

## Technical guide to corruption prevention instruments

Taking inspiration from the guides prepared by the United Nations Office on Drugs and Crime (UNODC) for the implementation of the UN Convention against Corruption - UNCAC (see the Legislative guide of 2006, available at [https://www.unodc.org/pdf/corruption/CoC\\_LegislativeGuide.pdf](https://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf), and the Technical guide of 2009, available at [https://www.unodc.org/documents/corruption/Technical\\_Guide UNCAC.pdf](https://www.unodc.org/documents/corruption/Technical_Guide UNCAC.pdf)) we would like to draft a useful *vademecum* for those relevant public institutions that aim to support and disseminate with the highest standards of corruption prevention.

The Corruption Prevention Authorities Network was created in Sibenik (Croatia) in October of 2018. The members resolve to a) unite their efforts to further improve the systematic collection, management and exchange of information among anti-corruption authorities, upon request and spontaneously, in accordance with national law of the Country concerned; b) exchange information on their respective experiences and good practices c) support the members of the network in enhancing their capacities and promoting their operational independence and d) recognize and promote the existing international standards for the prevention of corruption

The Network recognizes the particular value of the evaluation reports of GRECO, and considers them a respected and influential source of sectorial knowledge and expertise. The present Guide is designed to promote the implementation of good practices in the prevention of corruption.

The Guide focuses not so much on guidance in relation to the necessary legislative changes for the incorporation of the recommendations of GRECO into the domestic legal system of the States concerned, but attempts to highlight policy issues, institutional aspects and operational frameworks related to the full and effective implementation of those recommendations. In view of this complementarity, the Guide has to be considered in conjunction with GRECO's recommendations, and this is why the Guide resorts to cross-references to the recommendations on several occasions. In any case, both sources are to be used jointly as components of a comprehensive package of tools aimed at enhancing the knowledge and capacity of stakeholders, in particular of anti-corruption agencies, on specific aspects related to the satisfactory implementation of the recommendations. The joint consideration and use of the two sources entails significant advantages for both Member States and the Secretariat: on the one hand, national authorities that need to acquire a full understanding of the relevant recommendations will profit by the existence of a consultative framework provided by the Guide. The Secretariat, on the other, can in the future use the Guide as a helpful basis for more comprehensive assistance activities encompassing a broader range of policy and institutional challenges that need to be addressed for the full implementation of the recommendations. The objective of the present Guide is to lay out a range of policy options and considerations that each State Party needs, or may wish, to take into account in national efforts geared towards implementation of the corruption prevention

recommendations. Thus, the Guide intends only to raise and highlight issues pertinent to such implementation and by no means purports to be used as a complete and exhaustive counselling material for national policymakers, especially in view of the different legal systems and traditions and the varying levels of institutional capacity among States Parties.

## Codes of Conduct

### Rules of conduct

#### 1. Background and justification

The drafting and adoption of codes of conduct for public officials is a common measure towards the codification of professional and ethical standards. Codes of conduct are intended to create an administrative culture that places considerable emphasis on the propriety, dignity, fairness, integrity and probity, correctness, transparency, and honesty.

Codes of conduct provide important outlines for acceptable and expected behaviour of employees or members of groups. These codes of conduct have existed for millennia under many different names and forms – ethical codes, religious moral codes, legal edicts, and professional guidelines. In recent decades, these codes of conduct have become increasingly important to public administration, as a movement formed that began shaping and setting generally accepted standards for what should be contained in a code of conduct.

A number of international documents help to set standards for these codes of conduct. Primary reference is made to the Resolution (97) 24 of the Committee of Ministers of the Council of Europe on the Twenty Guiding Principles for the Fight against Corruption<sup>1</sup> and the Recommendation R(2000) 10 on codes of conduct for public officials<sup>2</sup>. It is also noted that the creation of an anti-corruption treaty in 1996 by the Organization of American States (OAS)<sup>3</sup> helped to start the push for international requirements for public sector ethics. That same year, the United Nations (UN) adopted an International Code of Conduct for Public Officials<sup>4</sup> that outlined brief general recommendations. Other conventions and guidance have followed, including influential work from the Organisation for Economic Co-operation and Development (OECD)<sup>5</sup>.

These developments contributed to the adoption of the United Nations Convention against Corruption (UNCAC)<sup>6</sup> in 2003, which provides more formal guidance. The African Union also crafted their own Convention on Preventing and Combatting

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<sup>1</sup> Available at <https://rm.coe.int/16806cc17c>

<sup>2</sup> Available at <https://rm.coe.int/16806cc1ec>

<sup>3</sup> “Inter-American Convention Against Corruption,” OAS:  
[http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_B58\\_against\\_Corruption.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_B58_against_Corruption.asp)

<sup>4</sup> “Annex: International Code of Conduct for Public Officials” UN  
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010930.pdf>

<sup>5</sup> “1998 Recommendations of the OECD Council on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service” OECD:  
<http://www.oecd.org/gov/ethics/Principles-on-ManagingEthics-in-the-Public-Service.pdf>

<sup>6</sup> “United Nations Convention Against Corruption” UN:  
[https://www.unodc.org/documents/brussels/UN\\_Convention\\_Against\\_Corruption.pdf](https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf)

Corruption<sup>7</sup>. These developments helped to advance interest in recent years in both crafting new codes of conduct for public administrations and improving existing ones around the world. While a few decades ago many countries had no formal guidelines for public officials, today the vast majority of countries have codes of conduct in place. As the destructive effects of corruption have increasingly been highlighted, countries have turned to strengthening their codes of conduct and highlighting important public service values to fight this problem.

## **2. Recommendations**

In developing and implementing codes of conduct, relevant institutions are called to take into consideration the following best practices:

- 1) that ethics framework/values be translated into a uniform and consolidated normative framework for public officials as to work in line with the public purpose. Codes of conduct containing a clear rule-based and value-based framework, set of ethical rules, personal and institutional integrity rules, values and standards to be adopted, including probity, independence, accountability, transparency and impartiality as well as regulating inter alia conflicts of interest (including disclosure of ad hoc situations), incompatibilities and accessory activities, (self) recusal, gifts and other advantages, misuse of information and of public resources, contacts with third parties, including lobbyists, deontology of dual mandate, preservation of reputation, postemployment situations, as well as declaration of assets, interests and liabilities.
- 2) that, in order for them to be effectively applied in practice, proper enforcement mechanisms should be provided for, in particular a reporting and supervisory mechanism and adequate sanctions;
- 3) that, pending any introduction of an accountability system for staff conduct, it should be made clear that top management can be responsible for the conduct of their staff when carrying out official duties on behalf of the entity;
- 4) that Codes should provide for adequate guidance and be accompanied by explanatory comments and/or concrete examples, to clarify the applicable standards. They should be complemented with practical measures, such as dedicated training or confidential counseling. The codes of conduct should be living documents, thus they should be regularly revised and updated.
- 5) the codes should be developed with the participation of members of the relevant profession and made easily accessible to the public.

## **3. Challenges and solutions**

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<sup>7</sup> “African Union Convention on Preventing and Combatting Corruption” African Union: [https://au.int/sites/default/files/treaties/7786-treaty-0028\\_-\\_african\\_union\\_convention\\_on\\_preventing\\_and\\_combating\\_corruption\\_e.pdf](https://au.int/sites/default/files/treaties/7786-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf)

While codes of conduct are useful in all workplaces to help guide employee behavior, codes of conduct for those in public administration play specific roles<sup>8</sup>:

#### *Clarification of law*

Codes of conduct help to clarify the law. Laws must be written with a universal perspective that covers most cases, but these universal statements inevitably leave certain cases and situations uncovered. Furthermore, laws must be enforceable, making it challenging to craft legislation that adequately enshrine abstract values such as impartiality, loyalty, or integrity. Ethical codes and values can help to fill these gaps and provide guidance to public administrators in ways that a written law never could.

#### *Role of expertise*

Public officials provide analyses and advice in the preparation or implementation of laws and policies. It is paramount that this advice is presented in an impartial and nonbiased way and that the public officials operate under an ethical code that prevents filtering out certain information because of private or ideological reasons.

#### *Limit of steering by incentives*

While efficiency is no doubt a concern for any institution that answers to the public, there is also a need to develop the ethical dimension in the workplace. It becomes increasingly important to craft even stronger codes of conduct and ethical systems in the public administration in order to create a balance between economic and ethical considerations.

#### *Social norms*

Codes of conduct help to more formally shape norms. The language used in a code of conduct can be especially important. These written words not only provide insights into the ethics that guide the code and the public administration, they also demonstrate the motivations behind creating a code in the first place.

There are 3 main challenges for codes of conduct:

1. Defining the purpose and content of a Code of Conduct
2. Defining the scope
3. Reach effective implementation

#### **a) Defining the purpose and content of a Code of Conduct**

As a general principle, codes of conduct are written to guide behaviour. They spell out the standards of conduct that are expected from public officials and articulate boundaries of behaving with integrity. In turn, citizens know what to expect of public officials in conduct and attitude when dealing with them and are able to demand accountability in

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<sup>8</sup> The following paragraphs use information from the reports prepared by the OECD (*Developing a Code of Conduct for public officials: Insights based on OECD Experiences*), as well as OSCE-ODIHR and GRECO (*Guidance for the Code of Conduct of Italy's Public Administration*) for the event on "Codes of conduct for public administrations" organized in Rome on April 4, 2019. All rights are reserved to the authors.

case of non-compliance. In their aim to anticipate and prevent certain types of undesired behaviour (e.g. conflict of interests, bribery and other inappropriate actions), most codes of conduct describe specific actions that are prohibited to public officials.

#### Substantive Provisions contained in Codes of Conduct

1. Due regard of the law
2. Integrity
3. Impartiality
4. Confidentiality
5. Honesty
6. Efficiency
7. Effectiveness
8. Serving the public interest
9. Avoidance of conflict of interests
10. Declaration of assets, financial interests and outside activities
11. Prohibition of bribery
12. Acceptance of gifts and favours
13. Pre- and post-public employment restrictions
14. Duty to report suspicious activities
15. Individual and collective accountability
16. Refraining from seeking personal benefits or abusing powers granted because of the public office
17. Proper use of public resources
18. Sanctions for violations

In a broader framework, codes may be designed to be regulatory, educational, or inspirational.

- a) Regulatory codes include detailed rules and standards of conduct, which are usually enforceable through a monitoring system and the imposition of sanctions.
- b) Educational codes seek to familiarize public officials with its provisions through extensive commentary and interpretation
- c) Aspirational codes are a declaration of values to which practitioners should strive.

In practice, most codes combine these three aspects. At the same time, the code of conduct is also a statement of the ethical climate prevailing in the public service. It incorporates the principles and values that the administration considers important, in a way that is supposed to function as a moral compass for employees, guiding their daily activities. The code determines a common set of values to which employees are expected to subscribe, which are then translated in principle-based statements, such as “*not using the public office for private gain*” (integrity) or “*showing impartiality in carrying out public duties*” (objectivity) or even specific hard-law provisions. In practice, it is not possible to cover the full range of conceivable situations a public official may face in his daily activities or operations. Likewise, codified standards of behaviour can never fully capture and direct how decisions should be made in the face of diverse ethical issues. When drafting a Code of conduct, practitioners should find the appropriate balance through formulating general core values that are applicable in complex and dynamic situations and can offer civil servants a framework to support day-to-day decision-making. For example, several OECD countries have followed this approach, including Australia, Canada and the United Kingdom. More specifically, the Australian Public Service Act (1999) outlines the core values applying across the whole public service,

which are then expanded into a concrete code of conduct within the same document. When drafting the code, it is also useful to provide concrete guidance on how these values can be translated in public employees' daily activities. Practical examples included in the code help specify the generally formulated values. This can also be achieved by supplementary documents, such as guidelines. The Code of Conduct of the Employment and Social Development Department in Canada provides a good example of this approach presenting the definition of each value in juxtaposition to expected behaviours. The expected behaviours are further elaborated into practical examples and guidance is provided on how the civil servant should act under certain circumstances. In this way, the code not only encompasses the standards of conduct, but also presents a practical tool for reaching ethical and lawful decisions, safeguarding the integrity of the public service and employees alike.

### **b) Defining the scope of application**

Developing a code of conduct involves a number of choices regarding its application. The important question is not whether the code should be of general application (for the whole public sector) or whether the different organisations should develop their own codes of conduct. The focus should rather be on ensuring that the code applies to all levels of the administration, in order for it to serve as a framework for ethical behaviour and as a tool to raise ethical awareness and ensure commitment across the hierarchy. To this end, the definition of “public sector” and “public official” should be as broad as possible to cover the wide spectrum of the public administration and especially employees that, in first sight, may not appear to fall under the scope of the code due to the nature of their duties or their employment status (e.g. employees of state-owned enterprises, temporary officials etc.).

#### Box 1. Definition of “public official” in OECD countries and international conventions

**Canada – Values and Ethics Code for the Public Sector (Canada, Treasury Board):** The Code follows the definition of the Public Disclosure Protection Act (PSDPA), which defines "public servants" as every person employed in the public sector, every member of the Royal Canadian Mounted Police and every chief executive. However, "the public sector" does not include the Canadian Forces, the Canadian Security Intelligence Service or the Communications Security Establishment, which are subject to separate requirements under the Act.

**Australia – Code of Ethics for the South Australian Public Sector (Government of South Australia, Commissioner for Public Sector Employment):** The Code of Ethics for the South Australian Public Sector is the Code of Conduct for the purposes of the Public Sector Act 2009, and all public sector employees are bound by it regardless of the nature or level of employment; employment status; or the nature of the public sector organisation in which an employee works.

**Netherlands - Code of Conduct for Integrity in the Central Public Administration (Netherlands, Ministry of Interior and Kingdom Relations):** This code of conduct applies to all civil servants employed by the Central Public Administration. Reference to civil servants thus means civil servants of the Central Public Administration. Other groups of employees work for the Central Public Administration, such as work placement students, temporary workers or external contractors.

**Denmark – Code of Conduct in the Public Sector (Agency for Modernisation, Local Government Denmark):** The guide applies to all public employees, for example civil servants, those employed on the basis of group contracts or, individual contracts, those employed permanently or on a fixed-term basis, etc.

**France - art. 2 of the Law of 13 July 1983 :** the law provides the code of conduct in the public sector. It applies to all the civil servants employed by the central departments or at the local level, including in national or local subsidiaries or agencies.

**Council of Europe – Rec (2000) 10, Model Code of Conduct for Public Officials (Council of Europe):** The Model Code of Conduct for Public Officials is applied to all public officials. For the purpose of the code “public official” means a person employed by a public authority. The code may also be applied to private organisations performing public services, but not to publicly elected representatives, members of the government and holders of judicial office.

**United Nations Convention Against Corruption (UNCAC) (United Nations Office on Drugs and Crime, 2004):** The UNCAC defines the term “public official” as any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority. Moreover, the UNCAC is also applied to any other person performing a public function, including for a public agency or public enterprise.

**EU Convention on Fight against Corruption Involving Officials of the European Union (European Union, 1997):** The EU Convention against Corruption Involving Officials of the Communities or Officials of Member States of the European Union defines the term “official” as any Community or national official, including any national official of another Member State.

### c) Reach effective implementation

The implementation of a code of conduct for the public sector The implementation of a code of conduct for the public sector depend on several important factors, among them its placement within relevant legal framework, reflection of its ethical standards in the legal framework, whether the process of its preparation and adoption allowed participation of relevant stakeholders and effectiveness of compliance.

Ethical standards should be reflected in the legal framework, in a way that laws and regulations could state the fundamental values of public service. To that end, the legal foundation of the code needs to be clear, concise and enforceable. However, making the code itself a legal text is not advisable, as laws tend to be less flexible and adaptable to emerging issues. Instruments that both provide guidance and enforce the code are essential ingredients. A good practice is to integrate elements of a code, particularly positive expectations of behaviour into primary or secondary legislation. This practice demonstrates clear commitment from the government, promotes compliance and supports enforcement.

When choosing the appropriate regulatory instrument to foster integrity in the public sector and avoid unethical or corrupt practices, different approaches can be followed. The main distinction lies between a compliance/rules-based approach and a values-based



approach. A compliance-based approach entails primarily prevention measures through establishing enforceable standards using laws and regulations combined with tools for providing training, counselling and raising awareness on these standards. Based on this approach, a breach of conduct may result in the enforcement of sanctions. On the other hand, a values-based approach focuses on raising awareness of ethics and public sector values. Experiences from different countries show that a combination of specific elements of the two approaches in the right balance might be a key element to the successful implementation of integrity policies.

At the European level, member states have a number of laws defining the official values and standards of conduct for the public sector. The relevant legal framework is laid out both in constitutional provisions, the penal code, as well as in public administration laws and acts. This institutional set-up often results in a fragmentation of laws, which makes it difficult for civil servants without adequate judicial training to follow and understand them. Codes of conduct have the advantage of presenting and analyzing the information contained in complex laws in a more concise and conclusive manner, thus being a useful tool to regulate the behaviours of public officials.

One should also take into consideration whether the duties of conduct are legally and disciplinarily binding or merely ethically and morally persuasive. To answer this question, it is useful to make a distinction between a declaration of values and a code of conduct, as both are instruments used to regulate behaviours and promote ethics among public officials. Declarations of values identify and describe the core principles that should be followed by public officials in their daily activities; however, they usually do not entail specific rules on how to incorporate these values into daily practice. On the other hand, codes of conduct provide guidelines and detailed standards of behaviour. A code of conduct may be viewed as a tool to transform values into practice. It can also be used as a benchmark against which individual and organizational performance can be measured.

These instruments can be used separately but also in the form of a single code. Having two separate documents provides citizens with a clearer understanding of public officers' expected behaviour as well as the entire vision and mission of the public service. On the other hand, this two-dimensional approach can also be achieved through a single code that is clearly structured, such as the Austrian Code of Conduct to Prevent Corruption. Examples of codes that both encompass the values of the public service and specify the expected standards of conduct can be found in the United Kingdom's The Seven Principles of Public Life, the Australian Public Service Values and the Canadian Values and Ethics Code for the Public Service.

The successful implementation and effectiveness of the code depends mostly on creating an environment of trust and ensuring organisational adherence to the code. Both of these elements should be achieved through active participation of all key stakeholders in the development phase as well as setting the right "tone at the top". Active participation in

the development phase means that the code of conduct should emanate from the public officials themselves or, at least, that they take an active part in its preparation which will enhance a sense of ownership among those to whom the code is directed. On the other hand, organizational leadership should create an environment that fosters ethical and responsible behavior through appropriate promotion, guidance and support for implementation of the code of conduct. This setting of the tone of the organization should start with the organizational leaders themselves who in this way set an example to others (“tone at the top”).

Drafting and adopting the code of conduct should not be looked upon as being an end in itself, but rather as the first step towards making the code a viable document and part of the organisational culture. Another aspect governments need to consider for compliance with codes of conduct is effective risk management. Organisations should be able to methodically address the risks for ethical breaches attached to their activities and the persons involved. This enables appropriate, timely and proportionate mitigation actions to be undertaken which protect the organization and its reputation because it sends a signal to other employees and the public that risks for breaching ethical standards are identified, assessed and measures for preventing those risks to materialize developed. For effective risk management is crucial that it is integrated into the culture of an organization and that everyone, from the management to the employees is assigned with the responsibility to identify, assess and manage risks accordingly.

The effective implementation of a code depends on appropriate communication of ethical standards, including through training and advice. Through this the code is brought to life and embedded throughout the organisations (or wider sector if applicable to it) and into their culture. This is especially importance since public officials are responsible for their own compliance with ethical standards – therefore it is vital that they receive regular and up-to-date communication, training and advice that gives them knowledge and understanding of the code of conduct with which they must comply. Communication (incl. training and advice) of ethical standards should be viewed as an integral part of the overall integrity programme of the organization.

On the other hand, appropriate communication to the public on ethical standards applicable as well as level of compliance (risk management in place, number and type of breaches, sanctions imposed) should take place as it is important that the public is aware of the behavior they can expect from public officials and can prompt reaction for effective application of the code.

As ethical risks are constantly evolving, regular monitoring and reviews are needed in order to assess the adequacy and effectiveness of the measures and procedures put in place and the actions taken to address any deficiencies in the compliance with the ethical standards. Monitoring and review should include not only best practice proactive reviews, but also reactive reviews following ethical incidents detected by the organization itself or reported in the media. It might result in necessary amendments to the existing

code of conduct, upgrading of the present raising awareness/training programme or introducing more rigorous enforcement regime.

Ensuring compliance with the Code is an issue revolving around the following key components:

- Monitoring high standards of conduct;
- Reporting, detecting, investigating, prosecuting and sanctioning misconduct by public officials.

### **Monitoring high standards of conduct**

Monitoring activities strengthen the accountability of the public integrity system by highlighting measurable efforts and results. Monitoring refers to the process of collecting and analysing information on a policy's direct and intermediary outputs. Each policy has typically one or multiple goals reflecting the intended impact. The first step of any measurement process is to identify the goals and translate them into objectives, which specify different aspects of a goal by phrasing them positively and unambiguously in one sentence. Ideally, they provide the "who", "where", "what" and "when" of a goal. Goals, objectives and indicators can be defined at the level of output as well as outcome. They can also be designed to assess certain qualities of an output or outcome, e.g. the value in relation to an input (Box 2).

#### Box 2. Examples of outputs, intermediate outputs and outcome for a Code of Conduct policy

Principle 4 of the 2017 OECD Recommendation on Public Integrity calls for "high standards of conduct for public officials" to be set, i.e. through "including integrity standards in the legal system and organisational policies (such as codes of conduct or codes of ethics) to clarify expectations and serve as a basis for disciplinary, administrative, civil and/or criminal investigation and sanctions, as appropriate". The introduction of a Code of Conduct for public officials falls under the implementation of this Principle. This table presents some potential goals, objectives and indicators that a Code of Conduct might have on output and outcome level:

	Output	Intermediate Output	Outcome
<b>Goals</b>	Existence of useful Code of Conduct	Establish Code of Conduct	Establish integrity as an organisational value
<b>Objectives</b>	Code of Conduct: <ul style="list-style-type: none"> <li>• exists</li> <li>• covers all relevant topics</li> <li>• is feasible.</li> </ul>	Public officials: <ul style="list-style-type: none"> <li>• know the Code of Conduct and have been trained in using it</li> <li>• initiate discussions on grey areas and ethical dilemmas</li> <li>• suggest solutions.</li> <li>• Managers use the Code as a management tool, e.g. in interviews of candidates for positions in their team, or performance evaluation interviews</li> </ul>	Public administration staff model their behaviour and make decisions based on the rules and principles of the Code of Conduct.
<b>Example indicator</b>	<ul style="list-style-type: none"> <li>• Identified risk areas are covered by the code</li> <li>• Staff of all managerial levels have participated in focus groups for development of Code of Conduct</li> <li>• ...</li> </ul>	<ul style="list-style-type: none"> <li>• Number of integrity-related suggested improvements</li> <li>• Share of staff working in risk areas who have received risk-specific integrity training</li> <li>• All applicants to a vacant position are provided the Code of Conduct, so that they can reflect on it before proceeding in the selection process</li> </ul>	<ul style="list-style-type: none"> <li>• Integrity measured in staff survey</li> <li>• ...</li> </ul>

### ***Who is responsible for monitoring compliance?***

Policy frameworks have to be complemented by appropriate institutional arrangements that will guarantee compliance and eventually enable a culture of integrity. The institutional arrangements supporting integrity policies can take the form of (i) dedicated integrity actors, (ii) central government organisations, or (iii) external independent institutions.

Monitoring compliance should not be an objective *per se*, but rather a mechanism to identify shortcomings in the current implementation, undertake proper measures for its mitigation and keep the issue of ethics and integrity culture a substantial part of the operation of an institution, thus achieving a regular ethics exposure. In addition,

accountability dimension, especially with regards to the citizens/public, should be properly reflected when developing monitoring mechanisms. On the other hand, compliance monitoring should not be an exclusive competence (albeit a clear division of roles is necessary) but rather perceived as a joint task, since compliance itself reflects some of the supreme values of each Code of Conduct, such as honesty, fairness or commitment.

When discussing compliance it is important to differentiate between accountability for compliance and responsibility for compliance. The first rests firmly with the public organisation's management. The management will devolve responsibility for delivering compliance, through systems and controls, oversight and review to the compliance officers in the compliance department, but the management cannot avoid accountability for ensuring compliance within the public organization.

Good recommendation to any organization can be that its organisation's management, responsible for compliance, meet periodically in session with compliance officers. These meetings should discuss compliance issues and how current compliance issues are handled. In this way, management can oversee ensuring compliance within the public organization.

Also, experience with compliance issues can be included in the criteria for selecting new organisation's management.

Compliance officers may, on other hand, delegate (part of) monitoring to other staff, who then report results back to the compliance officer. This approach allows that the employees within the organization do not take the view: "compliance is not my problem". Every individual is given personal responsibility for undertaking his/her work in a compliant way.

Therefore, although accountability for (monitoring) compliance rests with the management, the responsibility for monitoring public service ethics can be assigned to **dedicated integrity actors** such as senior officials or integrity counsellors. Managers usually play the most important role in ensuring whether their staff complies with the rules in their organisation as well as demonstrating exemplary conduct in that regard. . Many OECD countries focus on special management rules, processes and systems. For example, in Canada, senior officials for public service values and ethics are responsible for ensuring that the organisation exemplifies public service values at all levels. It should also be taken into account whether an integrity actor/officer/counsellor is a full time job or a part of the other daily tasks of an organization. Selected model should fit the local context and the structure of an organization.

**Central government organisations:** standards of conduct provide the framework for establishing a professional, impartial and responsive civil service. As such, they can be embedded in different human resources policies for the public sector, i.e. recruitment, promotion and national training strategies, ensuring effective implementation. The responsibility of incorporating integrity standards into wider human resources policies can be assigned to structures of the central administration, such as civil service

departments, human resources agencies or the respective ministries. In the Netherlands, the Ministry of the Interior and Kingdom Relations has been assigned a special role to ensure the integrity of the government. Among other tasks, the Minister is responsible for good and effective public administration and a government on which the public can rely. With this, the minister also has overall responsibility for the professionalism, integrity and quality of civil servants, administrators and elected representatives, including monitoring in order to evaluate the quality and effectiveness of the system.

**External independent institutions** can guarantee the oversight and monitoring of ethical rules and standards of conduct in a fair and impartial way. They also help restore the confidence of the public in the ethics process. The options may include civil or public service commissions, Ethics Committees, Supreme Audit Institutions, Ombudsman, anti-corruption agencies, or even constitutional courts and law enforcement bodies. These institutions generally publish regular reports on their activities, and depending on their mandate, this may also include the results of monitoring the development, implementation, enforcement or effectiveness of elements of integrity policies.

Box 3. Examples of agencies responsible for monitoring the compliance of the Code of Conduct

**The Canadian Treasury Board:** In Canada, the Treasury Board monitors the implementation of the Values and Ethics Code in departments and agencies as part of its role in defining the conditions that need to be in place to ensure good management within the government. The Treasury Board translates policies and programmes approved by the Cabinet into operational measures and outputs and provides departments with the resources and the administrative environment they need to perform better. In particular, the Treasury Board developed a Management Accountability Framework (MAF), structured around ten key elements that collectively define management and establish the expectations for good management of a department or agency. The implementation of the Code is reviewed through this framework.

**The Australian Public Service Commission:** In Australia, the Public Service Commission, responsible for defining an employment framework for the public service and setting human resource policies in accordance with the Public Service Act of 1999, monitors the implementation of the Code. The Public Service Commissioner even has the responsibility of reporting breaches of the Code of Conduct (whistle-blower reports) to the Minister of Public Service after such reports have been processed by the relevant agency. However, aware of potential capacity limitations, the Australian Government has established an Ethics Advisory Service at the disposal of Australian Public Service employees in order to seek advice on ethical dilemmas or how to apply the standards of conduct in their daily work.

## ***Monitoring Tools***

### *Surveys*

Traditional monitoring tools mainly focus on verifying the existence of policy instruments, such as laws, codes of conduct, or administrative procedures. Indeed, it is much easier to check whether an organisation has developed a code of conduct or to measure the number of training sessions provided on the content of the code, than to assess whether public officials are aware of the standards and values outlined in the code,

or able to properly identify ethical dilemmas and being committed to solve them according to stated standards. However, a few countries have developed a more holistic approach to assess the implementation of programmes and measure their impact on organisational culture, values and behaviour. This can be mainly achieved through surveys aiming to identify to what degree organisations have integrated a code of conduct into their procedures and assess their effectiveness in ensuring that employees understand and apply the code.

Depending on their objectives, surveys can be designed using different methodologies and addressing different pools of respondents. Many countries perform dedicated surveys with their staff addressing the impact of integrity policies. Within the EU, the Netherlands and Finland have used examples of this approach. In Latin America, the public servant survey in Puerto Rico conducted by the Ethics Resource Centre and the Office of Government Ethics in 2003 focused on how employees “viewed” ethics in their own organisations, capturing ethics values as well as pressure to commit misconduct. The Canadian government followed a similar approach, when public servants were surveyed by the Treasury Board. The results of the survey identified gaps in the Canadian integrity strategy, as a significant number of employees claimed that “they cannot disagree with their supervisor without reprisal” and that “senior management will not try to resolve concerns raised in the survey”.

Employees are in a unique position to know best what is happening in the work environment. For this reason, employee surveys can be a strong tool to support monitoring compliance with the Code and assessment of the overall integrity of the organisation. However, in cases of severe integrity gaps, when misconduct is endemic and involves the majority of the organisation’s employees, the honesty of results should be regarded with caution. To avoid biased responses affecting the validity of the assessment, employee surveys and staff assessments should not be the only means of monitoring but rather combined with other monitoring tools.

An effective way to ensure the objectivity of the process is to complement staff surveys with management surveys addressing the adoption of integrity instruments with top executives of public agencies. Box below presents the UK Civil Service People Survey.

#### Box 4. The Civil Service People Survey (CSPS)

The CSPS is a useful tool for identifying areas of potential concern, as well as areas of good practice among other things. The Survey is a particularly important means of testing the extent to which key ethical issues and Codes of Conduct are well understood and implemented across Government.

There are four particular questions within the survey specially focusing on a public officer’s ability to raise ethical issues within the organisation:

1. I think it is safe to challenge the way things are done in [my organisation] - 46% (2017)
2. Are you aware of how to raise a concern under the Civil Service Code? - 68% (2017)
3. Are you confident that if you raise a concern under the Civil Service Code in [your organisation] it would be investigated properly? - 70% (2017)

Responses to these questions are used to inform the work of the Propriety & Ethics Team within the Cabinet Office who are responsible for drafting and publishing the Civil Service Code, providing guidance on its interpretation, as well as working with other Departments to ensure Codes of Conduct are adhered to.

Source: <https://www.gov.uk/government/publications/civil-service-people-survey-2017-results--2>

When assessing the occurrence of misconduct, surveys may use different methods to obtain accurate information, given the sensitivity of these questions. In Belgium, the surveys may use self-reporting, proxy reporting or victim reporting methods:

- Self-reporting surveys ask respondents to report on their own unethical behaviour;
- Proxy reporting, used also in the Netherlands and Estonia, asks about misconduct in the direct work environment;
- Victim reporting asks respondents whether they have experienced misconduct themselves.

### *Open Data*

Informed citizens are more likely to demand greater accountability from public officials. Encouraging public disclosure of data will stimulate external scrutiny and discourage dishonesty. In order to strengthen social accountability mechanisms, the public should be provided with free access to information, including disclosures of public officials regarding their private interests, assets, received gifts, etc. This information, when made available in open data format, allows citizens, media, government, and civil society organisations to raise concerns where necessary. The contribution of civil society in monitoring activities may greatly help improve the services provided, if public agencies recognise the importance of the input as useful feedback on which to base corrective action. Finally, the possibility of public scrutiny is likely to discourage inappropriate conduct, while building trust and confidence in institutions by demonstrating a commitment to transparency and accountability.

### **Reporting mechanisms**

The public and employees themselves are the primary source for detecting misconduct. Having proper reporting mechanisms in place ensures that legitimate concerns about illegal or unethical behaviours will be considered and further investigated. When employees report breaches of conduct, it is also necessary to protect them from any kind of retaliation, for example by safeguarding their confidentiality or anonymity, but also by providing remedies for their compensation.

A robust reporting mechanism should allow for alternative reporting channels, which may include internal channels in the form of designated officials (i.e. line managers or senior ethics officials), but also third parties outside the organisation<sup>9</sup>. This requires

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<sup>9</sup> For example, in France every central administration and local authority with more than 10.000 inhabitants has to set up a reporting mechanism.



efficient complaints management systems through which the management of the organisation can receive incident notifications and requests to respond to issues of inappropriate conduct.

However, reporting mechanisms - even when perfectly designed - will not be effective if they are not part of a wider organisational culture of ethics and openness, where employees feel safe to raise and discuss ethical issues. In fact, employees are more likely to blow the whistle on wrongdoing in the workplace if they trust their co-workers, supervisors and, most importantly, their senior managers. A recent study showed that the existence of codes of conduct emphasizing the importance of employee reporting of wrongdoing was not sufficient to encourage the reporting of misconduct, and that there is a positive link between internal whistleblowing and perceived trustworthiness of organisational members.

### ***Inspections***

Actions to ensure compliance may also include standards and procedures to detect unlawful or unethical conduct. Inspections and audits can be a useful tool to assess the extent to which public officials adhere to the Code of Conduct.

In countries such as Hungary, Croatia, Netherlands and Belgium, Supreme Audit Institutions have extended their traditional audits on efficiency to performance audits, which may include the assessment of elements of the integrity policies.

For example, the State Audit Office in the Republic of Croatia conducted a performance audit in 2013 focusing on the Functioning of the Ethics Infrastructure in Governmental Administration Bodies. The audit was triggered by indications of significant irregularities in the operations of public sector entities as well as in the perception of corruption and other forms of unethical behaviour, although an ethics infrastructure was in place and regulations had been enacted to define ethical values and ethical principles for employees. The objective was to assess whether government bodies were undertaking the required activities and developing appropriate practices to promote ethical values and ethical principles in their daily operations, and whether the high ethical standards set for the public sector were being effectively achieved. Investigators used several methods for the purposes of the audit, including analysing the internal organisation and operation of auditees to determine the implementation degree of regulations and efficiency in the functioning of the established ethics infrastructure. The audit methods also involved a questionnaire for civil servants in order to assess the functioning of the ethics infrastructure in governmental administration bodies as well as ethics in the conduct of civil servants.

Similar trends can be observed internationally. In many cases, Supreme Audit Institutions (SAIs) examine the design and quality of anti-corruption and anti-fraud frameworks at a whole-of-government level. In 2009, the Netherlands' Court of Audit (NCA) investigated the status of integrity management in central government. The audit focused on ways to ensure civil servants are incorruptible and trustworthy and the NCA used the audit to

promote preventative, detective and repressive measures as a way of avoiding integrity breaches. At the European level, the European Court of Auditors published a report on Management of conflict of interest in selected EU agencies examining policies and procedures for mitigating conflict of interest situations.

### ***Enforcement***

Taking appropriate enforcement actions in response to breaches of conduct is an effective way to highlight commitment and increase the public trust. In so far that codes articulate boundaries and expectations of behaviour, it is necessary to introduce an effective and consistent enforcement mechanism in order to guarantee compliance and ensure the efficiency of the policy. Therefore, violations of standards and their consequences should be clearly stipulated in the codes. In many countries a common sanctions for integrity breaches are disciplinary and criminal prosecution, along with the cancellation of affected decisions and contracts. The disciplinary sanctions are very similar but with some detailed variations from one country to another. In each country, the imposed disciplinary sanction varies according to the gravity of the breach of the code, ranging from mere warnings to removal from the service and dismissal, which are considered by the majority of countries the stiffest disciplinary penalties.

Types of sanctions related to breaches of conduct in some countries:

Country	Regulation	Type of Sanction
Australia	Public Service Act, Part 3 (15)	<ul style="list-style-type: none"> <li>- Reprimand</li> <li>- Deductions from salary by way of a fine</li> <li>- Reduction in salary</li> <li>- Termination of employment</li> <li>- Reduction in classification</li> <li>- Re-assignment of duties</li> </ul>
Canada	ESDC Code of Conduct, Chapter 5	<p>Breaches of the codes and discipline regulations are determined at the departmental level and may include the following:</p> <ul style="list-style-type: none"> <li>- Oral reprimand</li> <li>- Written reprimand</li> <li>- Suspension or financial penalty</li> <li>- Demotion</li> <li>- Termination of employment</li> </ul>
Denmark	Civil Service Act, Chapter 4, § 24	<ul style="list-style-type: none"> <li>- Reprimand</li> <li>- Warning</li> <li>- Fine</li> <li>- Transfer to other work</li> <li>- Demotion</li> <li>- Dismissal</li> </ul>
Japan	National Public Service Act, Subsection 2, Article 82	<ul style="list-style-type: none"> <li>- Dismissal</li> <li>- Formal reprimand</li> <li>- Suspension from duty</li> <li>- Reduction in pay</li> </ul>
Netherlands	General Regulation on Government Officials, Article 80-81	<ul style="list-style-type: none"> <li>- Written reprimand</li> <li>- Extraordinary service without remuneration or for a lower than normal remuneration</li> <li>- Reduction of entitlement to annual leave</li> <li>- Fine</li> <li>- Full or partial withholding of salary</li> <li>- Reduction in salary</li> <li>- Transfer</li> <li>- Suspension</li> <li>- Dismissal</li> </ul>

More serious breaches of conduct are often also criminal offences. In most cases, a criminal liability for misconduct during the performance of public functions is usually followed by a charge of administrative liability. As these procedures run in parallel, there is an evident need for co-ordination between the authorities responsible for criminal and administrative proceedings. It is often mandatory for the organisations involved in the disciplinary procedure to notify the prosecutorial authorities and the law enforcement agencies of a suspected criminal offence. The accused public official may be subject to temporary disciplinary measures, such as suspension without pay or relocation to another post, while the criminal verdict is pending. Sanctions for breaches of conduct are often enforced either by senior managers, or by a central authority or a tribunal. The terms of

reference, the duties and powers of the individuals or agencies responsible for the initiation of disciplinary proceedings and the imposition of sanctions need to be clearly defined. Lastly, publishing information regarding the nature and outcome of enforcement activities helps deter noncompliance and can also enhance transparency.

### **Building awareness: Training and communication activities**

Communicating the content of the Code, raising awareness on its provisions among public officials and citizens, and providing training on integrity are important elements of cultivating an open organisational culture within public institutions, where professional ethics can be freely raised and discussed. Communication, awareness and training activities as part of a comprehensive integrity strategy ensure that public officials are able to effectively address ethical issues and prevent corruption. On this topic, the United Nations Convention against Corruption (UNCAC) requires that the state parties “promote education and training programmes to enable [public officials] to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialised and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions” (UNCAC, Article 7 [d]). Similarly, the 2017 OECD Recommendation on Public Integrity recommends offering induction and on-the-job integrity training to raise awareness and equip public officials with the necessary skills to apply public integrity values and standards.

#### *Training activities*

Training activities should not only focus on familiarising employees with the relevant rules and laws, so as to minimise the risk of engaging in unethical behaviours, but also provide decision tools to manage challenging ethical dilemmas. To begin with, all public officials, regardless of their contractual status (e.g. permanent or temporary staff), should receive induction training on the standards of conduct established by the Code. Induction training provides an opportunity to set the tone regarding integrity from the beginning of the working relationship, and familiarise employees with the principles, values and rules related to ethical and lawful conduct. Such training could take the form of e-learning modules (Box 5). A more targeted training aimed at recognising and managing conflicts of interest and resolving ethical dilemmas in a specific context could be in-person training (Box 6).

#### **Box 5. Integrity induction training for public servants in Canada**

In the Government of Canada, integrity training for public sector employees is conducted at the Canada School of Public Service. The Treasury Board Secretariat works closely with the school to develop training for employees about values and ethics. The school recently updated the orientation course for public servants on values and ethics, which is part of a mandatory curriculum for new employees. In addition, federal departments use the course as a refresher for existing employees to ensure they understand their responsibilities under the Values and Ethics Code for the Public Sector. To ensure accessibility for all public servants, the course is available online. The course focuses on familiarizing public servants with the relevant acts and policies, such as the Values and Ethics Code for the Public Sector, the Public Servants Disclosure

Protection Act and the Policy on Conflict of Interest and Post-Employment. Additionally, modules on ethical dilemmas, workplace well-being and harassment prevention are included in the training. Through the five different modules, public servants not only increase their awareness of the relevant policy and legislative frameworks, but also develop the skills to apply this knowledge as a foundation to their everyday duties and activities. The training course includes a dedicated module on the Values and Ethics Code for the Public Sector. The module highlights the importance of understanding the core values of the federal public sector as a framework for effective decision-making and legitimate governance, as well as for preserving public confidence in the integrity of the public sector. It contains a section on duties and obligations, where the responsibilities for employees, managers/supervisors, and deputy heads/chief executives are provided in detail. This section also discusses the Duty of Loyalty to the Government of Canada, stating that there should be a balance between freedom of expression and objectiveness in fulfilling responsibilities, illustrated with an example from social media. At the end of the module there are two questions posed to ensure participants have understood the purpose of the Values and Ethics Code for the Public Sector and the foundation for fulfilling one's responsibilities in the public sector. An innovative component of the integrity training course is the module on ethical dilemmas. The purpose of the module is to ensure familiarity with the Values and Ethics Code for the Public Sector and it includes a range of tools to cultivate ethical decision making amongst public servants. The module also informs public servants of the five core values for the Canadian public service: respect for democracy, respect for people, integrity, stewardship and excellence. This prompts them to think about how to apply these values in their everyday role. Key risk areas for unethical conduct, such as bribery, improper use of government property, conflict of interest and mismanagement of public funds, are identified, with descriptions that put the risks into practical, easy to understand language. By posing three different scenario questions and asking participants to select competing public sector values, the module also encourages public servants to think about how conflicts between these values may be resolved.

#### Box 6. Dilemma training in the Flemish Government (Belgium)

In the dilemma training offered by the Agency for Government Employees, public officials are given practical situations in which they face an ethical choice and it is not clear how to best resolve the situation with integrity. The facilitator encourages discussion between the participants about how the situation could be resolved to explore the different choices. As such, it is the debate and not the solution, which is most important, as this will help the participants to identify different values that might oppose each other. In most training courses, the facilitator uses a card system. The rules are explained and participants receive four option cards with the numbers 1, 2, 3 or 4, which are then placed on the table. The dilemma cards describe the situation and give four options on how to resolve the dilemma. In each round, one of the participants reads out the dilemma and options. Each participant indicates their choices with the option cards and explains their motivation behind the choice. Following this, participants discuss the different choices. The facilitator remains neutral, encourages the debate and suggests alternative options of how to look at the dilemma (e.g. sequence of events, boundaries for unacceptable behaviour). One example of a dilemma situation that could arise would be: I am a policy officer. The minister needs a briefing within the next hour. I have been working on this matter for the last two weeks and should have already been finished. However, the information is not complete. I am still waiting for a contribution from another department to verify the data. My boss asks me to submit the briefing urgently as the chief of cabinet has already called. What am I doing?

- I send the briefing and do not mention the missing information.
- I send the briefing, but mention that no decisions should be made based on it.

- I do not send the briefing. If anyone asks about it, I will blame the other department.
- I do not send the information and come up with a pretext and the promise that I will send the briefing tomorrow.

Other dilemma situations could cover the themes of conflicts of interest, ethics, loyalty, leadership etc. The training and situations used can be targeted to specific groups or entities. For example: You are working in Internal Control and are asked to be a guest lecturer in a training programme organised by the employers of a sector that is within your realm of responsibility. You will be well paid, make some meaningful contacts and learn from the experience.

#### Box 7. “Serious game” training for the Prison administration (France)

In France, the Prison Administration Department of the Ministry of Justice has developed a « serious game » consisting of interactive video training sessions where Prisons employees face different ethical dilemma, inspired from real life situations. These trainings allow them to take choices and decisions in professional situations while measuring their ethical implications.

Beyond the induction training for newly recruited staff, training should also be provided continuously to incumbent employees. For example, in Catalonia, trainees have to develop their own integrity action plan, in which they are asked to identify integrity risks and challenges in their workplaces. This practice is also a good peer learning exercise, as participants are offered the opportunity to discuss barriers that have been identified in implementing integrity activities and share ideas about solutions. The scope of the training varies from one country to another. Some countries have a general training scheme covering the entire public service, while others only have specific programmes for organisational codes applying to specific ministries and agencies. In any case, a central public agency should be responsible for the overall training, central planning, co-ordination and evaluation of results. In fact, most OECD countries’ training modules are developed by a single central entity that is also responsible for offering guidance on how employees should apply their codes of conduct. As discussed above, in implementing integrity policies, it is important for senior management to lead by example and set the tone from the top. This also applies to training activities. In order to help public officials fully understand and internalise the Code of Conduct, senior officials could attend each training programme to show commitment and offer constant guidance to staff.

#### *Communication*

Ongoing communication on the content of the Code, public ethics and prevention of corruption is another way to build employee awareness. Common communication platforms to share information within public institutions include internal information portals, e-mail, discussion forums, electronic newsletters, etc. These tools provide a fast and two-way communication ensuring that the message will be conveyed to employees, but also that they will have the opportunity to exchange information. For example, in the

Netherlands, the Ministry of Interior introduced a discussion forum using the organisation's intranet system, where staff has the opportunity to discuss important issues concerning professional ethics. Each month a relevant subject is discussed for half an hour on the intranet. Questions include for instance: An entrepreneur has invited you to an event in a golf course. Would you accept this invitation? As we can see, there are various possible answers to this question and that is exactly the message of this practice. The goal is for employees to be able to discuss ethical issues and to identify dilemmas that may occur on a daily practice. If dilemmas on professional ethics are a subject of open and honest discussion, there is no need to fear them, because employees will be ready to react properly.

When developing communication strategies on ethical organisational issues, great attention should be paid to shaping its message. The responsibility to promote and support reforms that enhance transparency, integrity and public ethics lies with the central government but also with the management of individual institutions. The communication message plays an important role in strengthening the efficacy of these activities. Codes of Conduct offer guidance on standards of behaviour expected from public officials, yet to ensure implementation their content needs to be communicated to external stakeholders as well. Citizens should be aware of what behaviour to expect from public officials and in that way, public officials can be held accountable when they are not complying with the standards of conduct. To further promote the code of conduct across the public sector and external stakeholders, but also to help public officials integrate their content to their daily work activities, governments could design and distribute posters with concrete examples. In Mexico, the poster of the constitutional values is a guiding document that provides public officials with examples on the meaning of each value. The same approach was followed in New Zealand with the poster of the Standards of Integrity and Conduct of New Zealand, which is displayed to public officials and citizens in public institutions.

In the field of conflict of interest, many countries have developed specific awareness raising measures, including dissemination of rules or guidelines for public official taking office, proactive updates regarding changes to the public integrity framework, publication of the public ethics policies, regular reminders about public integrity policies, training, regular guidance and assistance and advice lines or help desks where officials can receive guidance. The most frequently used method in OECD countries is to provide guidelines to new recruits of the public service.

In terms of specific country practices of awareness campaigns, the UK provides a good example of cross-departmental campaigns. The Civil Service Commission, working together with the Cabinet Office and a group of Permanent Secretaries produced a best practice checklist of actions for departments to uphold and promote the Code. Similarly, in the Netherlands the government issued a brochure entitled "The Integrity Rules of the Game" that explains in clear, everyday language the rules to which staff must adhere. It considers real-life issues, such as confidentiality, accepting gifts and invitations, investing in securities, holding additional positions or directorships, and dealing with operating assets.

## **Basic conditions for successful implementation of Codes of conduct**

### ***a) Clarity of content***

A first step to efficient implementation can be avoiding any kind of ambiguity. Clarifying which behaviors are expected and encouraged, as well as those forbidden, including the consequences for violation, can help reduce uncertainty.

### ***b) Effective, proportionate and dissuasive sanctions***

All types of sanctions – administrative, disciplinary or criminal - must be clear, effective, proportionate and dissuasive. In some cases, individual counselling or additional training may prove to be the best solution. Taking appropriate enforcement measures in response to violations of conduct (certainty of sanction) is an effective way to show commitment by the leadership and increase public confidence. Some common sanctions for integrity violations are administrative, disciplinary and criminal sanctions. In each country, the disciplinary sanction imposed varies according to the seriousness of the violation of the code, ranging from simple warnings to suspension or removal from the service. Also, in many countries it is often mandatory for the entities involved in the disciplinary procedure to notify the judicial authorities and law enforcement agencies of alleged crime. Senior management, a central authority or a Court often applies sanctions for conduct violations. Finally, the publication of information regarding the nature and outcome of law enforcement activities helps to discourage non-compliance and can also improve transparency.

In some cases, individual counselling or additional training may prove to be the best solution, especially when breaches are a consequence of a lack of awareness of the applicable standards. Hence the importance of effective implementation of integrity systems through risk management and awareness-raising.

### ***c) Regular ethical checks***

Monitoring can contribute to further strengthening the application of the code. These checks, preferably conducted by an independent ethical agency, help to identify the risks to integrity within each institution. Thus, it is possible to prevent problems before they occur, and identify certain areas of risk, for either employees or supervisors, so that everybody has a common understanding of values and required behaviour. Regular ethical checks might also be performed as a part of the integrity plan of an institution, created as a result of the self-assessment of a degree of institution's exposure to risk of occurrence and development of corruption, and exposure to ethically and professionally not-acceptable acts and followed by improvement measures for corruption risk management.

Ethical checks can be used when employing new staff or simply to measure the ethical culture of an organization.



**d) *Guarantee of an inclusive and participatory development process***

Most of the studies on codes of conduct recognize the importance of consultation in the development of codes of conduct for public bodies. This should involve a number of stakeholders, such as public officials, as well as the public service users and the civil society at large. This allows valuable feedback from those who will be subject to the new code and will help convey a sense of ownership.

For example: the Slovenian Commission for the Prevention of Corruption developed, in cooperation with the judiciary an online questionnaire to identify occurrence and reaction to ethical dilemmas among judges as well as their proposals with regard to institutional setup that would be entrusted with resolving ethical dilemmas. As a result, a code of conduct for judges was developed and a Commission for Ethics and Integrity was set up.

**e) *Tone from the top***

The issue of ethical leadership is particularly important in the context of building and strengthening the ethical infrastructure of an organization. It is expected from the organizational leadership that they promote such an organizational culture that encourages ethical conduct and a commitment to compliance with the law, including with the codes of conduct.

The Public Ethics Toolkit (2017)<sup>10</sup> describes ethical leadership as going beyond the ordinary management of the organization. It entails the leader's personal commitment to enhance the transparent, fair and responsible functioning of the institution as a whole. Through their actions and decisions, ethical leaders should set an example of appropriate and desirable conduct and the required level of involvement in the implementation of the institution's role. Such leaders should work to strengthen employees' ethical attitudes and demonstrate such attitudes.

On the other hand, the Public Ethics Toolkit (2017) emphasizes also the importance of enhancement of ethical leadership through the implementation of corruption prevention system. A systematic and explicit message about corruption prevention (and public ethics) sent by the management to the employees will demonstrate this being an important topic for the management and can help to make a real and lasting change in the beliefs and attitudes of those public officials who remain skeptical and distanced from the solutions adopted.

**f) *Insertion of the code in a wider system of integrity***

Codes of conduct should form a part of a broader ethical structure, enshrined into large, integrated and well-supported anti-corruption initiative that may, inter alia: the right to information, ethical training programs, conflicts of interest resolution mechanisms, protection of whistleblowers and support for free media and a committed civil society.

<sup>10</sup> Public Ethics Toolkit (2017) is available at <https://rm.coe.int/1680746d52>. See pg. 22.

Insertion of the code in a wider system of integrity (internalizing integrity) implies building an ethical culture of the organization/institution around the values on which the Code has been based. Apart from the tone from the top as a substantial element of fostering culture of integrity (elaborated above), an example can and should come from all members of the organization, i.e. creation of a good ethical environment should also include adherence to self-first<sup>11</sup> and self-enforcement rule. Introduction of culture of recognition should also be taken into due consideration, in such a manner that how values are translated into action receives proper recognition and visibility. This also encompasses encouraging exemplary conduct<sup>12</sup> as a mechanism to prevent damaging misconduct.

Concepts of ethical climate and ethical culture<sup>13</sup> should also be broadly taken into account. Ethical climate as aspects which determine what constitutes ethical conduct and ethical culture as aspects which stimulate ethical conduct.

In order to check whether an ethical culture has been enshrined in a proper manner, the two-factor Model of Ethical Culture<sup>14</sup> could be used, i.e. combination of positive (Qualifiers) and negative aspects (Disqualifiers). Ethical culture to be achieved should encompass social contract, leadership behaviour, organizational ethos, individual perceptiveness and response to misconduct, thus resulting in ethical behaviour, ethical decision-making and employee commitment.

***g) Identification of the administrative bodies responsible for implementation***

The creation of a specific administrative structure with clear mandate and powers to monitor the implementation process is a precondition for the success of the code of conduct.

Such a structure can be either a body or a person placed within or outside a particular organization, depending on the scope of application of the code of conduct. If a particular code applies only to employees and other co-workers of a particular organization, a structure may be a body (i.e. ethics committee) or a person (i.e. ethical advisor<sup>15</sup>) within the organisation. If the code of conduct applies to all public sector employees then such a structure could either be placed as a part of the public administration or as a separate independent body.

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<sup>11</sup> Speer, JoAnne (prepared by); *Developing a Local Agency Ethics Code: A Process-Oriented Guide*; Institute for Local Self Government; 2003; available at: [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_20426.Complete\\_Developing\\_Local\\_Agency\\_Ethics\\_Code\\_Guide.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_20426.Complete_Developing_Local_Agency_Ethics_Code_Guide.pdf) (visited on July 16, 2019)

<sup>12</sup> Paine, Linn S.; *Managing for Organizational Integrity*; 1994; available at: <https://hbr.org/1994/03/managing-for-organizational-integrity> (visited on August 26, 2019)

<sup>13</sup> Kaptein, S.P. (Muel); *Developing and Testing a Measure for the Ethical Culture of Organizations: The Corporate Ethical Virtues Model*; Erasmus Research Institute of Management (ERIM), 2007; available at: <https://repub.eur.nl/pub/10770> (visited on August 21, 2019)

<sup>14</sup> Filabi, Azish; Bulgarella, Caterina; *Organizational Culture Drives Ethical Behaviour: Evidence from Pilot Studies*; OECD Global Anti-Corruption and Integrity Forum; 2018; available at: <https://www.oecd.org/corruption/integrity-forum/academic-papers/Filabi.pdf> (visited on August 22, 2019)

<sup>15</sup> More on ethical advisors, see Public Ethics Toolkit (2017), pg. 17.

Regardless of its placement, it is important that such a body or a person enjoys respect, is able to establish and maintain relationships with all relevant stakeholders, facilitates a culture of compliance and ethical behavior, is easily accessible and communicates standards and values effectively. However, if such a structure is to perform both advice, guidance and support as well as supervision and enforcement, it is important that these two role are clearly divided and not handled by the same body and/or people.

#### ***h) Establishment of a proper mechanism for guidance***

In addition to inclusion of all relevant stakeholders as well as continuous capacity building, a proper guidance stands for one of the main prerequisites for successful and impactful implementation of the Code of Conduct. Apart from its main function to ensure certainty of the implementation process as a whole, it also significantly contributes to a timely identification of potential integrity threats and corresponding measures for its mitigation and serves as a factor of coherence and additional impetus to ethical culture and role of each employee. This is why guidance might also have a certain monitoring role in the process of implementation of the Code of Conduct. It might be enforced through various modalities such as providing confidential advice and consideration as to how codes of conduct provisions apply to individual circumstances, including annual review as to keep it vital and strengthen awareness of its existence (either internally or externally) or through development of various toolkits, materials, frequently asked questions fact-sheets, etc.

#### ***i) Performing regular reviews***

Regular reviews should be performed as to identify new trends internally and externally and update the document accordingly. Reviews might also contribute to enhancement of coordination and information sharing, thus facilitating detection of implementation shortcomings and potential mitigation actions. Information sharing mitigates the risk of lack of understanding of ethics and integrity threats and management's ability to make a proper ethics-related decision<sup>16</sup>. Code of Conduct should be a living document, subject to corresponding amendments as to reflect internal and external changes and challenges. Frequency of reviews and changes deriving from the reviews should always be clearly communicated.

#### ***l) Establishment of an ethical based decision-making***

Making decisions in terms of ethics and integrity and using it as a baseline for a decision-making process should be one of the main prerequisites for a proper implementation of a Code of Conduct. It should be clear that values entailed in the Code of Conduct will also be reflected in concrete actions, in particular in decision-making processes. In addition, it should be clearly indicated how this kind of decision-making contributes to internal enhancement of an organization, but also to reinforcement of trust of citizens in operation of the public sector.

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<sup>16</sup> Lindner, Samira; *Implementing Codes of Conduct in Public Institutions*; Transparency International; 2014; available at: [https://www.transparency.org/files/content/corruptionqas/Implementing\\_codes\\_of\\_conduct\\_in\\_public\\_institutions\\_2014.pdf](https://www.transparency.org/files/content/corruptionqas/Implementing_codes_of_conduct_in_public_institutions_2014.pdf) (visited on August 22, 2019)

***m) Public awareness and ethical education***

Public officials must be properly informed and educated on the meaning of the provisions of the code. A dissemination and training program is essential to ensure that officials understand the regulations, their obligations and the standards they are expected to comply with.

Public awareness can be obtained through:

- Publication (including online) of integrity strategies;
- Annual anti-corruption workshops;
- Press releases, as well as radio or tv discussions on anti-corruption strategies;
- Debate on integrity programs in schools, universities or other government buildings, such as libraries;
- Advertisement;
- Public reports on the implementation of anti-corruption strategies, which is, in some countries, part of the anti-corruption legislation;
- Review of anti-corruption initiatives and publication of the survey results.

***n) Development of incentives for compliance***

The performance measurement system should aim at, on one hand, encouraging staff compliance and, on the other hand, maximizing good productivity. The solution that could be envisaged is to create a system of incentives for good productive behaviour. Rewards should be given to both the employee and the organization that adopt (individual or organizational) behaviour in compliance with the Code.

***o) education to empower codes of conduct***

Public officials and civil servants should be properly trained in terms of the significance of the Code itself as well as implementation of its provisions. It should be ensured that Code of Conduct is well-perceived at all levels thus building ethical competence<sup>17</sup> of the employees.

This might include:

- inception course followed by comprehensive ethics and integrity training within a stipulated time-frame;
- regular orientation courses related to updates on changes in the applicable laws and other pieces of legislation as well as internal procedures;
- training for trainers thus ensuring integrity interaction among employees and bolstering of organizational culture in which each tone matters;
- on-line training (solely on codes or as a part of broader ethics and integrity curriculum) thus encompassing broader scope of participants as it would be with standard classroom learning.

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<sup>17</sup> Witton, Howard; *Beyond the Code of Conduct: Building Ethical Competence in Public Officials*; Anti-Corruption Resource Centre; U4 Brief; 2009; available at: <https://www.u4.no/publications/beyond-the-code-of-conduct-building-ethical-competence-in-public-officials.pdf> (visited on August 25, 2019)