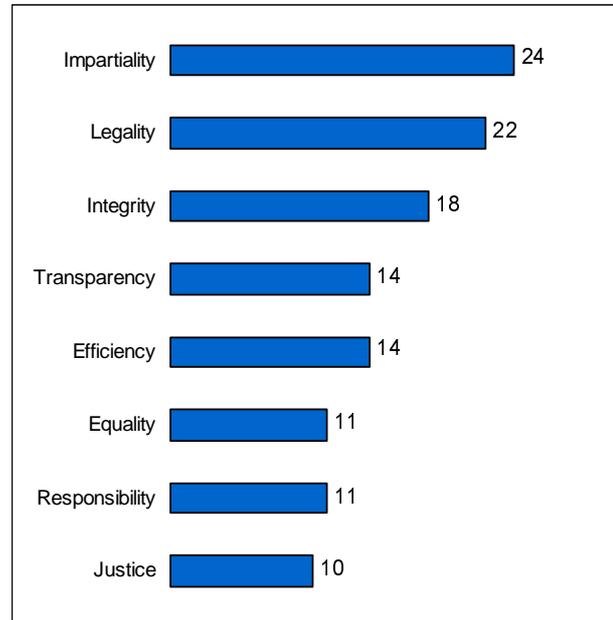
Core values underpin public service

Identifying core values is the first step to creating a common understanding within society of the expected behaviour of public office holders. All OECD countries publish a set of core values for guiding their public servants in daily operations, and they draw these values from the same substantial sources, namely social norms, democratic principles and professional ethos.

The changing public sector environment requires that core values be articulated.

Over one third of OECD countries have already updated their core public service values in the last five years, and further reviews are still being undertaken. In the course of the revisions, countries have re-emphasised “traditional” values while giving them a modern content and adding “new” values to reflect an increasingly results-based public service culture. For example, impartiality is the most commonly identified core value; it implies equal access to public services, as well as equal standing before the law.

The eight most frequently stated core public service values in OECD countries
(number of countries stating each value)



Standards of behaviour set boundaries for conduct

Legislating standards of behaviour has become the primary way to elaborate on stated core values.

Almost all OECD countries have developed a more detailed description of the standards expected of all public servants in potential conflict-of-interest situations, particularly in relation to:

- using official information and public resources;
- receiving gifts or benefits; and
- working outside the public service.

In addition to the general standards applicable to all public servants, OECD countries employ **supplementary guidelines** for specific groups or professions working in sensitive areas or where there is a high risk of conflict of interest, such as law enforcement or tax and custom administrations. Some countries have also elaborated codes for ministers for conducting government business.

Criminal laws penalise specific forms of corruption as well as breaches of core values.

While almost all OECD countries criminalise active and passive forms of corruption committed by public officials, more and more countries are also criminalising other forms of corruption, such as indirect and attempted corruption. Furthermore, the OECD Anti-Bribery Convention requires all OECD countries as well as five non-members to make bribery of foreign public officials punishable by effective, proportionate and dissuasive criminal penalties. A growing number of countries are also seeking to punish breaches of core public service values and principles (such as impartiality in decision-making) and the use of public office for private gain.

Putting values into effect starts with communication

Almost all OECD countries use **training** to raise awareness of public servants on ethical issues. However, there is a growing emphasis on developing the necessary skills for handling ethical dilemmas. Over half of the countries focus on new recruits by providing information on values when they join the public service, and in one third of the countries a statement of values is also part of the employment contract. Some OECD countries also provide regular on-the-job training.

In addition, public servants can seek **advice** from their superiors when faced with ethical dilemmas in the workplace. Some countries also provide access to specialised external bodies to ensure the neutrality of advice.

Involving staff — directly and/or through trade unions or professional associations — in the revision of values and standards establishes mutual understanding among public servants and leads to smoother implementation. One third of OECD countries have consulted with defined groups within the public service or beyond; and some have even sought public comment.

A growing number of countries are using **new technology**, especially the Internet and interactive CD-ROMs, to provide information on values and expected standards as well as to train public servants on ethics issues.

Ensuring integrity in daily management

The following management measures are essential for **creating a working environment that ensures transparency and reinforces integrity**:

- Setting standards for timeliness;
- Requesting reasons for decisions;
- Providing redress against decisions;
- Requiring the identification of conflict of interest.

OECD countries almost unanimously base recruitment and promotion on merit in their public service.

The vast majority of countries secure the openness of their selection processes by publishing both the recruitment rules and vacant positions, and over half of the countries also take ethical considerations into account in recruitment and performance appraisal.

Paying special attention to officials in positions that are particularly susceptible to corruption is a rising concern for OECD countries.

The vast majority of these countries require the identification and reporting of conflict of interest.

Two thirds of the countries have developed specific anti-corruption measures in sensitive areas, such as public procurement, and employ supplementary measures such as:

- Specific regulations and guidelines;
- Stricter control;
- Regular redeployment.

Disclosure of private interests makes decision-making more transparent by minimising the possibility of conflicts arising between public duties and private interests. With few exceptions, OECD countries require disclosure of personal financial interests, while half of the countries also oblige officials to disclose outside positions and gifts.

The higher the position, the more transparency is called for.

Typically, disclosure is required from elected officials and senior public servants; a few countries require it from public servants in general. Certain sensitive sectors, such as tax and custom administrations, also demand more stringent disclosure.

Monitoring compliance

Sound ethics management not only sets standards of behaviour but also monitors compliance with these standards.

Internal control is widely used to detect individual irregularities and systemic failures in OECD countries.

Countries have either strengthened existing legal measures or established a legal framework for internal control. Internal control reviews, generally carried out annually or when the need arises, recommend measures for improving management and, in some cases, directly inform the political level or the general public.

Internal control is accompanied by independent scrutiny.

This scrutiny keeps public servants accountable for their actions, ultimately, to the public. In virtually all countries, the legislative branch undertakes reviews of public service activities. Other common types of scrutiny range from external independent investi-

gation by the Ombudsman or the Inspector General to specific judicial or ethics reviews. Empowering an independent Ombudsman to scrutinise mismanagement has become a popular instrument in over half of OECD countries, and more and more countries are appointing a specialised independent unit to oversee the behaviour of public servants.

Reporting misconduct by public servants is either required by law and/or facilitated by organisational rules in two thirds of OECD countries. A growing need to provide protection for whistleblowers in the public service is also visible across OECD countries. Almost half of these countries offer general protection mainly in their public service framework, where the most commonly provided safeguards are legal protection and anonymity. In two thirds of OECD countries citizens have access to services, such as complaint procedures, an Ombudsman or Inspector General, and help desks or telephone lines, enabling them to expose wrongdoing by public servants.

Taking action against wrongdoing

Taking action against violations of standards is the shared responsibility of managers and external investigative bodies.

OECD countries recognise that disciplinary actions against a breach of public service standards should be taken within the organisation where the breach occurred. All governments have developed a general framework for disciplinary procedures that both allows managers to impose timely and just sanctions and guarantees a fair process for the public servants. OECD countries employ very **similar disciplinary sanctions**, ranging from warning and reprimand through material penalty to temporary or final dismissal, which is the most severe disciplinary consequence in all countries.

Although public sector managers have the primary responsibility for initiating disciplinary measures in their agencies in a timely manner, they may also receive assistance from specific external institutions. These external institutions are the primary instruments for **investigating and prosecuting misconduct** in the public service. These bodies have the power to bring suspected cases of corruption directly to court in all OECD countries.

Moreover, two thirds of countries have procedures and mechanisms to enable the public to signal wrongdoing to bodies exercising independent scrutiny over public service activities.

Citizens trust public institutions if they know that public offices are used for the public good.

Lessons from the OECD survey suggest the following steps for building trust in public institutions:

- **Defining a clear mission for the public service**

Adapting the mission of the public service to current needs and ensuring that its core values and standards meet changing public expectations are key challenges for governments in a rapidly changing world.

- **Safeguarding values while adapting to change**

The changing socio-economic environment, especially the growing demand for transparency, requires that governments review and adjust mechanisms to ensure that public servants' behaviour corresponds to expected standards.

- **Empowering both public servants and citizens to report misconduct**

Clear and known procedures that facilitate the reporting of wrongdoing and provide protection for whistleblowers assist the detection of individual cases of misconduct.

- **Integrating integrity measures into overall management**

Integrity measures are not a distinct activity, but rather an integral part of all management systems in which integrity measures provide complementary support for the overall management environment.

- **Co-ordinating integrity measures: a precondition for success**

Successful integrity measures consist of a combination of actions that are consistent and take into account the wider public service environment. Assessing the effectiveness of measures provides feedback to policymakers on their implementation and also lays the groundwork for future policies.

- **Shifting emphasis from enforcement to prevention**

Sound ethics management policy adequately combines enforcement and prevention measures. However, there is a growing recognition that increased attention to prevention reduces the need for enforcement. Prevention is a less expensive investment in the long term, with a more positive impact on the public service culture and on the relationship between the public service and civil society.

- **Anticipating problems**

By anticipating situations that might weaken adherence to public service values and standards of behaviour, governments can prepare suitable responses to prevent adverse effects. For example, how can governments meet increasing public demands for more information on private interests that affect public decisions?

- **Taking advantage of new technology**

Exploring ways to harness new technologies can help governments find new ways to internalise integrity and inform citizens on standards expected of officials serving the public.

About this Policy Brief...

This Policy Brief outlines the main findings of the OECD ethics survey carried out in 1999-2000 at the request of OECD Ministers at their annual meeting. It is designed to facilitate mutual learning and to support policymakers in constructing modern ethics strategies in both OECD and non-member countries. In other words, this survey was dedicated to building public trust.

Common trends show that the following steps are needed to build a consistent system of supportive mechanisms, namely the Ethics Infrastructure:

- Communicate and inculcate core values and ethical standards for public servants in order to provide clear guidance and advice to help solve ethical dilemmas.
- Promote ethical standards by preventing situations prone to conflict of interest and rewarding high standards of conduct through career development.
- Monitor compliance and report, detect and discipline wrongdoing.

This Policy Brief is based on a survey on managing ethics in the public service which reviewed the implementation in countries of the 1998 OECD Recommendation on Improving Ethical Conduct in the Public Service. The survey was based on self-assessment by all 29 OECD countries: central governments provided information on their systems in place and how they work.

The OECD promotes good governance

The rapidly changing socio-economic environment, and especially the growing demand for transparency, requires that governments review and adjust mechanisms to ensure high standards of conduct in public office. OECD supports its Member countries in their actions to promote good governance in both the public and private spheres. Recent initiatives which address both the “demand” and “supply” side of corruption include the work on public ethics as well as the implementation of the 1997 OECD Convention Against Bribery of Foreign Public Officials and the OECD Principles of Corporate Governance.

More information ...

on the survey is available in the OECD publication entitled *Trust in Government: Ethics Measures in OECD Countries*. This publication constitutes a unique source of comparative information on ethics management measures in all 29 OECD countries, including overall trends, promising practices and innovative solutions. The database presented in the report aims to assist efforts by countries to evaluate their systems in the context of practices and trends across OECD countries. The report will be published in early October 2000 and can be purchased from the OECD Online Bookshop (<http://www.oecd.org/bookshop/>).

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