

## **ETHICS OF THE CORPS OF CIVIL SERVICE IN POLAND**

**by Jacek Czaputowicz, Deputy Head of Civil Service in Poland  
at the International Institute for Public Ethics conference  
“Ethics in the New Millennium – Bridging the Public and Private Sectors”  
24 – 28 September 2000, Ottawa**

### **Historical background**

The “Solidarity” victory in the year 1989 put an end to 40 year practice of communist state governance in Poland. It is important to remember that the model of administration which existed at that time had been based on the political loyalty. This loyalty to the Party constituted the main criterion of promotion. Moreover, the system was lacking in clear legal rules concerning public services, both in the sphere of values and practice (recruitment system, path of career, professional skills improvement and training).

The system was determined by two factors which acted jointly. Firstly, there was a hypertrophy of political power apparatus which representatives could arbitrarily make decisions concerning almost all spheres of public life, from granting a passport or car coupon to a better place in a queue for a flat in a housing co-operative. Secondly, there was a permanent shortage of any goods. Therefore it was possible for power disposers to exchange the needed goods for political loyalty. The superiority of political factor built in the system fostered corruption understood as the abuse of public office for private gain.

Systemic changes in Poland, which started in 1989, led to the introduction of democracy in political sphere and market mechanisms in economic domain. Political elites started to realise that a central component of an honest and effective state is an efficient, responsive and reliable public administration.

## The characteristics of the civil service in Poland

Reforms of the public service were based on the concept of open administration, higher professional qualification of civil servants and greater understanding of ethical problems. It was important to change a criterion for entry to public service: competence in place of political loyalty.

The new Law on Civil Service came into life on 1 July 1999. The act was aimed at achieving three basic objectives. In the first place, to define consistent and unitary rules of civil service in government administration. The rules specify the ways to execute service duties, selection and recruitment, promotion, periodical assessment and professional ethics regulations. Secondly, to prepare for the reforms undertaken by the Polish Government, in particular, the reform of public administration initiated at the break of 1998 and 1999. And thirdly, to harmonise regulations concerning human resources management in Government administration with requirements of the Poland's integration to the EU and the execution of tasks in the globalised world economy.

The quality of public service plays an important role in the economic and social development. In the globalised world countries compete with each other in order to attract investments and capital. Capital usually flows where public service performs better, therefore the quality of public service seems to affect economic decisions.

For a person, who would like to make a career in the civil service, four points are important: recruitment, preparatory service, qualification procedure and competitions for senior position.

Diagram 1



Recruitment in the civil service – the first stage – is in competence of Directors-General at ministries, central and voivodship offices. According to the Law on Civil Service the recruitment is open and competitive which means that any citizen is entitled to reach full information about vacancies in the civil service. The information is publicised in an office, by announcement in the Civil Service Bulletin and via Internet. One-year experience shows that usually several to even more than a hundred people apply for a post. It proves that people are willing to work in the civil service even if salaries are not attractive. Such a number of applications makes it possible to choose the best candidates and makes other employees more motivated. They are aware that many good candidates compete for posts like theirs. Once a person has passed successfully the recruitment phase, he/she becomes a so called civil service employee and signs an employment contract of limited duration.

The second stage is a six-month preparatory service. It is aimed at theoretical and practical preparation for the proper execution of job-related tasks. The preparatory service concludes with an assessment made by the examination commission. Once a candidate passes positively the assessment, he/she signs a contract of unlimited duration.

The third phase in the civil service career is a qualification procedure to become a civil servant. A person must meet certain conditions such as completed preparatory service, minimum two-year employment in government administration, an M. A. degree and a good command of a foreign language. The procedure is composed of tests of knowledge, qualifications and predisposition. After passing the tests a person becomes a civil servant with nomination, professional stability and additional allowances.

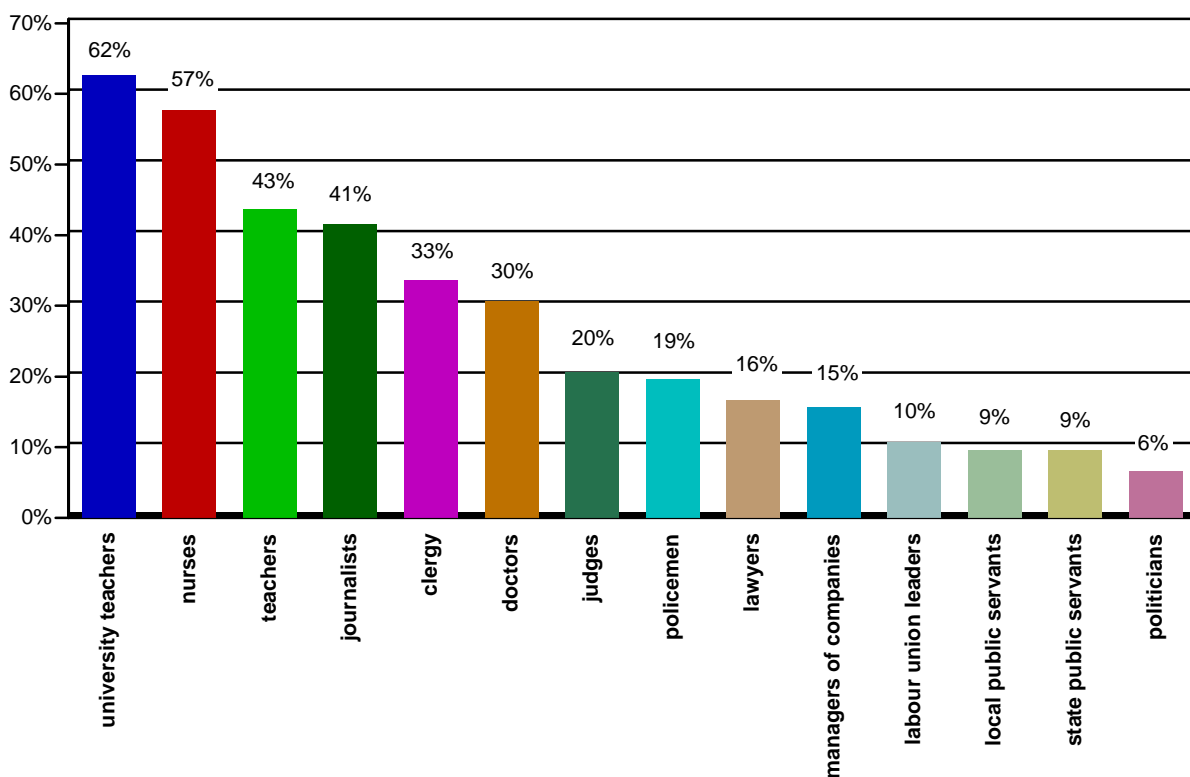
A civil servant is entitled to take part in the competitions for senior posts. This is the fourth stage of civil service career. These competitions are obligatory for about 1600 senior positions in the government administration (Directors-General, Directors of Departments and their deputies). The Head of Civil Service is in charge of these competitions. Vacancies are obligatory announced in the Civil Service Bulletin. Any civil servant may apply for senior position (any citizen during transition period till May 31, 2004).

## The public perception of the civil service corps

According to the latest opinion polls on professional honesty and integrity<sup>1</sup> the most positively assessed professions are university teachers (62%) and nurses (57%), then school teachers (43%) and journalists (41%). One of the lowest results was gained by local and state public servants (both groups 9%). The worse score was only reached by politicians and members of Parliament (6%). While comparing the Polish and American polls we can see that in both countries public servants are estimated low. However in Poland their professional honesty and integrity received less support (9%) than in the USA (local public servants 20% and state ones 16%). These results require serious consideration, especially in the context of a constant decrease of public confidence in relation to state public servants.

Diagram 2

Positive opinions on professional honesty and integrity<sup>2</sup>



<sup>1</sup> Opinions on professional honesty and integrity, Public Opinion Research Centre (CBOS), June – July 2000.

In another report 59% people are convinced that many state public servants take unauthorised profits from their public positions. At the same time 86% people claim that corruption constitutes a “big problem” (for 46% of this group - a “very big problem”). The number of people convinced about bribery among public officials is still increasing<sup>3</sup>. At the same time people want politicians, public servants and leaders to obey rules of honesty more strictly than others and to act for public interest.

### **Ethical standards and work on the code of ethics**

Principal civil service values are regulated by Article 153 of the Polish Constitution (2 April 1997) and Article 1 of the Law on Civil Service (18 December 1998). It is explicitly stated that the civil service is being established in order to ensure professional, reliable, impartial and politically neutral execution of tasks of the State<sup>4</sup>.

Civil service corps members are obligated to reliably, impartially, efficiently and timely perform their duties and to behave in dignified manner. They cannot be guided in executing their duties neither by their particular or group interests.

Civil Service corps members are not allowed to publicly manifest their political beliefs nor to participate in strikes. They are not allowed to perform activities contradictory to their duties or actions undermining the confidence in the civil service. Additional employment can be undertaken only with a permission from the Director General of Office. Additionally, civil servants are not allowed to participate in political parties and to perform functions within trade unions.

Having in regard the perception of employees working in the public administration the Head of Civil Service appointed a special committee to elaborate a code of ethics. The Code will collect all ethical standards and requirements in a single document and put together the scientific point of view and the official routine practice. It will develop essential values and norms of public service, previously defined by the Polish law (Constitution and Law on Civil Service).

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<sup>2</sup> The Gallup Poll Monthly, November 1999, World Opinion Update, XXIII.

<sup>3</sup> Corruption and bribery in public life, CBOS, July 2000.

<sup>4</sup> Such values are also phrased in other legal documents concerning civil servants: Labour Code Act (26 June 1974), Act on Employees in State Offices (16 September 1982) and Act on Limited Economic Activity by Persons Performing Public Functions (21 August 1997).

In the preparation of a Code project the essential role played the recently issued document on civil service guidelines of the Council of Europe which recommends the Member States the adoption of national codes of conduct for public officials<sup>5</sup>. Numerous codes from different countries were also taken into consideration by the committee<sup>6</sup>.

The Code will lay down ethical standards to be observed by the public servants, help them meet these standards in a correct way and inform citizens about the conduct they may expect in the public administration. It is expected to facilitate the performance of public servants' work and to prevent conflicts between superiors and subordinates.

According to the project a member of the civil service corps should always take into account the good of the Republic of Poland and defend the justified interests of Polish citizens. The principal ethical standards, which are laid down in the Constitution (professionalism, reliability, impartiality and political neutrality), are precised in the Code by enumerating detailed rules of behaviour.

An important institution in shaping the ethos of the civil service in Poland will be the Committee for Ethics at the Head of Civil Service consisted of independent experts. It is planned that the committee will gather judgements and cases in order to give answers to enquiries concerning conduct in public life from both members of the civil service corps and disciplinary commissions in particular offices. The committee will also receive complaints from public servants and citizens.

To sum up, the concept of ethics in the corps of civil service in Poland is based on three components. Firstly, the Law on Civil Service which provides general requirements to be met by the members of civil service corps and the Head of Civil Service who executes these rules. Secondly, the Code of Ethics which specifies and develops rules concerning the ethics of civil service. Thirdly, the Committee for Ethics which is going to be an independent board at the Head of Civil Service.

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<sup>5</sup> Recommendation No. R(2000)10 of the Committee of Ministers to Member States on Codes of Conduct for Public Officials, the Council of Europe, 11 May 2000.

<sup>6</sup> Code of ethics for government service, Joint Resolution of Congress, 11 July 1958, USA; *Projet de Code et de Directives de Comportement*, International Institute of Administrative Sciences, 1978, Brussels; *Code of Ethics*, American Society for Public Administration, 1984, USA; *Conflict of Interest and Post-Employment Code for Public Office Holders*, Office of the Ethics Counsellor, Ottawa, June 1994, Canada; *First Report of the Committee on Standards in Public Life*, May 1995, the Great Britain; *Ethics in Public Office Act*, 1995, Ireland; *Federal Government Directive concerning the prevention of corruption in the federal administration* of 17 June 1998, Germany.

Polish citizens want the administration that is law-abiding, honest and competent. They should have the sense that the administration is there to serve them. The work on the Code of Ethics will provide an instrument to establish ethos of the civil service corps and, in consequence, help to create such an administration.