

# PRESENTATION ON ETHICS IN PUBLIC ADMINISTRATION

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# OUTLINE OF PRESENTATION

- Learning objective and outcome
- Definitions:
  - Public Administration
  - Ethics and code of Conduct
- General Requirements in Public Service
  - i) Conflict of interest
  - ii) Unauthorised disclosure of information /document

# OUTLINE CONT'D

iii) Culture of confidentiality

iv) Avoidance of waste

v) Broadcast and lectures

vi) Participation in Party Politics

# LEARNING OBJECTIVE AND OUTCOME

- The objective of this presentation is to raise participants' awareness about acceptable conduct in the Public Service.
- The outcome is that participants will be able to operate above board in their respective organisations.

# WHAT IS PUBLIC ADMINISTRATION

- It is a part of the wider term, “administration”. The word *administer* is derived from the Latin word *Administrate*, which means to take care for or to look after people, to manage affairs.
- It implies getting things done to accomplish objectives.

# DEFINITION CONT'D

- It refers to that part of administration which pertains to the administrative aspects of government.
- It is that part of science of administration which has to do with government that concerns itself with the executive branch where the work of the government is done.

# WHAT IS ETHICS

- Ethics is a set of regulations that guide professionals in the discharge of their duties. It is also known as code of conduct.
- Conduct is behaviour, attitude and character exhibited by anyone within and outside the working environment

# CHARACTERISTICS OF ETHICS

- It is a moral philosophy of what is wrong or right. It is voluntary. However, because it is voluntary, one has to submit to the organisation to implement it so that if a member violates it, he or she can be penalized.

## CHARACTERISTICS cont'd

- Code of ethics is codified by members of the association. E.g. IPR and GJA code of ethics
- It is enforced by members of the association. No external force is allowed to interfere.

# CHARACTERISTICS cont'd

- Code of conduct is therefore, a compilation of set of rules or written down regulations to be adhered to by members.
- The principal test of ethics is public interest.

# GENERAL REQUIREMENTS

- Every Public Servant shall show loyalty to the State, the government and the organisation he/she works for.
- Every Public Servant shall discharge diligently all duties and task allocated to him/her with the aim of achieving the objectives thereof.

# REQUIREMENTS cont'd

- Every Public Servant shall not put himself / herself, family or friends in a position where his / her or their interest conflicts with the functions of his /her office.
- A Public Officer is prohibited from receiving valuable gifts (other than ordinary gifts of personal friends) whether in the form of money, goods, hospitality or other personal benefits, if-

# REQUIREMENTS cont'd

he has reason to believe that the gifts received are intended to influence his judgement or action on a case he is dealing with or will handle in future.

- It is equally reprehensible for a Public Servant to give a gift to influence the judgement or action of another person in his favour.

# WHAT IS CONFLICT OF INTEREST

- It is exactly what the term implies. A conflict between a given person's duty as a public officer and his/ her interest as a private person.
- Private interest is financial or other interests. It covers the interests of:
  - i) Family members, relatives;
  - ii) Personal friends

## COI cont'd

iii) Clubs and associations

iv) Persons to whom one owes a favour or is obligated.

# FINANCIAL INTERESTS

- It includes financial portfolios that public officials have before assuming public office, e.g. links to family business, professional practices, property, investments /shareholdings and other assets.

# WHEN DOES CONFLICT OF INTEREST OCCUR

- It occurs when the promotion of the private interest of the public official results or is intended to result in or appears to be or has the potential to result in the following:
  - i) An interference with the objective exercise of the person's duties and
  - ii) An improper benefit or an advantage by virtue of his/ her position.

# COI -what's an advantage

- An advantage includes :
  - i) A gift,
  - ii) Loan,
  - iii) Reward,
  - iv) Commission,
  - v) Employment or contract
  - vi) Service or favour
  - vii) Exercise of right or power.

# TYPES OF COI

- There are three types of conflicts of interest. These are
  - i) Real or actual
  - ii) Potential and
  - iii) Apparent

# TYPES OF COI cont'd

- Real or actual COI is that which leads to improper performance of duties such as, abuse of power and corruption.
- Potential is the existence of private interests where there is the possibility of a COI arising if the public official were to take the relevant official responsibilities in the future.

# TYPES OF COI cont'd

- Apparent COI :appearance of it, i.e. the private interests could improperly influence the performance of a public duty but it is not the case yet (if at all).
- Apparent and potential COIs are potentially corrupt conduct, but.

# TYPES OF COI cont'd

- which may never happen (if steps are taken to prevent them from occurring).

# CAUSES OF COI

- There are three main causes of COI. These are:
  - i) Nepotism
  - ii) Financial interest
  - iii) Outside employment

# EXAMPLES OF COI

- 1) Self dealing- it is the case of dealing with oneself in one capacity as a private person and in the other as a public official. It is the practice of soliciting some forms of benefit in exchange for the exercise of one's official authority or influence.
- 2) Partiality in the performance of official duties.

# EXAMPLES CONTINUE

- 3) Participating in a matter involving specific parties, which the official knows is likely to affect the interest of his /her family, friend or partner if a reasonable person with knowledge of the facts would question his/ her impartiality in the matter.
- 4) Using public office for private benefit.

# EXAMPLES OF COI CONT'D

- Recruiting and employing spouses, relatives and other close associates based on those relations, for example old boys and girls, membership of association etc.
- Using non-public or confidential information to further personal interest
  - Moonlighting-Engaging in another employment while in office as public officer

# EXAMPLES OF COI CONT'D

- Soliciting and accepting gifts-tangible or intangible, directly or indirectly from persons with whom officials come into contact in relation to official duties.
- However, some gifts are allowed on condition that accepting those gifts will not appear to influence or result in influencing the performance of official duties. These include:

# CONT'D

- i) Unsolicited gifts of souvenirs
  
- ii) Gift from family members on the basis of family relationships only.

# THESE QUESTIONS WHEN CONFRONTED WITH GIFT

- Is this gift in appreciation for something I have done in my role as a public official, and not sought or encouraged by me?
- If I accept this gift, would a reasonable person have any doubt that I would be independent in doing my job in the future, when the person responsible for this gift is involved or affected?

# CHECKLIST OF QUESTIONS

## cont'd

- If I accept this gift, would I feel free of any obligation to do something in return for the person responsible for the gift, or for his/ her family or friends/ associations?
- Am I prepared to declare this gift and its source, transparently to my organisation and to the Internal Revenue Service?

# CHECKLIST OF QTNS cont'd

- Will the donor expect something substantial from me in return?
- Is an attempt being made to persuade me to do something that is prohibited by law, or contrary to regulations or my organisation's policy?

# CHECKLIST OF QTNS cont'd

- Is an attempt being made to gain an unfair competitive advantage by influencing my discretionary decisions?

# DISPOSAL OF PROHIBITED GIFT

- Gift offered to/ accepted by a public officer in violation of the exceptions must be politely but firmly declined or immediately returned to the sender if delivered without prior notice.
- When it is not practicable to return a tangible item because it is perishable, the item should be given to an appropriate charity.

# HOW TO DEAL WITH A COI SITUATION

- As soon as COI is foreseeable, the public official must take all appropriate steps to remove him/herself from the situation or the official can report the COI situation and its circumstances to his/her superior officer or disclose the conflict.

# COI-WHAT TO DISCLOSE

- Public officials must disclose assets and liabilities, gifts, conflicting interests, outside employment, and NGO activities.

# HOW WILL THE PO KNOW THAT HE/SHE IS IN A COI SITUATION?

- It may not always be easy to identify a COI situation.

Therefore, when in doubt, the official should talk to his/her Head of Department or an authorised officer and seek advice.

- It will also be useful to go through some or all of the following:

# COI-WHAT TO DISCLOSE cont'd

- i) Is all the relevant information available to ensure a proper assessment of the situation?
- ii) What is the nature of the relationship or association that could give rise to the conflict?
- iii) Is legal or ethical advice needed?
- iv) What are the laws governing the situation?

## WHAT TO DISCLOSE cont'd

- v) Could my involvement in the matter cast doubt on the organisation's integrity?
- vi) Is the matter of public interest?
- vii) How would it look to a member of the public or to a potential contractor or supplier to the organisation?

# HOW TO DEAL WITH COI SITUATION cont'd

- What is the best option to ensure impartiality and fairness, as well as to protect the public interest?

# HOW TO RESOLVE OR MANAGE COI

- i) Transfer of the public official to duty in a non-conflicting function.
- ii) Resignation of the public official from the public office.
- iii) Re-arrangement of the public official's duties and responsibilities
- iv) Divestment or liquidation of the interest by the public official

## GR ON CODE OF CONDUCT cont'd

- No Public Servant shall employ for private purposes, the services of other Government officers or employees during hours of duty, or shall he make use of materials, stores or equipment which are property of the state, except with the approval of the Head of the Ministry/Department/Region/District. In such cases, services which may involve the use of.

# GR ON CODE OF CONDUCT CONT'D

Government property may be rendered by Government employees within the official working hours for the convenience of members of the public, including Civil Servants, in return for a charge to be paid into the consolidated fund.

- No Public Servant shall in his/her capacity act as agent for any member of the public nor receive-

# GR ON CODE OF CONDUCT

cont'd

any payment from public funds on behalf of any member of the public.

- No Public Servant shall engage in business or any commercial undertaking and on appointment, he/she shall declare to his/her appointing authority his/her interest in any business or commercial undertaking. If after appointment and in the course of his/her career he/she-

# GR ON CODE OF CONDUCT

cont'd

Wishes to undertake any such business, he/she shall first obtain clearance from his/her Head of Department.

- All Public Servants are required, subject to the exigencies of the Service, to work a minimum of 35 and a maximum of 45 hours per week, in accordance with International Labour Organisation convention.

# UNAUTHORISED DISCLOSURE OF INFORMATION/DOCUMENT

- Official correspondence and records must not be shown or produced or copies communicated to a private person without the express permission of the Head of Department or an officer in senior grade to whom authority is delegated.
- Where in the opinion of a Public Servant, the contents of any correspondence or record are

## UDI cont'd

prejudicial to the interest of the Public Service and the people of Ghana, he/she shall draw attention of his/her Head of Department to them. The Head of Department shall study the contents of the records and initiate whatever action he/she considers necessary.

# CULTURE OF CONFIDENTIALITY

- Public Servants should continue to maintain the culture of confidentiality even after they have left office. In other words, they should not release confidential information they have come by during their tenure of office to unauthorized people when they are out of office. To do so, they might render themselves liable under the state secrets Act.1962, Act 101.

# AVOIDANCE OF WASTE

- Public Servants should avoid waste in the use of human, financial and material resources as well as time.

# BROADCAST AND LECTURES

- Public Servants are encouraged to write articles or make public speeches within their fields of competence after necessary clearance from their Sector Minister or Head of the Organisation, has been obtained.
- Public Servants shall not without the express permission of the Head of Organisation, act as editor of any newspaper, magazine or

## B&L CONT'D

periodicals or take part directly or indirectly in the management, thereof, nor publish in any manner anything which may reasonably be regarded as of political nature.

- This provision does not affect any Public Servant who is required as part of his/ her official duties to edit any paper or subscribe articles thereto.

## B &L cont'd

- No officer, unless specifically authorised, shall communicate either directly or indirectly to the press or to any authorized persons any information which he/she may have gained in the course of his/her official duty.

# POLITICAL PARTY PARTICIPATION

- The Constitution of Ghana confers rights on all citizens of Ghana including Civil Servants and Local Government staff to join any political party or association of their choice. However, by virtue of the traditional role of the Civil and Local Government Service to serve the Government of the day, loyally, and to maintain the confidence of any future administration, a Civil Servant or Local Government staff may not:

## PPP cont'd

- (i) Accepts any office paid or unpaid, permanent or temporary, in any political party organisation
- (ii) Make speeches or join in demonstrations in favour of any political person, party or propaganda.
- iii) Indicate publicly his/her support for any party, candidate or policy

## PPP cont'd

iv) Engage in activities which are likely to involve him /her in political controversy.

v) Notwithstanding, Civil Servant or Local Government staff is entitled to his views in political matters and, if so qualified may vote at elections.

END OF PRESENTATION  
THANK YOU