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The ethical responsibilities of local government employees

Ethics in public administration

Public administration is an extremely important element of the functioning of society. A civil servant performs a public service and undertakes strictly defined tasks, in accordance with the applicable legal norms. Directly connected with the administrative function, civil servants exercise some power over citizens. They therefore need to resolve many issues in a diligent and ethical way.

Citizens expect politicians, public officials, and officials to abide by ethical standards of integrity in a more rigorous manner than other professional groups, and that they will work for the common interest (Czaputowicz, 2012: 8). The official, like every citizen, wants to do his job ethically, in accordance with generally accepted standards of conduct. However, there is a constant temptation to obtain some advantage, which means that some officials may look for social acceptance for ethically doubtful activities.

The very concept of ethics (from the Greek *ethikos* – customary, *ethos* – custom) is defined as a system of norms practiced and expressed in opinions and actions of moral beings. This system occurs as a regulator of intersubjective behaviour in a given human group. Ethics is sometimes a project of a new regulatory system inspired by religious doctrine or social or philosophical orientation. In other words, it is a science that deals with the description, analysis and explanation of actually existing morality and the establishment of directives of moral behaviour (Jankowski, 1973).

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Ethics (Greek *éthikos* – customary, from *éthos* – custom, custom) is a term introduced by Aristotle to define one of the disciplines (next to politics, economics and rhetoric) of the so-called practical philosophy. With regard to political phenomena, as well as considerations in the field of political science, the essential meanings are related to the so-called moral dilemma in politics, that is the relation between norms, goals and political means, and moral norms (Antoszewski, 2012: 167).

The specification of ethics, in general terms, is professional ethics, which are written norms answering the question of how, for moral reasons, representatives of a given profession should and should not proceed. This is a system of moral obligations determining the behaviour of representatives of a given profession, and above all social professions' trust, during relevant activities and tasks resulting from the exercise of their profession or function, as well as ways of behaviour in the private sphere (Pogonowska, 2004: 65).

The term “professional ethics” is used in a broad sense as a reference to both standards defining the behaviour of representatives of a given profession as well as moral beliefs and ethical assessments of their behaviour. Professional ethics is also limited to a set of norms of behaviour of representatives of a given profession. The subject of professional ethics refers not to norms actually functioning in professional practice, but to norms postulated for observance and implementation by persons performing a given profession. Ethical infrastructure refers to a set of factors, both material and immaterial, that motivate professionals to comply with high standards of conduct. It also refers to the principles that define such behaviour (Pogonowska, 2014: 110).

Shaping ethical attitudes through the formulation of codes of professional ethics and conducting courses in this area are based on the belief that ethical behaviour can be learned. In addition to the external factors that shape ethical attitudes of a social nature, we also distinguish internal factors of an individual nature. These include emotional traits, personality and temperament. The formation of moral attitudes is not affected only by the social environment, but also depends on the individual characteristics of the individual (Pogonowska, 2014: 111).

In the opinion of H. Izdebski and M. Kulesza, the issue of ethics concerns all aspects of administration, not just personnel. It should be one of the general criteria for decisions in relation to tasks, structure and submission of public administration law. In this regard, one should always bear in mind the maxim proposed by one of the classics of liberalism, the historian of modern times, John Emerich Acton, stating that “all power corrupts, absolute power corrupts absolutely. If you want to have administration that is as far as possible from the temptation of corruption (...) you first need to limit the power of administration in general and the authority of its individual links and officials. This limitation should concern both the scope of tasks and structures as well as the mode of performing tasks” (Izdebski, Kulesza, 2004: 305).

The issue of ethics in the functioning of public administration is increasingly the subject of research and analysis in European Union (EU) member states. On the

one hand, this is due to the fact that public confidence in public administration has waned. On the other hand – additional legal instruments are sought that would restore the values of „good work”, „dignity” in the exercise of office or public service and revive „honourable” behaviour in the world of both politics and administration (Kudrycka, 2000:9). The contemporary approach to the importance of ethics in public administration has been enriched with „hard law” standards. This is referred to as „ethical management based on *compliance-based ethics management*) (Izdebski, Kulesza, 2004: 303).

Public administration reforms in European Union countries affect the ethical behaviour of officials. Increasing the independence of employees, decentralization of responsibility and their mobility between sectors increased the risk of unethical behaviour. At the same time, attention should be drawn to the fact that the experience of states that have introduced reforms indicates that sources of corruption behaviours depend on factors such as motivation and opportunity.

There are various way that ethical behaviour is promoted in the European Union. These include the approach described in the literature as the „Ten Commandments” to the „Justinian Codex”. In the first case, the model of the Ten Commandments is a limited number of principles. In the second – it is a complex code of ethics. Most European Union Member States use the latter solution, although their ethical strategies differ from each other (Izdebski, 2012: 37).

Legal aspect of official ethics

Analysing the issue from a legal perspective, we can distinguish three models based on (i) bans, (ii) preventive actions and (iii) values. For example, in Germany there is a legalistic model which, in essence, is based on bans. Germany has developed ethical codes which aim to ensure compliance with the rules. Unfortunately, by eliminating the biggest offences, this system does not promote positive values of behaviour, and lowering the level of control may pose an additional risk of a significant increase in unethical behaviour.

Meanwhile, the preventive model dominates in the UK, with some elements embedded in values. By identifying areas of high risk and focusing on them, the UK model emphasizes the importance of the values underlying the principles of managing public funds. The British system also has a weakness which results from focusing on specific functional areas, which creates the danger of various ethical standards being introduced throughout public administration, e.g. in various professional groups.

The third of these models is derived from determining what values are desirable and what officials think about them. Values selected during dialogue with officials are then taken into account in the development of ethical codes to be implemented. The Polish approach is justified in this third model, although it is a matter of assessing to what extent this social dialogue was sufficient (Izdebski, 2012: 39).

The right to good administration in the European Union is set out in the Charter of Fundamental Rights. It provides that the affairs of every citizen should be dealt with by EU institutions in an impartial, fair and reasonable manner (*Karta Praw Podstawowych Unii Europejskiej*). It also means the right to be heard, to have access to files and documents, to obtain justification for administrative decisions, and to be compensated for damages caused by administrative actions. The European Union also introduced the Code of Good Administrative Behaviour for the needs of officials of the European Commission in 2000. The purpose of this code is, in particular, to regulate the behaviour of the European administration in dealing with citizens of the Member States and the media.

The European Code of Good Administration, on the other hand, guarantees every citizen of the European Union the right to demand that the Union bodies are impartial, in accordance with the legal regulations and procedures, to consider a case brought to a given body or institution (*Europejski Kodeks Dobrej Administracji*, 2011).

Ethics is of interest to the European institutions. They commonly share the view that although codes should be as clear and unambiguous as possible, ethical behaviour in the public sector only spreads when supported by leaders who should have vision, consistent goals and clear values. There can be personal patterns in a public service environment, patterns that influence the shaping of the public service ethos and have a great impact. We should remember, first of all, that professionalism is a value that does not erode and deserves to be one of the pillars of the ethos of the public administration service.

Professional ethics and civil service ethics

Sociologists of law emphasise the expansion of professional ethics and codes of ethics. This applies to both the European Union and the whole world, and at least to those countries in which the same values and principles are considered to be valid. Part of the codes of professional ethics is passed in the implementation of statutory provisions. This applies to sixteen professions of public trust. At this point, it should be clarified that the term „profession of public trust”, introduced by art. 17 sec. 1 of the Constitution of the Republic of Poland, is a Polish contribution to the theory of law in general, including constitutional law. This category, in the form given to it by domestic legislation, is not found any other country's legislation. It does not fully coincide with the notion of free professions established in Europe, including Poland, but is semantically related to it. (*Europejski Kodeks Dobrej Administracji*, 2011).

Ethical activities in administration

The lack of public trust in politicians, governments and administration in democratic countries that has been noticeable in recent years has led to the creation of a strategy for introducing positive values into public life that are heading in two directions:

1. Implementation of ever higher requirements of good conduct through legal regulations, thus introducing more and more elements of the „rule of law”, subjecting amendments to procedural regulations, so that citizens are treated on an equal basis.
2. Political and administrative elites are required to submit to more and more stringent controls in order to ensure responsible and prudent action. However, the administration is required to act quickly, economically, impartially and independently (Kudrycka, 2000: 11).

Seeking solutions for the proper organization of the state in terms of ethical standards, a catalogue of rules (standards) of public life began to be formulated in many countries. One of the first countries of the European Union in which these principles were formulated was the United Kingdom. This was done in 1995 by the Commission on Standards of Public Life, also known as the Lord Nolan Commission, established in connection with a wave of scandals in public life, including the accusation that two MPs accepted bribes to ask questions in the House of Commons. The commission provided the following guidelines:

- 1) **unselfishness** – persons holding public office should make decisions only in the name of public interest, not doing so for any financial or material benefits for themselves, their families or friends;
- 2) **integrity** – persons holding public office should not be in financial or material dependence on persons or organizations, which could have an impact on their official duties;
- 3) **objectivity** – persons holding public office should be guided solely by the substantive criterion in running public affairs, including the appointment to public office, the conclusion of contracts, the presentation of prizes, etc.;
- 4) **responsibility** – public officials should be responsible to society for their actions and decisions, and must undergo every investigation procedure appropriate to their office;
- 5) **openness** – persons holding a public office should make decisions as openly as possible and justify their decisions, and restrict information only when public interest expressly requires it;
- 6) **honesty** – persons holding public office are required to report any private interests that may be related to their public duties and take appropriate steps to resolve any conflict in favour of the public interest;

- 7) **an example in advance** – persons holding public office should disseminate and support these principles by their own behaviour (Izdebski, Kulesza, 2004: 307–308).

There is a broad range of instruments for shaping ethical attitudes in administration. They can be of an institutional and informal nature. In the model approach, two methods to create ethical administration are distinguished. One of them focuses on long-term and long-term practical activities that shape ethical behaviour without their detailed regulation. The second method prefers detailed specification of behavioural standards in legal acts.

Ethical training is also a tool for shaping the ethical level, they can have different character. The simplest are basic trainings, which aim to sensitize an official to ethical issues. In turn, specialist trainings are used to acquire the ability to recognize ethical problems and gain knowledge in the field of techniques for solving them (*ibidem*: 120).

The means of shaping ethical attitudes in public administration, which can be applied at the initial stage of the creation of the administration corps, is a specific system of recruitment and selection. The condition for assuming that it is possible to achieve and maintain an appropriate level of ethical within public administration is the selection of suitable candidates. The criterion we take into account in the employment, in addition to competence and education, should be the appropriate moral level of the candidate. Verification of the moral level can take place by including ethical issues in interviews and tests, and through the system of opinions and references (*ibidem*: 117).

The solution to the question: „How to undertake ethical activities in public administration?” raises fundamental problems. There are many ethical problems facing a public administration employee. For the outsiders, this issue may seem obvious: an official should always work in an absolutely clean manner, without any doubt in the ethicality of his decisions.

Ethics and the value system

Ethics is defined as a set of values that guide people in their behaviour. The public interest is the highest good for public administration officials. On the basis of this assumption, key public service values can be formulated. Among them one should include:

1. Democratic values are crucial and form a basis for other groups. Civil servants provide support to elected ministers and those responsible to the parliament, in accordance with the constitution and the law regarding fulfilling a democratic mandate and strengthening public trust. Civil servants should be loyal to the public interest as interpreted by the democratically elected authorities and defined in the constitution and laws. Therefore, officials should respect, among others the responsibility of ministers, human rights and the rule of law and the primacy of law.

2. Professional values, including such elements as competence, professional excellence, improvement of one's own skills, effectiveness, impartiality and quality, innovation, acting for the citizen, teamwork, partnership. The role of administration is mainly to achieve nationwide goals and to balance in a democratic way conflicting social interests, because the satisfaction of one citizen may conflict with the interest of society as a whole. Despite the emphasis on the value of effectiveness, it should be remembered that the principles of the democratic state personalized in the procedures protect against the arbitrariness of public officials.
3. Ethical values, including values common to the whole society, such as integrity, empathy, impartiality, responsibility for their actions, justice, prudence, disinterestedness, objectivity and respect for the law.
4. Human values are very close to ethical values. They contain existential values that are important for interpersonal relations. One can mention here respect, tolerance, good behaviour and respect for human dignity. These values may refer to the management process and then they concern engagement, participation, communication or consultation (Haussner, 2015: 254–255).

The main functions fulfilled by ethics in the functioning of the public administration are connected with securing the public interest. Therefore, ethical standards are considered to be the basis for:

- a) good governance, because ethically motivated officials make decisions based on substantive criteria, thanks to which the administration's actions are more effective;
- b) legitimacy of the administration's action and thus stimulating trust in the state institutions;
- c) prevention of organizational pathologies and, above all, corruption, shaping positive values in public life;
- d) making it easier for officials to make difficult decisions that will resolve different situations (*ibidem*: 252–253).

Ethics in the functioning of public administration in the European Union is directly related to the right to good administration. It is defined by the Charter of Fundamental Rights, which states that every citizen has the right to an impartial and fair settlement of his/her case within a reasonable period by the institutions, bodies and agencies of the Union. This right includes: the right of every person to be heard before an individual measure that adversely affects his or her situation is taken; the right of every person to have access to his case files, subject to respect for the legitimate interests of confidentiality, as well as professional and commercial secrecy; an obligation on the administration to justify its decision. Furthermore, according to this provision, any person may write to the institutions of the Union in one of the languages of the Treaties and must receive an answer in the same language (Karta Praw Podstawowych Unii Europejskiej).

The above provision was the basis for creating the European Code of Good Administrative Behaviour aimed at regulating the work of officials in the European Union. This document was adopted by the European Parliament on September 6, 2001. It mainly concerns the external relations of the administration. According to its provisions, all actions of all organs and officials have grounds and are in accordance with the substantive and procedural law of the Communities. The principle of equality applies and unequal treatment should be justified by objective considerations. The Code prohibits absolute discrimination based on nationality, gender, language, religion and belief, race, colour, ethnic and social origin, genetic features, membership of national minorities, sexual orientation, beliefs – especially political ones. In the case of imposing obligations on citizens or limiting their rights, officials are subject to the principle of proportionality, i.e. refraining from actions disproportionate to the purpose. In this respect, they should at the same time be guided by the protection of the private interest and the public interest. In external activities, the official can only achieve those objectives that lie within the scope defined by law – she/he does not undertake actions aimed at achieving goals unspecified by law or unjustified by the public interest. The official undertakes impartial and objective action, free from any arbitrariness, preferences and unconnected to his own personal, family, national or political interests or property interests of a close family member. She/he should act taking into account all relevant circumstances, honestly and reasonably. She/he observes the existing practice and justifies in writing any deviations from it and follows the rules of conduct shaped in the past.

If necessary, the official provides advice about the manner of proceeding necessary to obtain a possible and desired solution. She/he behaves correctly, courteously and is available at any time. She/he provides comprehensive and accurate answers. In the absence of competence in a particular area, the official directs the interested party to the appropriate official. In the case of an error that violates the interests or rights of a citizen, the official tries to reverse the negative effects of the error, apologises and at the same time informs the citizen of the means of appeal available.

A decision adversely affecting the rights or interests of a party should include information on means and methods of action and on the possibility of initiating court proceedings or lodging complaints with the Ombudsman (Czaputowicz, 2006: 370–372).

In Poland, the basic regulations related to official ethics are included in the Act on Civil Service. One of the basic duties of civil servants is to perform tasks reliably and impartially. In addition, an official is not obliged to follow a particular or group interest in his or her conduct. The above provisions cover situations, not only when it comes to accepting property benefits, but any action that is not dictated by substantive considerations and the public good, but results from the interest of a privileged group or person. An important element of civil service law is a clear system of recruitment and selection as well as promotion and rewarding of employees. It should be based on objective criteria, equal to all administrative employees and transparent

to public opinion, and it aims to minimize the practice of „sharing loot” in public administration between the winning groups. It also counteracts nepotism when appointing people for administrative positions (*ibidem*: 372).

One of the important instruments for strengthening ethical attitudes in public administration in Poland is the Civil Service Code. It was developed by the Commission appointed by the Head of the Civil Service and signed by the Prime Minister on October 11, 2002. It is a set of standards of conduct, based on the values specified in art. 153 of the Constitution of the Republic of Poland and the Act on Civil Service. These rules are professionalism, reliability, impartiality and political neutrality. Procedures and mechanisms for implementing and enforcing the provisions of the Code are also important. According to these assumptions, administration employees should act lawfully, treat all recipients of public services impartially, work honestly and professionally. In addition, they should maintain their loyalty to the office and their superiors, refusing to follow instructions only in cases where it may lead to an offence or a crime. The Code requires officials to treat all participants in administrative matters equally. They cannot demand nor accept any material benefits (*ibidem*).

Codes of ethics

Territorial self-government permeates with interests conditioned by personal good and public good. This may lead to conflicts whose consequences may have a negative impact on residents. A properly functioning territorial self-government is therefore the key to the proper functioning of a given territorial unit, the purpose of which is to meet the collective needs of citizens. Self-government administration should work with people with the right ethical attitude, who are aware that their primary duty is to protect the public interest. The high quality of self-government activities is definitely a necessity to properly manage a given area. Local authorities are trying to meet the growing expectations of residents of local government units. Local government administration must constantly develop to properly perform tasks for the common good (Stasiak, 2016).

The Code of Ethics is a catalogue of standards of ethical behaviour defining the behaviour of employees. It is a set of ethical principles and values that set standards for the conduct of public officials in pursuit of the public interest. It is a logically ordered set of ethical principles. Its purpose is not to create new standards, to translate deviations from general ethics, to replace one's own ethical feelings, but to concretize and specify the norms of general ethics to the specifics of a given profession (Filek, 2014: 10, 85).

Local government employees form part of the broadly understood public service, where administrative ethics are implemented. Administrative ethics perform various functions, including ensuring appropriate conditions for the implementation of tasks and protecting against misuse of public functions. Ethics also helps to counteract cor-

ruption, shapes positive values in public life and facilitates officials to make difficult administrative decisions. (Kudrycka, 1995: 142–149).

An employee of local government administration also faces dilemmas, which largely give rise to conflicts within the administration. The ethical problems faced by officials in their daily work include: (1) roles (difficulties with determining the hierarchy of roles), (2) duties (conflicts of legal and organizational obligations that arise from official orders) supervisors, recommendations of councillors and parliamentarians), (3) conflicts of interest, (4) loyalty (contradicting loyalty to law, society, supervisors, administration, professionalism of activities, political loyalty and own morality), (5) responsibility (subject, scope and limits of liability, legal responsibility, organizational, political and ethical), (6) resulting in distortion of information between an official and citizens, (7) values (difficulty in choosing values, including universal values of a democratic society, such as public interest, justice social equality and freedom) (Stasiak, 2015: 91).

Unambiguous conduct rules can be derived from ethical codes. They demand a hundred percent obedience, discipline and compliance with the rules set as binding for a given professional group. One would therefore expect total dedication to these rules, adherence to them in all respects and at every point is a fundamental and essential duty that at the same time guarantees ethical conduct. If, however, this was the case, then the problem of ethics would not have to be discussed at all (Czaputowicz, 2011: 53).

Conclusion

The norms of European Union legal acts and national legislation define in detail the rules related to the professional ethics of public administration employees. An official, as a representative of the institution of the state, performs a service function. It is a profession of public trust whose attitude affects citizens' trust in the state. Therefore, she/he is required to be honest, reliable and deserving of trust. Therefore, she/he is required to be honest, reliable and deserving of trust. She/he should behave with dignity. In his work she/he should rely on the principles of good administration, which is a fundamental right of the individual in a democratic state of law. Citizens expect politicians, public officials, and officials to abide by ethical standards of integrity in a more rigorous manner than other professional groups, and that they will work for the common interest. The actions of persons who perform social functions related to the exercise of power should always be clear and pure from this perspective, there should be no doubts. These standards for officials are, in social expectation, more restrictive than those relating to other social groups, e.g. the private sector (Czaputowicz: 2012: 12).

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Summary

The ethical responsibilities of local government employees

This article discusses the ethical responsibilities of a local government employee. The authors argue that an official, as a representative of a state institution, performs a service function. Civil service is a profession of public trust. The employee of local government can affect citizens' trust in the state. Therefore, she/he is required to be honest, reliable and deserving of trust. She/he should behave with dignity. In his work she/he should rely on the principles of good administration,

which is a fundamental right of the individual in a democratic state of law. Citizens expect politicians and public officials to abide by ethical standards of integrity in a more rigorous manner than other professional groups, and to work for the common interest. The actions of persons who perform social functions related to the exercise of power should always be transparent and pure from this perspective, and should raise no doubts.

Keywords: administration, ethics, civil service ethics