THE MANAGEMENT OF HUMAN RESOURCES IN THE CIVIL SERVICE

WOMEN IN GOVERNMENT: Engendering Public Policies in the MENA region

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1. The integrity in the work of human resources.

⇒ Constructing peace, prosperity and a social democracy (UNPAN, Kim)

⇒ Trust of the citizens in the human resources of the administration

⇒ Motivation of the citizens to participate in public life,

⇒ Preventing corruption

⇒ Context; crisis/ difficulties

⇒ Motivation ¿how to do it?

⇒ Training, Feel involved in the organization

⇒ Profesionalization,

1. The integrity in the work of human resources

$\Rightarrow$ Solid ethical orientation to the service of the citizens.

$\Rightarrow$ Necessity of good conduct could be expected.

$\Rightarrow$ 'Good Government'' strengthen the democracy and human rights, improving the economical prosperity and the social cohesion, reducing poverty, giving impulse to protecting the environment and the sustainable use of its natural resources and deepen the trust in the government and in the public administration.

2.The integrity in the work of human resources. The Spanish experience

⇒ **Normative Measures:**

- The Spanish Constitution

- The Basic Statute of the public service

- Law of contracts for the public sector

- Penal code

- Law of General Budgetary

- Legislation for any incompatibilities of higher posts and personnel of the Administration (thus hardening the body of incompatibilities).

- **The Code of Good Government**

2.1. Normative measures

⇒ **<u>The Spanish Constitution of 1978</u>:**

It contains references to the conception of service and the system of public service.

Presently, the values that were agreed in the Constitutional text have been redeployed for public officials:

- Objectivity

- Impartiality and the principles of merit

- Capability and publicity.

2.1. Some initiative regulations

⇒ **The Basic Statute for Public Employees:**

• **Rights and Obligations. Code of conduct of the public employees.**

▪ *Chapter I: Rights of the public employees.*

Art 14: Individual rights

… Permanent training

… Permanent updating of the knoledge and profesional capacities

… No discrimination

… holidays, to be on leave, breaks

Art 15: Individual rights collectively exercised

… freedom of association

… right to go on strike

… collective bargaining

2.1. Some initiative regulations

⇒ **The Basic Statute for Public Employees: (Contd.)**

• **Rights and Obligations. Code of conduct of the public employees.**

▪ *Chapter VI: Obligations of the public employees.*

The law 7/2007, for the Statute of Public Employees, in Capital 4 (articles 52 to 54) established the necessity to further elaborate the codes of conduct for all public employees. This included a series of ethical principles (quite resembling the codes of good government), and of conduct.

Art 52: Code of conduct

Supposedly, all of the code of conduct should provide a guide and orientation , in that the values of dedication to public service, objectivity, integrity, neutrality, impartiality, responsibility, professionalism, transparency, being able to set an example, austerity, accessibility, efficiency, honour and promotion of the cultural environment and respect of the equality between men and women.

2.2. Normative Measures: The Code of Good Government

⇒ **The Code of Good Government (Contd.)**

Set out to pick up the main principles which confirm to the code of good government, it was divided into three categories. In my opinion they do not describe precisely the contents that each one is numerating.

1.- Basic principles

2.- Ethical principles

3.- Principles of conduct.

Basic principles: This is a reference to all the members of the government and also to those in high positions in the general administration, with plans subjected to the constitution and judicial code, as well as to make everything with objectivity, integrity, responsibility, credibility, confidentiality, total dedication to public service, transparency, setting an example, honour, efficiency, accessibility (and fourteen other points).

2.3. Normative Measures: The Code of Good Government

⇒ **The Code of Good Government** (Contd.)

- **Ethical principles** (Contd.):

  ▪ To abstain from all kinds of negotiations or financial activities that could compromise the objectivity of the administration.

  ▪ Prohibition of working too fast and therefore skipping procedure in order to assist or help a third person, either familiar or personally known.

- Finally, the principles of conduct in relation to eleven points, among them:

  ▪ The existence of a clear dedication to its position and responsibility

  ▪ No inflicting influence from any political party

  ▪ The prohibition to accept gifts or favours

  ▪ The austerity in its management of public wealth

  ▪ To allow all accessibility to all its citizens and to attend to all their written queries and letters of complaint.

2.4. Normative measures and institutions in the fight against corruption.

2.4.1 Normative Measures:

- **General Budget Law:**

  - The law 47/2003 on the 26th November, General Budget Law.

  - In this scheme it disassociates the financial control of funding that the LGS shaped into an inspection of all beneficiaries and corporal entities similar to the Tributary or laboral inspection and that cannot be classified within the internal control of the public administration.

2.4. Normative measures and institutions in the fight against corruption.

2.4.2 Institutional Measures:

⇒ **Fiscal anti-corruption:**

The fiscal anti-corruption (that really was called Spanish Fiscal against Corruption and organised crime) was created in 1995 and is an body of the Fiscal Ministry.

The public prosecutions office against corruption and organised crime carried out the fixed standards from the OCDE. The OCDE helped Spain with this matter, assisting Spain to prosecute for these kind of offences.

3. How the working group on Civil Service and Integrity can support MENA Countries

Study visit to Madrid on Designing and Implementing a Code of Conduct for the Palestinian Civil Service

⇒Objectives:

- The objectives of the study visit in Madrid supported the key drafter of the Code of Conduct and the chairman of the General Personnel Council in:

1. Finalizing the draft of a new Code of Conduct for the Civil Service and discuss how to effectively implement the Code

2. Define a public consultation plan to involve all stakeholders in designing a code of conduct

⇒Issues discussed :

- During the study visit the Palestinian delegation, headed by H.E Mr. Moussa Abu Zied, Chairman of the General Personnel Council, held in-depth policy discussions with representatives of the Office of Conflict of Interest in Spain on the Spanish experience in designing and implementing a Code of Conduct and conflict of interest regulations.

3. How the working group on Civil Service and Integrity can support MENA Countries

<u>The Office of Conflict of Interest achieved the following results:</u>

- Limited holding plurality of offices and functions by civil servants in the public administration

- Strengthening the compliance with working hours and reducing absenteeism which contributed to increasing the efficiency of the public administration

- Increased the number of persons paying taxes

- The Office is responsible provides authorizations to civil servants which allows them to hold another public or private job in accordance with the conflict of interest law.

3.How the working group on Civil Service and Integrity can support MENA Countries

The Office of Conflict of Interest achieved the following results: (cont.)

- A database has been developed to centralise all the authorizations in order to monitor the adequate implementation of the legislation but also to ensure that civil servants do not violate the law.

- The Office also monitors financial and asset declaration provided by civil servants when joining the public sector and when leaving it. Continuous training are provided to civil servants on all this issues.

- Finally, the Office does not manage gift acceptance. Another judicial body is responsible for this task.

- => Spain highlighted the importance of having an authority that implements the conflict of interest regulations in order to ensure a precise interpretation of the legislation.

3. How the working group on Civil Service and Integrity can support MENA Countries

⇒ **Objectives achieved:**

- Shared lessoned learned and good practices on designing and implementing a code of conduct and conflict of interest regulations for the civil service with the Spanish Office of Conflict of Interest which supported the PA in revising their draft code ;

- Minister Abu Zeid decided to take the Spanish policy advice into consideration when finalising the draft code of conduct;

- Designed a draft consultation plan with the PA delegation ;

⇒ **Next steps:**

- The NCCC will finalise the draft code of conduct with the NCCC (December);

- Agree on the consultation plan developed during the study visit (December);

- Organise an information day on the purpose and objectives of the consultation with all stakeholders (January);

- Submit the Code for approval by the relevant authority (February-March);

- Organise an international dissemination conference to present the approved Code and the process by which it was developed (March); To allow all accessibility to all its citizens and to attend to all their written queries and letters of complaint.

THANK YOU

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