

Communication and Ethical Behavior in the Public Service

From a moral choice toward a legal code

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Abstract

Setting up public administration which operates effectively and taking over responsibilities, both crucial on the point of view of the democracy indicators, requires great effort from all social stake holders in setting up and maintaining a public service organization. This notion implies the setting in function of the instruments and procedures that prevent undesirable behavior and provide encouragement of good behavior among operators of those services. While doing this, communication as a main component of the public service, calls for structure and control. Ethics or standards of behavior in the public sector are important political and public issues for every country, which is always held as a fundamental prerequisite for "good behavior" (good governance). The Code of ethics by which are expressed the values and standards in the civil service is one of the ethical elements of infrastructure. It enhances the function of orientation (giving instructions for action and behavior), and aims: respect for the law, respect for individuals, personal and professional integrity and efficiency in managing public resources, reinforcing the role and importance that the communication strategies and tools have.

Professional association helps to develop judgment and of the necessary skills to enable white collar workers to apply communication strategy and tools and ethical principles in real circumstances. Objective progress can help create an environment where the white collar workers are willing to face and resolve communication problems and ethical disputes, they can even develop essential skills for effective communication and ethical analysis.

The mechanisms of awareness about mission and processes of the public service, orientation and internal consulting in the civil service should be available to help white collar workers to apply basic communication and ethical standards in the workplace. Improvements in the legal framework is necessary for the proper functioning of public service, namely: to gain and maintain public confidence.

Key words:

communication, ethical infrastructure, public service, white collar worker, behavior, law, ethical code

1. Public Service, citizens expectation and ethical communication

Citizens seeking for a public service, usually evaluate how much the public operator cares about those expectations while considering the way service has been provided to him in terms of inclusion and consideration of the citizen interest during the communication situation of the service delivery.

This statement is accurate and provides a starting point for an ethics management system that is able to cause trouble to unethical behavior.

This unethical behavior is a result of misunderstandings and misperceptions as well as of open illegitimacy. In such an environment it is simple to understand what is right and what is wrong.

On top of these pressures appear some situations where the proper decision-taking becomes difficult that is why white collar worker should implement the standards that he knows and understands and, based on them, can take ethical decisions. He can be given a confidential advice if feels that he needs it.

Many transition countries as Albania as well, have had to cope with the inherited skeleton of a disgraced public service and malfunctioned, often not well-paid or not paid, realizing a survival with anything it can take from people for the services provided.

Public management reforms, which includes a greater delegation of responsibilities and greater discretion for white collar workers, budgetary pressure and new forms of public sector delivery, have challenged the traditional values of public sector. The ethics may not have changed, but during the modern civil service management it has been expanded the space of freedom of action in many areas.

Nowadays in developed countries but also in developing countries, pressures on public sector come from various reasons, such as:

- delegation of responsibilities, including financial responsibilities within the public sector organizations;
- media exercising influence over white collar workers, forcing them to reveal their negative side as a result of provocations that have been made;
- growing public willingness to complain when the quality of public services is low.

All these have contributed to increase the belief for the need to take steps to support the ethical basis on which the public service function.

Observations in many countries have shown that hostility can be quite harsh toward the state structures. This is also reflected at the international level. Thus, member

states of the Organization for Economic Cooperation and Development (OECD) have participated in the comparative surveys to strengthen their ethical programs.

2. Communication, Ethical Behavior and the Public Service

This notion implies a summary of instruments and procedures governing the undesirable behavior and ensure the promotion of good behavior.

It consists of eight elements which are:

- Legislation that allows independent investigation and prosecution;
- Effective mechanisms of responsibility;
- Active civil society;
- Involvement of public opinion and supervision of it;
- Commitment of political leadership communicated and articulated in a proper manner;
- Codes of behavior;
- Operations in terms of professional socialization;
- Sound-service conditions based on effective human resources policies and
- Coordination of infrastructure through special bodies with competence for ethics or for the existing central forums.

These elements serve three main functions:

- 1- Control;
- 2- Orientation;
- 3- Leadership;

Each of the elements of ethical infrastructure is a special part but necessary and all these elements must be completed even further to achieve its effective functioning.

Ethical infrastructure that functions effectively in the environment of public administration promotes certain ethical standards of conduct. The Code of ethics with which are expressed the values and standards in the public service is one of the elements of ethical infrastructure with which the function of orientation is reinforced (giving instructions for action and behavior). White collar workers should know the basic principles and standards that should be implemented at work and where the boundaries of acceptable behavior lie.

This can be accomplished with concise statement of core ethical principles that govern the civil service, creating mutual understanding within the interaction between public administration and community at large.

3. European standards and solution to public service delivery

In 1996 the UN declared an international code of behavior for public servants: Resolution 51/59, "Actions taken against corruption, adopted by the General Assembly on December 12, 1996, served as a heuristic instrument for fighting corruption¹.

The code is similar to the model code of conduct for public officials of the Council of Europe, 2000.

The code contains several obligatory issues, but the document itself is seen as a recommendation and is intended to be taken as a precedent for those countries that are developing their mandatory codes of conduct. Some of the standards set in it, treat a similar theme with the UN text. But the text of the Council of Europe leads to those behavioral aspects of public administration and policies related to anticorruption measures.

For instance Article 6, which deals with arbitrary actions, is discussed as needed to cover issues such as discrimination and general behavior that can be influenced from the impact of corruption.

The Organization for Economic Cooperation and Development has suggested some principles for conduct within the public administration. States can use these principles as an instrument to adapt to national conditions and to find their ways, to formulate a structure-bases, which will suit to the circumstances. Of course, the principles themselves are not sufficient, but are tools for integrating environmental management of ethics within the broader public administration.

Based on the principles of the Organization for Economic Cooperation and Development, flow essential prerequisites for a public ethical administration, including:

- Clear rules and guidelines, which are based on understanding, common values and principles. These values should be politically neutral and applicable even when the government changes;
- Management by senior officials who inspire respect;
- Building professional values;
- Wide State participation in a discussion about the code of ethics;
- Appropriate mechanisms of responsibility;
- Large-scale propaganda of codes of ethics and other documents related to ethics and
- standards that are expected to be achieved;

¹ Report of UN Secretary General. E/6/ADD.1

- Training of white collars on the implementation of the code of ethics for an ethical decision taking;
- Stimulation of white collars for the implementation of rules of ethics;
- Operation of basic structures non-partisan on the fulfillment of code of ethics, which shall contain such standards that every employee, regardless of political beliefs should support them.

4. Including and Communicating the citizens interest, how to code behavior of public servants

In different countries codes of behaviors and communication are constructed in different ways, but the main constrains are preserved and considered. This structure represents those constituent elements to take in account while tailoring the public service and externalizing it as procedures or communication, which are:

- *Respect for persons;*
- *Personal and professional integrity;*
- *Performance in the management of public resources.*
- *Respect for the law;*

The code of ethics is approved in accordance with the law in force, and any public servant is obliged to adapt to the full observance of the law every move during the performance of the function. Thus, for example, in practice the respect of law requires a public servant not to improperly release official information, not to abuse with the powers or resources available as employees and to avoid any conflict of interest between personal and official duties, or to resolve these conflicts in favor of the public interest.

- **Respect for the persons**

Code of Ethics imposes respect for all persons affected by its implementation. This means that all persons under the authority of the code of ethics have reciprocal rights and obligations towards each other. Thus, for example, any public officer is obligated to perform his duties without impinging on the interests of the other persons. Even when there is conflict between personal interests and official duties, the matter should be resolved in favor of the public interest. But, on the other hand, the employee has the right to feel respected and evaluated, when he operates correctly, by applying the standards of ethics with the general public.

- **Personal and professional integrity**

The obligation of white collar is to create confidence in public. To achieve this, he should:

- Show values of a clean person, fair and uncompromised;
- Promote the realization of the common good of the community he serves, offering high professionalism and irrefutable.

- **Performance in the management of public resources**

In performing official duties, the public officer must ensure that public resources are not misused or embezzled in an inappropriate or extreme way.

In practice, this obligation requires officials to manage all forms of public resources (human, material or financial, intellectual property, information, etc.) in the interest of preserving the assets and public revenue, and provide effective programs and reward-distribution.

5. Role and importance of the code of Behavior in public administration

Subordinates are guided by the behavior of their superiors. It is therefore important that any action to reduce as much as possible unethical behavior, to be led by top government officials. The latter not only should serve as a model for the behavior recommended by the code of ethics but also may understand those values intended to develop it (the code).

In particular in public administration the code of ethics plays an important role in the development of national integrity systems. It offers a way by which strategies will be developed to prevent unethical acts. If employees will operate properly in the future, recognizing and implementing ethical principles, many of the problems faced today will be minimized.

The procedure of drafting the code of ethics is very important. However, today's codes tend to be drafted by higher hierarchies and then pass to lower staff just for implementation. Rarely happens that staff at all levels to be actively involved in the preparation of the code. As a result, such codes fail to reflect the situations and desires of all public administration.

White collar workers are often acquainted with the code of ethics after its adoption and it is difficult for them to adjust their actions to those imposed by the code, since they are not required to participate in its formulation.

It is important that the code of ethics recognizes some long-term goals and not provide a list of prohibited actions. This would give a positive tone and would look less like prohibition like criminal codes. This is why codes of self-generating of behavior are more liked than a piece of "whole adoptive" legislation, required by law and without the participation of all employees.

Code of ethics, to be effective, must be known for all categories of persons dealing with it, including the general public. Moreover, officers must undergo regular training that would give officials the opportunity to implement the code in their work and discuss ethical dilemmas, taken from real daily life.

Great importance also presents the interpretation of the code of ethics. It should protect employees who walk in line with it. For this reason an efficient code assigns someone to advise and guide the staff who has difficulty in determining the attitude it should hold for a particular matter.

If the advice given is not as it should, if a full presentation of evidence is made and if the advice is followed, then the employee, who has asked for help, should not be blamed. This situation does not blame the employee, if he has presented all the facts. The expanded interpretation of the code of ethics gives each employee the opportunity to defend himself when he has acted in accordance with ethical standards, or take responsibility if he has failed to respect these standards.

6. An Albanian inside on behavior of public administration; what strategies to apply and standards to set.

In Albania, the process of public administration reform made possible the development of some key elements of ethical infrastructure.

A success in this direction was the law itself “On the status of white collars”, which regulates the conditions of civil service, namely: the system and status of white collars, but, on the other hand, it imposes the most important ethical standards that must fulfill white collars.

While the law “On the rules of ethics in public administration” presents additional ethical guidance to the provisions of the law “On the status of civil white collars” and it is necessary for the proper functioning of public service, namely: to gain and maintain public confidence.

Also this law (“For the prevention of conflict of interest in the exercise of public functions”) is an important step in building ethical infrastructure, as it shows a guarantee of a transparent and unbiased decision-taking in favor of the public. Regulating the behavior and performance of white collars, the code of ethics of white collars determines the desired standards of conduct of white collars, and respect of the principle of legality, the principle of professional integrity, the principle of efficiency and responsibility in the performance of official duties.

But the desirable ethics and standards of behavior are not personal qualities of public administration and it would be unfair not to mention the fact that the establishment and maintenance of ethical standards is a process that ends with the adoption of a code of ethics, or that it may be developed despite the general social processes of the state. That is why it is important to note that ethics in public sector functions within the system of culture, habits, traditions and true national values.

So, it is true that we cannot claim a peak achievement of the ethical infrastructure in public administration, since the increase of complexity of our society still in transition and the emerging of standards, as well as of different values occasionally causes displacement and disruption of standards and of certain social values, which undoubtedly deal with white collar workers.

However it must be said that the legal framework is too complete to sanction illegal behavior disturbance affecting standards of ethical practice.

In order for the ethical infrastructure to succeed, we suggest that it is necessary to function in an organic way:

1. Behavior of public servants should reflect stake holders interest

Public servants should recognize the principles and basic standards, expected to carry out at their work, and to know where the limits of an acceptable behavior are.

A concise statement and well-formulated, such as the code of behavior, of standards and of basic principles of ethics, which direct the state administration, for example, in the form of a code of behavior can achieve this by creating an understanding through government and within the wider community.

2. Behavior and communication of public operators should occur within the borders of legal and institutional framework

Legal structure is the basis for communicating the minimum of obligatory standards and principles of behavior for all public servants.

Laws and regulations must submit core values of public administration and provide the basic structure for orientation, inquiry, disciplinary action and legal prosecution.

Professional association should help to develop the judgment and the necessary skills to enable white collar workers to apply ethical principles in concrete circumstances. Training facilitates ethics awareness, and it can even develop essential skills for ethical analysis and moral reasoning. Objective progress can help create an environment where the public official is willing to face and resolve ethical tensions and problems.

The mechanisms of orientation and internal consultation should be available to assist white collars to apply basic ethical standards in the workplace.

Thus, public employees must know where and who to contact when faced with difficulties. These individuals must be reliable persons for the employees of public administration and that the latter can be expressed with trust.

3. Public servants should be aware of proper rights and obligations while acting and making decisions

A basic value of public administration is the implementation of law and of the legal state. Public servants should know their rights and obligations in terms of making a discovery of an occurred illegal activity or suspected as such in the public administration. This should include clear rules and procedures to be followed by officers and a formal chain of responsibilities.

Also public servants need to know what protection is provided to them in case they make known a misdemeanor.

Thus, the superiors want to ensure that staff feels freely to express problems and concerns. This gives the opportunity to correct mistakes or erroneous impressions.

It is therefore important that official channels for complaints to be so reliable, that staff can use them without feeling that can be targeted by the highest superiors, for whom he may report.

Normal functioning of hierarchical structures conveys trust to employees, that his complaints will be taken seriously and not ignored.

4. The process of decision-making should be transparent and open to reviews

The nation has a right to know how public institutions apply the competences and resources that are trusted to them. Public review should be facilitated by transparent and democratic processes, by the support to the legislation and access to public information.

Transparency should be promoted further with measures, such as: the opening of systems and the acceptance of the role performed by an active and independent media.

5. Policies, procedures and practices at the organizational level should ensure ethical behavior

For governments it's not enough to have just structures, based on rules or systems of subordination. The systems of subordination themselves may encourage some public servants to act on the boundaries of bad behavior, by arguing that with the fact that, while not violating the law, they are acting in an ethical way.

The government policies do not only aim to formulate the minimum standards under which the official government actions will not be tolerated, but also to express clearly the totality of the values of public administration, which the employee wants to achieve.

This principle stresses the importance of including long-term goals in the standards for ethical behavior and the need to avoid the minimal treatment on the basis of rules under which, whatever is not forbidden, is meant to be allowed

6. Systems of evaluation of performance and responsibilities should be clear and accepted by public

Public servants should be responsible for their actions towards their superiors and, in larger scale, to the people. Responsibility should focus both in accordance with the rules and principles of ethics, and in the achievement of results.

The mechanisms of responsibility can be internal or external, provided either by the government or the civil society. The mechanisms that promote responsibility may be such so that to ensure strict controls, leading to a flexible and efficient management of situations.

7. Punishment of inappropriate behavior should base on procedures and regulations; punish behaviors and not persons

The mechanisms for the detection and independent investigation of a violation are an important part of the ethical infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating violations of the rules of public administration, administrative and disciplinary sanctions, and proportional to crack down on unethical behavior.

Superiors must exercise proper judgment on the use of these mechanisms when action should be taken.

Mechanisms must be fair and reliable. They must protect the innocent and discover the guilty one.

Penalties should be proportionate and applied consistently. If these penalties are not applied, violations of ethics are not considered seriously by the white collar, which means that ethical standards will go towards destruction.

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