

A Code of Conduct
For
Public Servants

December 2001

A Code of Conduct for Public Servants

Introduction:

The responsibility of the government and the public administration for rendering efficient services to the citizens is one of the essentialities of the democratic systems. It is for granted that the main goal of a democracy is to provide services to the citizens in the best possible manner.

It is the citizen's right to expect the highest possible level of integrity and efficient service from the public administration, while the employee, through his righteousness and decent conduct, is responsible for enhancing the citizen's confidence in the state.

Observing conduct parameters and their application in the public administrations has become a pivotal goal in many advanced countries, as well as an essential part of every strategy for the development of the public administration. There is an increasing awareness in most countries looking forward towards developing their public service of the need for the formulation of a Code of Conduct which sets the guidelines for ethical practices by the civil servants.

The existence of a code of conduct for public servants is a necessary tool for boosting the performance of any citizen – oriented and modern public administration. It constitutes an ethical framework for job behavior and sets the pace for sound daily activities and self-control. It is widely believed that such an official document solidifies the ethical base of the public service and enhances people's confidence in the state and the public administration.

The Code establishes ethical and conduct standards to be adhered to by all employees. This requires high levels of righteousness, loyalty and professional integrity, which would boost the sound performance of the public administration. It is also expected that this Code would boost the morale and improve the image of the employee and lead to more respect by his citizens. Moreover, as a guiding code, it will help the civil servant to avoid any clash between his personal interests and public responsibilities. It also raises the ethical ceiling required from the public administration for building efficient and credible relations with the citizens.

It is worth mentioning here that the proposed code does not seek to define in detail all ethical rules which should govern the conduct of the public servant, rather than emphasize the ethical values and principles that should inspire him in his work and which may be summed up as follows: justice, equality, transparency, fairness, questioning, rule of law, integrity, impartiality, public interest and human rights.

The success of the Code in achieving the proposed goals depends to a large extent on citizens and public servants, the leaders in particular, the degree of commitment and the serious support of the political authorities.

Part I: General Obligations

A. Loyalty to the State and Dedication to Public Service

An employee shall:

1. Be guided in his work by public interest and shall ensure proper application of rules and regulation in force without any excess, violation or negligence⁽¹⁾.
2. Serve loyally the goals and objectives of the public administration and abide by the constitution and applicable rules and regulations. He shall also implement government policies and decisions honestly and impartially, regardless of his personal opinion and refrain from receiving instructions from authorities, organizations, bodies or persons outside his administration.
3. Behave truthfully and honestly without seeking any personal benefits or abusing the powers granted to him as an employee. He shall also abide by the codes of ethics and abstain from committing any act that might adversely affect the citizen's confidence in the public administration.

B. Confidentiality:

The Employee shall not:

4. Release any official information, which he was aware of during and after his service, unless authorized in writing to do so by his Ministry⁽²⁾.
5. Deliver and/or publish speeches, articles, declarations or publications concerning any subject whatsoever without the prior consent of the head of his administration⁽³⁾.
6. Make, without official authorization, any comment, declaration or remark, which would explicitly and clearly contradict the official attitudes, guidelines or policies of the government, or those under study or deliberation by the public administrations, otherwise he has to expressly declare that such comments, declarations or remarks express his own opinion and not by any means that of the government or the relevant administration.

⁽¹⁾ Article 14, clause 1 of the Public Servant Statute.

⁽²⁾ Article 15, clause 8 of the Public Servant Statute.

⁽³⁾ Article 15, clause 1 of the Public Servant Statute.

Part II – Public Service Obligations

I- Preparedness:

An employee shall always remain at the disposal of his administration. He shall keep his superiors informed of his residence and address so as to be contacted when necessary. He shall also observe the working hours, perform overtime work as requested, abide by the leave schedule and avoid absence from work without legal permission.

II- Performing Job Functions:

An employee shall:

1. Always seek to improve and update the work at his unit and develop his professional skills. He shall also assist in maintaining a safe and healthy work environment
2. Refrain from any unethical behavior, practice or sexual harassment. He shall also avoid instigation against or denouncement of the ideas and religious beliefs of the others, whether inside or outside his administration.
3. Avoid involving his administration in any legal or financial commitment contrary to law. In addition, he shall not use or allow the use of public property and resources for goals other than those official determined, and shall not abuse or cause any harm to them.
4. Facilitate by all possible means the investigations and inspection procedures applied by the official bodies and provide information and explanations to those in charge of investigation and inspection.
5. Solicit or accept any banking or interference in his job, and shall not seek or accept directly or indirectly, presents, bribes or benefits of any nature whatsoever¹.
6. Refrain from the preparation of or participation in collective petitions related to his job, regardless of the reasons or motifs².
7. Abstain from participation in strikes or instigate others to participate.³
8. Deal with the demands and queries of the members of parliament, politicians and those involved with impartiality and objectivity. In case of doubting the integrity of such demands or queries, he shall report the matter to his superiors.
9. Meet all his financial obligations in accordance with the applicable rules and regulations.

¹ - Article 15 Clause 7 of the Public Servant Statute.

² - Article 15 Clause 9 of the Public Servant Statute.

³ - Article 15 Clause 3 of the Public Servant Statute.

Part III – Employee Obligations Towards Citizens

III- Integrity, Impartiality and Respect of Citizens' Rights:

The employee shall:

1. Always seek to gain the confidence of the citizens through integrity, responsiveness and right behavior at work.
2. Respect the civil and legal rights and the public interests of all citizens. He shall treat them with impartiality, integrity and objectivity regardless of race, sex, ethnic origin, religion or political belief, social status, age, disability or any other form of discrimination.

II- Transparency and Serving of Citizens:

The employee shall:

3. Accomplish the citizens' formalities with speed, precision and integrity within his terms of reference.¹
4. Treat the citizens with respect. His answers to their queries and complaints should be precise, objective and quick. He shall also explain to citizens the reasons behind rejection of a formality, if any.
5. Provide the citizens, upon request, and within the frame of applicable rules and regulations, with information on the functions and activities of his administration without any deceit or misleading behavior. He shall also familiarize them with the procedures for submission of complaints.

¹ - Article 14 Clause 4 of the Public Servant Statute.

Part IV – Employee Responsibilities Towards His Superiors, Colleagues And Subordinates

I- Relation With Superiors:

The employee shall:

1. Deal with his superiors with due respect. He shall not try to solicit special attention from them through flattery and cunning.
2. Submit to his immediate supervisor and obey his orders and instructions unless they are expressly in breach of the law, in which case he shall inform his immediate superior of the violation in writing and shall not be bound to implement such orders or instructions unless confirmed in writing by his superior, and he may send copies of his correspondence with his superior to the Central Inspection Board¹.
3. Avoid deceiving or misleading his superiors on purpose he shall cooperate with them and offer to them sincere and objective opinion, advice and experience and avail them of any information in his possession.
4. In case of appointment of a new immediate superior, he shall inform him fully and accurately of all outstanding files, subjects and issues, so as to secure continuity of administrative functions.

II- Relations with Colleagues:

The employee shall:

5. Seriously cooperate with his colleagues through sharing opinion, assisting in solving problems and improving work procedures in his department. He shall also refrain from criticizing openly their performance and opinions when fulfilling their duties.
6. Behave politely and truthfully with his colleagues and maintain sound and amicable relations with them without any discrimination. He shall also respect their privacy and abstain from exploiting any information relating to their private lives as a means for defamation.

C- Relations With Subordinates:

The employee shall:

7. Set in his daily work a good example to subordinates of commitment to ethics and the Code of conduct for public servants. He shall also help them improve and develop their capabilities and performance.
8. Question his subordinates on their functions and evaluate their performance with objectivity and integrity and in accordance with the Performance Evaluation System.
9. Respect his subordinates' rights and cooperate with them seriously without bias or discrimination.
10. Bear personally the responsibility for orders and instructions given by his subordinates.²

¹ - Article 14 Clause 2 of the Public Servant Statute

² - Article 14 Clause 3 of the Public Servant Statute

Part V – Conflict of Interests and Outside Activities

A- Conflict of Interests:

The employee shall:

1. Refrain from conducting an activity which may lead or seems to lead to a conflict between his own interests on one side and his official responsibilities and functions on the other, excluding those that do not contradict with the laws in force and the provisions of this Code. He shall also refrain from practicing any activity that would offend his administration or jeopardize its relations with the public. Also, he shall not serve in the board of directors of a private organization which is subject to his supervision or to that of his administration, including direct or indirect dealing with such organization.
2. Avoid using or trying to use his job, directly or indirectly, for reaping benefits, in cash or in kind, for him or his family or for an establishment related to him or his family.
3. Declare his assets and financial obligations and that of his immediate family, in accordance with the valid rules and regulations.
4. Avoid selling or transferring to any other person, personal or family assets with the purpose of evading the laws and regulations in force. Also, he shall relinquish to others equities or shares he owns in any establishment having relations with his administration.
5. Avoid establishing close relations with individuals or institutions whose interests depend basically on his decisions and those of his administration.
6. Refuse within two years from leaving his work to accept a job with an establishment which used to have significant dealing with his administration.

B- Outside Activities:

The employee shall:

1. Refrain from practicing any commercial or industrial profession or any other paid profession or craft except teaching in a higher education institute or secondary school and within certain terms to be determined by a decree of the Council of Ministers, and to the exclusion of certain cases expressly stated for in special laws. Also, he shall not be a member of the board of an anonymous company or a joint stock company or maintain directly or through others any financial interest in an establishment which is under his mayoral or the supervision of his administration.¹
2. Not occupy in addition to his job, any elected parliamentary, municipal or (mukhtar) job as indicated in the laws related to these jobs.²
3. Abstain from performing any paid work which will degrade his job or is in relation there with.³

¹ – Article 15 Clause 4 of Public Servant Statute

² - Article 15 Clause 5 of Public Servant Statute

³ - Article 15 Clause 6 of Public Servant Statute

4. In case of joining a party, organization, council, a political society or a sectarian society of political nature, he shall not occupy any position totally relinquish or hold any responsibility in such party, council or society.⁴
5. Refrain from joining any professional organization or union.⁵

Part VI – Employee Rights:

The public administration shall:

1. Clearly define the employee's functions and responsibilities and expected performance. In all cases related to his job, the administration shall deal with him on the basis of efficiency and proficiency.
2. Maintain good and safe work environment and avoid practicing any discrimination against the employee in the workplace, especially in return for reporting any illegal or immoral act committed by others.
3. Provide adequate and continuous training opportunities to improve his chances for progress.
4. Guarantee him freedom of opinion and expression within the frame of the statute laws and the provisions of this Code.
5. Guarantee his right to complain about any wrong measure or decision taken against him and try to correct this error.
6. Respect his right to candidature to parliamentary, municipal or (muktar) mayoral elections in line with the prevailing rules and regulations.
7. Establish a fair and efficient system for incentives.
8. Give him a salary commensurate with the job burdens and responsibilities, within the frame of a modern job description and classification system.

Part VII – Adherence to the Code of Conduct for Public Servants:

1. Every employee shall sign a document whereby he acknowledges his commitment to the Code of Conduct for the Public Servants, within thirty days of officially starting his work. This document shall be kept in his personal file.
2. Application of the provisions of this Code in all cases provided that they do not contradict the rules and regulations in force.

⁴ - Article 15 Clause 6 of Public Servant Statute

⁵ - Article 15 Clause 2 of Public Servant Statute