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DIRECTORATE-GENERAL OF THE PUBLIC SERVICE

# **PUBLIC EMPLOYMENT IN EUROPEAN UNION MEMBER STATES**

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*Editorial Committee:*

Coordinator: Isabel Hernández Fernández del Valle.

Editorial Head: Jesús Etayo Yábar, Enrique Núñez Morgades y Emilio Viciano Duro.

Technical Advisors: Isabel Gabella Valera, Laura García-Manzano Guerra, Pedro Carlos Garrido Matas, Elena Gómez Bada and Alejandro Grávalos Ezquerro.

Technical and IT Backup: Ángel Martín Segundo, International contact officials: Lidija Cvetkovic and Marek Szczypek.

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# INTRODUCTION

The aim of this study is to provide a summary of the most important aspects of public employment within the community framework by means of a comparative analysis. This summary has been taken from the full study prepared by the aforementioned working group.

The study has been possible thanks to the cooperation of the different spokespersons in each country. However, due to time restrictions in its preparation, we must apologise for any inaccuracies or errors that may have occurred, and interested parties are requested to provide any necessary clarifications or corrections.

The study, which follows the same structure for all countries, does not intend to be exhaustive or in-depth as this is not its purpose, but instead, it provides an introduction to this type of employment within the community and may be used as a starting point for future specific studies.

## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

All *executive powers* in the European Union are dual, the role of Head of State may be exercised by the Monarch, (Sweden, Denmark, Netherlands, Belgium, United Kingdom, Luxembourg and Spain), or by the President of the Republic (remaining countries). *Judiciary power* is characterized by its homogeneity and independence compared with other powers. In all cases, *legislative power* lies with a Parliament that may have a single chamber or two chambers.

PARLIAMENTARY SYSTEMS	TWO HOUSES	SINGLE HOUSE
MEMBER STATES	Germany	Bulgaria
	Austria	Cyprus
	Belgium	Denmark
	Slovenia	Slovakia
	Spain	Estonia
	France	Finland
	Ireland	Greece
	Italy	Hungary
	Netherlands	Malta
	Poland	Latvia
	United Kingdom	Lithuania
	Czech Republic	Luxembourg
	Romania	Portugal
		Sweden

## REGIONAL ORGANIZATION. REGIONAL LEVEL (COMPARATIVE TABLE)

UNITARY STATES		COMPOUND STATES	
CENTRALIZED	DECENTRALIZED	FEDERAL	REGIONAL
Estonia	Denmark	Germany	Italy
Latvia	Finland	Austria	Spain
Lithuania	France	Belgium	United Kingdom
Slovenia	Romania		Czech Republic
Cyprus	Greece		
Malta	Slovakia		
Luxembourg	Netherlands		
Ireland	Bulgaria		
Hungary	Poland		
Portugal	Sweden		

**Local Level** There are different levels of self-government and classification of local authorities, whereby the spectrum of powers varies depending on the countries. The local level plays an important role in the Nordic countries, Netherlands and United Kingdom. In any case, all EU countries have ratified the European Charter of Local Self-Government.

### Public administration

The administrative organization of the EU countries has evolved from an initial Bureaucratic Administration through the modernization of structures, creation of agencies, specialization of duties, on-going training, the use of new technologies and the outsourcing of services.

## 2. CIVIL SERVICE STRUCTURE

### Civil Servants. Current Situation.

1. Duality, in most countries between civil servants and non-civil service employees, with different legal systems and a tendency to unify the contents and working conditions of both groups.
2. Their excessive temporary nature is a widespread phenomenon in both the public and private sectors.
3. Problems in differentiating functions to be carried out by civil servants, non-civil service employees and by those recruited using trust criteria. The latter are usually temporary and are recruited to perform management or administrative management functions.

In general, the following types exist:

- A. **Civil Servants:** This is a heterogeneous group and is made up of all those public employees linked to a Public Administration through an act of appointment and a statutory relation which is essentially regulated by Administrative Law. The civil servant condition does not necessarily mean that they work full time in public service, but it is compatible with part-time work or, where appropriate, working from home or any other forms that may be established by the corresponding laws and according to needs.
- B. **Non-civil service employees:** Non-civil service employees serving Public Administrations and Authorities are governed by employment law but with special conditions and numbers have increased over the years. The main problem in most of the EU member states is the system to apply and uniformity of conditions in the provision of services.
- C. **Interim/Transitory/Temporary Staff:** This type of staff fills a vacancy that is not performed by a career-based civil servant. They are recruited in all Member States on the principles of merit and ability and they are freely appointed and released. Their numbers and duties differ from country to country.
- D. **Management:** Managers assume important responsibilities with high added value in most countries. Their regulatory system, responsibilities, working hours and remuneration level varies in the different civil service systems.

Staff management is vested in the government through ministries: Ministry for Public Administration (Slovenia), Home Office (Czech Republic) or Finance (Denmark) etc. Remuneration and budgetary powers affecting civil servants usually lies with the ministry responsible for finance.

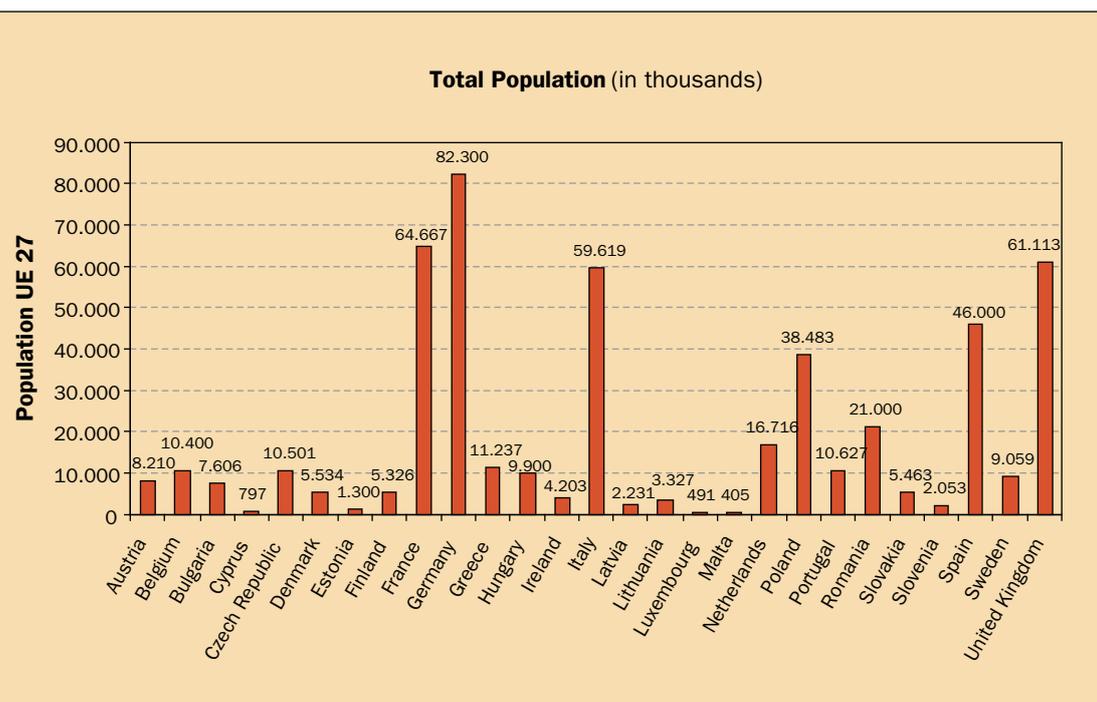
#### COMPARISON OF PUBLIC ADMINISTRATION LEVEL OF EMPLOYMENT

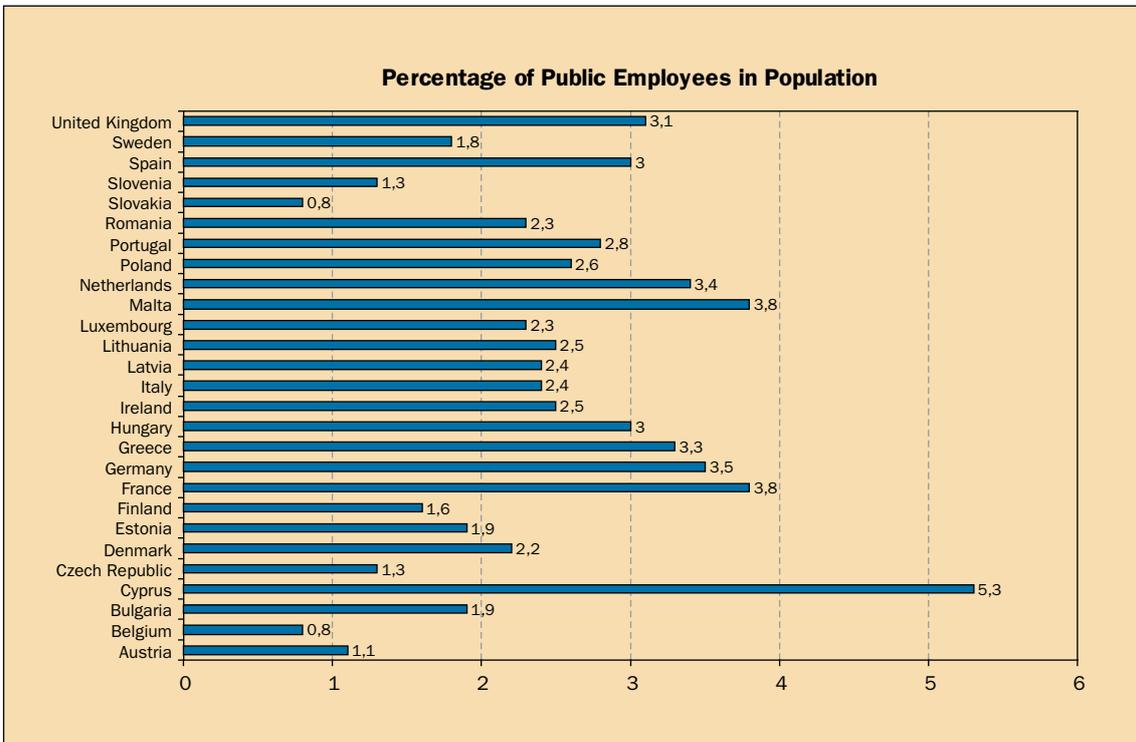
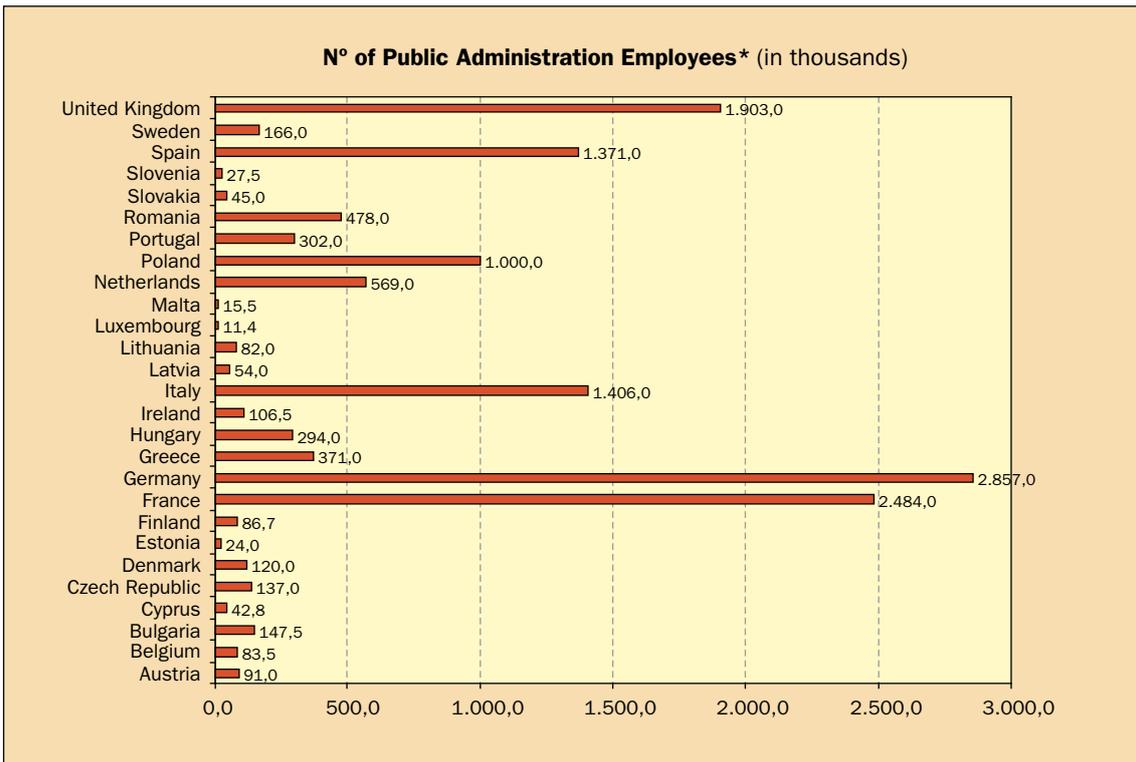
N°	COUNTRY	TOTAL POPULATION (IN THOUSANDS)	N° OF PUBLIC ADMINISTRATION EMPLOYEES* (IN THOUSANDS)	PERCENTAGE OF PUBLIC EMPLOYEES* IN POPULATION
1	Austria	8.210	91	1,1
2	Belgium	10.400	83,5	0,8
3	Bulgaria	7.606	147,5	1,9
4	Cyprus	797	42,8	5,3
5	Czech Republic	10.501	137	1,3
6	Denmark	5.534	120	2,2
7	Estonia	1.300	24	1,9
8	Finland	5.326	86,7	1,6
9	France	64.667	2.484	3,8
10	Germany	82.300	**2.857**	3,5
11	Greece	11.237	**371**	3,3
12	Hungary	9.900	**294**	3,0

N°	COUNTRY	TOTAL POPULATION (IN THOUSANDS)	N° OF PUBLIC ADMINISTRATION EMPLOYEES* (IN THOUSANDS)	PERCENTAGE OF PUBLIC EMPLOYEES* IN POPULATION
13	Ireland	4.203	106,5	2,5
14	Italy	59.619	**1.406**	2,4
15	Latvia	2.231	54	2,4
16	Lithuania	3.327	**82**	2,5
17	Luxembourg	491	11,4	2,3
18	Malta	**405**	**15,5**	**3,8**
19	Netherlands	16.716	**569**	3,4
20	Poland	38.483	**1.000**	**2,6**
21	Portugal	10.627	302	2,8
22	Romania	21.000	**478**	2,3
23	Slovakia	5.463	45	0,8
24	Slovenia	2.053	27,5	1,3
25	Spain	46.000	1.371	3,0
26	Sweden	9.059	166	1,8
27	United Kingdom	61.113	**1.903**	3,1

\* Public Administration: public employees (without differentiation on what basis the employment takes places, weather the workers are appointed or working with a contract) that is staff employed by the central government institution (Ministries, Agencies, Inspectorates, civil workers in law enforcement agencies, police, civil workers in army, staff employed in foreign service) and Constitutional institutions but excluding medical staff, teachers and academics.

\*\* Data obtained from EUROSTAT





### 3. RIGHTS, OBLIGATIONS AND VALUES OF PUBLIC EMPLOYEES

In terms of principles and values for Public Employees, many States have drawn up their own ethical Codes of Conduct, either incorporated into civil service legislation or independently.

#### Values

Values form part of a common axiological framework within the regulatory system of each country. Although the terms value and principle have not been sufficiently defined, most countries differentiate between both categories in their legal texts. Common values include:

1. *EFFICIENCY*: Efficiency is mainly identified with the exercise of public functions and almost always depends on technical skill and experience.
2. *OBJECTIVITY*: Most European public employment systems set out permanence, professionalism, speciality and technical preparation with legal connection in order to bring administrative action fully in line with the law and a direct relationship with public interests. One of the basic and general requirements of public administration in the EU is the necessary objectivity in the exercise of public functions.
3. *TECHNICAL KNOWLEDGE, EXPERIENCE AND PROFESSIONALISM*: Along with an employment relationship and the exercising of functions to ensure impartiality, those related to the use of technical know-how are subject to objectivity, including the interpretation of public interest.
4. *EQUALITY, MERIT AND ABILITY*: There is some disparity regarding their consideration as principles or values. However, they are considered to be essential in selection systems and job performance and appointment. There is also homogeneity in the evolution of the equality value.

#### Rights

General legislation on public service in each State sets out a list of rights for civil servants. They are normally basic rights that are similar for all staff, regardless of whether they are career civil servants, non-civil service employees, temporary or interim staff or management. They include the right to a career, training, paid work, paid leave and holidays, effective performance of the tasks related to their professional category, objective and transparent assessment in the exercise of their functions, respect for their privacy, sexual orientation, image and category at work, work-family life balance, the freedom of expression, etc. There are other rights that are only recognised for a single category of employees such as the right to immobility and permanence, which is mainly attributed to civil servants.

Along with individual rights, there are other group rights that are recognised in the Member States analysed. The right to unionization, free professional association, collective bargaining, strike, etc. is particularly important.

#### 4. ADMINISTRATIVE CAREER

At work, a common framework in terms of career has been detected. As far as classification and organization is concerned, the States tend to create diverse professional groups linked to entry qualifications, on one hand, and to salary bands, on the other hand.

The traditional career model is vertical, whereby an employee moves up the different categories. However, there are countries that consider the possibility of promotion without changing jobs, such as the horizontal career. Finally, the career system is starting to include performance appraisal.

<b>CAREER SYSTEM (COMPARATIVE TABLE)</b>			
	<b>CAREER-BASED SYSTEM</b>	<b>HYBRID SYSTEM</b>	<b>POSITION-BASED SYSTEM</b>
Member States	Germany	Bulgaria	Denmark
	Austria	Slovakia	Estonia
	Belgium	Slovenia	Finland
	Cyprus	Italy	Netherlands
	Spain	Latvia	United Kingdom
	France	Lithuania	Czech Republic
	Greece	Malta	Sweden
	Hungary	Poland	
	Ireland		
	Luxembourg		
	Portugal		
	Romania		

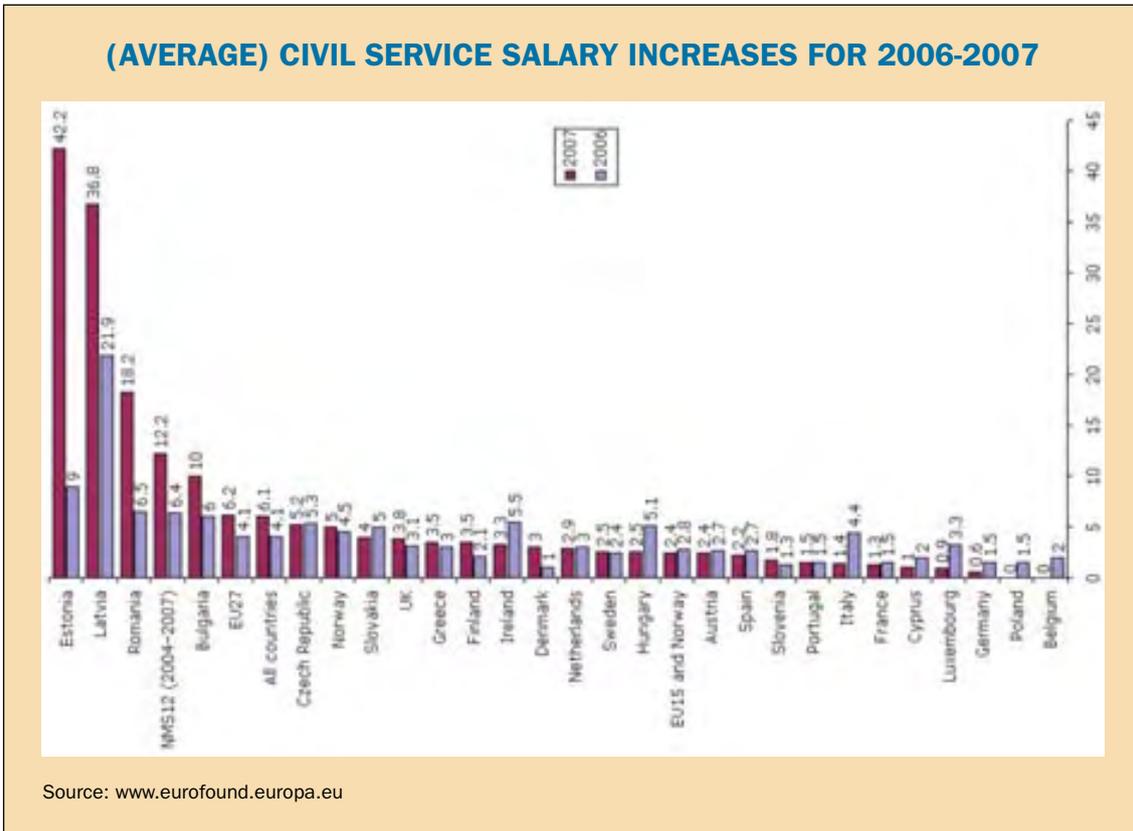
#### 5. REMUNERATION

The general remuneration system in the Member States responds principally to the following objectives: recruitment of good professionals; performance -related; retention of valuable professionals; increase in the level of staff satisfaction and quality of working life; strengthening of the public service culture, etc.

In the current models, the general pay increases are determined in accordance with the annual provisions of the state budgetary regulations. These set out maximum limits for pay rises in all Public Administrations. Pay in the public sector is generally lower than in the private sector, with a significant difference in the case of management and high level employees, and it increases as careers progress.

In turn, the pay system is closely linked to the career-based system mentioned in the previous paragraph. Therefore, in the States, part of the salary (base salary) is usually linked to the salary scale for the specific job performed by a certain public employee.

The rest of the pay is based on another series of criteria or bonuses that affect the pay structure of public employees. In most countries, traditional and common criteria are related to seniority although, as indicated, there are increasingly more bonuses linked to performance appraisal. Other factors, such as the employee's family situation, overtime or working on public holidays, danger allowance, etc. are also being taken into account when establishing pay schemes. In some States (for example Denmark) salary increases are linked to those in the Private Sector.



## 6. SOCIAL DIALOGUE AND REPRESENTATION SYSTEM

Social dialogue and bargaining form part of the public employee statutory system. In collective bargaining, countries apply a different system to civil servants and non civil service employees, in accordance with the differences between both groups.

**BARGAINING SYSTEMS AND UNION ASPECTS (COMPARATIVE TABLE)**

COUNTRIES	CENTRALIZED (C) DECENTRALIZED (D)	RIGHT TO STRIKE *YES WITH EXCEPTIONS	BINDING AGREEMENT	RIGHT TO COLLECTIVE BARGAINING	% LEVEL OF UNIONIZATION (- NOT AVAILABLE)
Germany	C and D	Partial	Yes	No	40-55
Austria	C	Yes	Yes	Yes	53

COUNTRIES	CENTRALIZED (C) DECENTRALIZED (D)	RIGHT TO STRIKE *YES WITH EXCEPTIONS	BINDING AGREEMENT	RIGHT TO COLLECTIVE BARGAINING	% LEVEL OF UNIONIZATION (- NOT AVAILABLE)
Belgium	C and D	Yes	No	Yes	40-55
Bulgaria	C	No	Yes	No	25-40
Cyprus	C and D	* Yes	Yes	Yes	8
Denmark	C and D	Partial	Yes	Yes	90-95
Slovakia	C and D	* Yes	Yes	Yes	10
Slovenia	C	* Yes	Yes	Yes	50
Spain	C	* Yes	Yes	Yes	27
Estonia	D	* Yes	Yes	Yes	15
Finland	C and D	* Yes	Yes	Yes	90
France	D	* Yes	No	No	-
Greece	C	* Yes	Yes	Yes	-
Hungary	D	* Yes	Yes	Yes	25-30
Ireland	D	* Yes	Yes	Yes	55-70
Italy	C and D	* Yes	Yes	Yes	-
Latvia	C and D	Partial	Yes	Yes	15
Lithuania	C and D	Yes	Yes	No	15
Luxembourg	C	* Yes	Yes	No	-
Malta	C	* Yes	Yes	Yes	-
Netherlands	D	* Yes	Yes	Yes	25-40
Poland	C	Partial	No	No	-
Portugal	C	* Yes	Yes	No	-
United Kingdom	D	Yes	Yes	Yes	65-70
Czech Repub.	C	* Yes	Yes	Yes	-
Romania	C and D	No	Yes	No	55-70
Sweden	C and D	* Yes	Yes	Yes	80

## 7. SENIOR CIVIL SERVANTS

This figure is present in many EU countries, although with different characteristics and peculiarities depending on each country. It is defined by the OECD as a system of personnel for high and top level management positions in the national civil service, formally or informally recognised by an authority, or through a common understanding of the organisation of such a group.

It is a career-related development framework allowing people to be competitively appointed to functions that cover public policy advice, operational or service management.

In general, there are two types of employment system for the SCS (the career-based system and the position-based system). In the career-based system, high level civil

servants share the same culture as the rest of the staff, which enables the whole workforce to work together and communication is easier, which in turn fosters internal mobility. In the position-based system, a group of candidates is selected from those with special skills by means of an open examination and they are trained with an open cultural approach so that they can adapt appropriately to working in a public organization.

Although there are significant differences between these two systems, a growing number of States have begun to combine elements of both systems (a hybrid system), as shown in the following comparative table:

<b>SENIOR CIVIL SERVICE (SCS)</b>	<b>FORMALISED SCS STATUS</b>	<b>NON-FORMALISED STATUS</b>
With special conditions	Belgium Italy Malta The Netherlands Poland Portugal United Kingdom Romania	Germany Austria Denmark Slovakia Spain Estonia Finland France Greece Ireland Latvia Luxembourg Sweden
Without special conditions	Bulgaria Cyprus	Hungary Lithuania Czech Republic

**The main common elements of SCS employment are:**

- Selection is not usually based on permanent occupation of a position.
- Relations with the Administration are characterised by previously agreed fixed conditions.
- Their activities are subject to performance appraisal in almost all States.
- In general SCS belong to the Administration or its external environment.
- There is a lot of mobility between public organisations and the public and private sector.

- Skills and experience are important in the recruitment process.
- Other skills such as leadership or future vision are valued.

Only two States have created a central, specialised body for the management of Senior Civil Servants: the Ministry of the Interior in the Netherlands and the “Civil Service Capability Group” in the United Kingdom, which is dependent on the “Cabinet Office”. The remaining countries manage them through a partially centralised system (Cyprus, Lithuania, Luxembourg, Malta, Poland, Portugal and Slovakia), or a decentralised system (Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Romania, Spain and Sweden).

**Remuneration System:** In 16 Member States, the salary system is regulated by law with pay bands and a specific amount of salary for each functional level or job category. In 10 Member States (Austria, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg and Spain) salary increases are determined by seniority or years of service in the organisation. In 16 Member States (Austria, Denmark, Finland, France, Greece, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Slovakia, Slovenia, Sweden and the United Kingdom) salary levels are determined by a positive performance appraisal via increases and bonuses. In other countries, it is determined in accordance with qualifications and years of service although a positive performance appraisal may be rewarded with a performance-related bonus.

## 8. RECENT REFORMS AND PROSPECTS

As a conclusion to this study, the following measures are necessary:

- Homogenize the different public employment models.
- Gradually incorporate management techniques from the private sector.
- Use Information and Communication Technologies.
- Facilitate mobility between public employees in the EU.
- Increase information and coordination between countries in terms of public employment.
- Improve employee training both quantitatively and qualitatively.
- Increase the presence of women in high-level positions.

## FEMALE PARTICIPATION IN EXECUTIVE POSITIONS 2007\*

%	LEVEL 1	LEVEL 2
>50%	Spain, Latvia	Bulgaria, Slovakia
>40%	Slovenia, Poland	Slovenia, Hungary, Latvia, Poland, Portugal, Sweden
30/40%	Estonia, Greece, Hungary, Romania, Switzerland	Finland, Greece, Italy, Romania
20/30%	Bulgaria, Ireland, Portugal	Austria, Denmark, Estonia, France, Lithuania, Netherlands, United Kingdom, Czech Republic
10/20%	Austria, Cyprus, Finland, France, Italy, Latvia, Czech Republic	Belgium, Spain, Ireland, Malta
5/10%	Belgium, Denmark, Malta, United Kingdom, The Netherlands	Germany, Luxembourg
0-5%	Germany, Luxembourg	

\* European Commission Directorate General for Employment, Social Affairs and Equal Opportunities: Women and Men in Decision-Making 2007, Analysis of the Situation and Trends; Brussels/Luxembourg, 2008.

# AUSTRIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Austria is a Central European country, organized as parliamentary democracy, which has been a member of the European Union since **1995**. It is a Federal Republic composed of nine States (Bundesländer).

### System of government

The **Head of State** is the Federal President, elected by popular vote for a term of six years. **The Head of Government** is the Federal Chancellor, who heads the Cabinet. Both are accountable to Parliament, which exercises legislative power through two Houses:

- The **Federal Council** (*Bundesrat*) made up of 62 members elected by the State Councils for a period equivalent to that of the regional mandates, which determines party representation in accordance with the elections that are held in the federative authorities.
- The **National Council** (*Nationalrat*) with 183 members elected every five years. This is the real legislative decision-making body.

**The Federal Chancellor** is the Head of Government. He/she puts forward the other members of the Cabinet, who are appointed or dismissed from their duties by the Federal President (Head of State). These appointments do not require Government confirmation. Parliament may present a motion of no confidence in the Cabinet or any of its members, in which case, he/she should resign. There is a Vice-Chancellor who acts as the Chancellor's deputy. He/she endorses the President's federal acts and assumes the President's competences in the case of absences of less than 20 days.

Secretaries of State are appointed in the same way as Ministers and take part in meetings of the Council of Ministers as advisers. **The Cabinet**, as an official body of the Government, exercises the competences attributed to it by Law or President Decree. The remaining competences are vested in the Ministries.

## Regional organization

**The Federal Republic** is divided into **nine States** (*Bundesländer*) and these are divided into Districts (*Bezirke*), which in turn, are sub-divided into municipalities (*Gemeinden*) and Statutory Cities (*Statutarstädte*). These Cities have the same powers as districts and municipalities. The States have legislative powers in certain areas such as culture, social protection or the environment.

Each State has its own Assembly, Government and Governor. Elections are held every five years. The State Constitution determines how the seats in the state government are assigned to political parties (most states have a system of proportional representation based on the number of delegates in each Assembly). The Governor is elected by the Parliament, meaning that it may be necessary to form a coalition in order to secure the election of a particular candidate. Vienna plays a dual role as city and “Bundesland”, meaning that the mayor serves as governor and the city council acts as an Assembly at the same time.

**The States** have legislative powers in town planning, environmental protection, hunting, fishing, etc. Questions related to education, welfare, telecommunications, the health system and criminal, civil and commercial law, etc, are regulated by federal law. Exclusive power in justice lies with the Federal State. However, the State Governor is responsible for the application of administrative legislation in his State, in addition to other powers.



**The Constitution** only sets out the powers of the State Administration and not their distribution to regional administrations, which is subject to State Law, but all State Administration matters may be transferred.

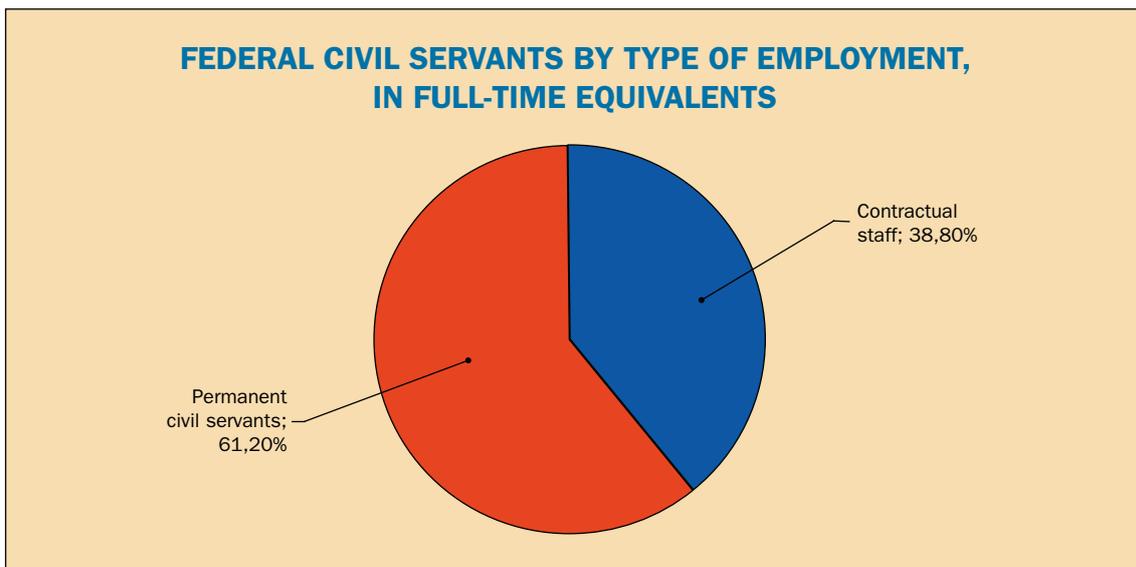
The fundamental principle that governs the Peripheral Administration is efficiency, which means that state competences are exercised by provincial bodies, particularly at district level. The Federal State District Authority acts for the good of the province and the state. Some areas, such as finance, police, defence and foreign affairs are the competence of specific State Agencies.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** The most important applicable legislation includes:

The Civil Service Act (Beamten-Dienstrechtsgesetz 1979); Contract Staff Act (Vertragsbedienstetengesetz 1948); Act on the Advertising of Vacancies (Ausschreibungsgesetz 1989); Federal Public Employees Representation Act (Bundes-Personalvertretungsgesetz).

**The Federal Law** foresees **two different types of Public Employees:** Tenured civil servants ruled by the Civil Service Act (Beamten-Dienstrechtsgesetz 1979) and contractual staff regulated by the Contract Staff Act (Vertragsbedienstetengesetz 1948). (More than half of Public Employees are the latter) Civil servants of the States and Municipalities are regulated by the specific law of each State.



The Federal Minister for Women and Civil Service manages the Federal public employees that serve over 8.3 million Austrians. The most significant statistics in terms of staff (at 31/12/2008) are:

Number of Public Employees: 348,167. (In the Federal Government: 38%, "Bundesländer" [States]: 41%, Municipalities: 21%). Union membership rate at a central level: 53%.

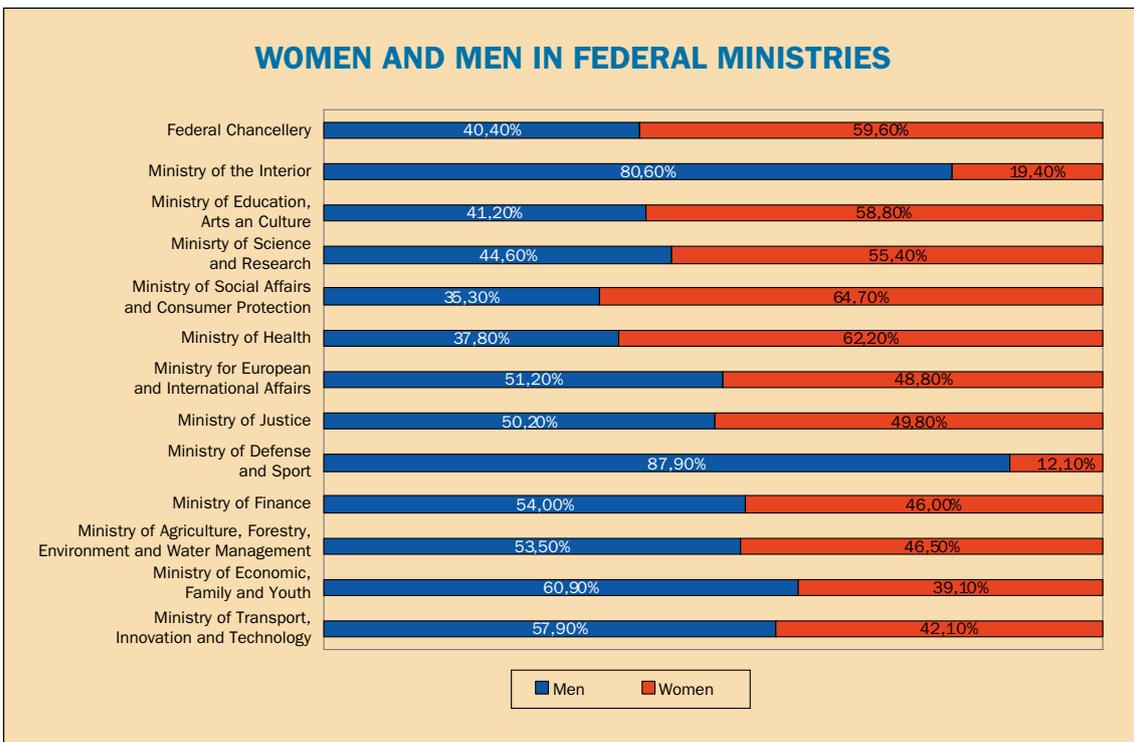
39,5% of the employees of the Federal Civil Service are women; 18,6% of Director-Generals are women (this percentage has been constantly rising since several years).

The five most significant professions in the Federal Civil Service are: General Administration 48,016; Teachers (Federal); 37,639; Police 29,318; Armed forces 14,641 and Judges and Prosecutors 2,463.

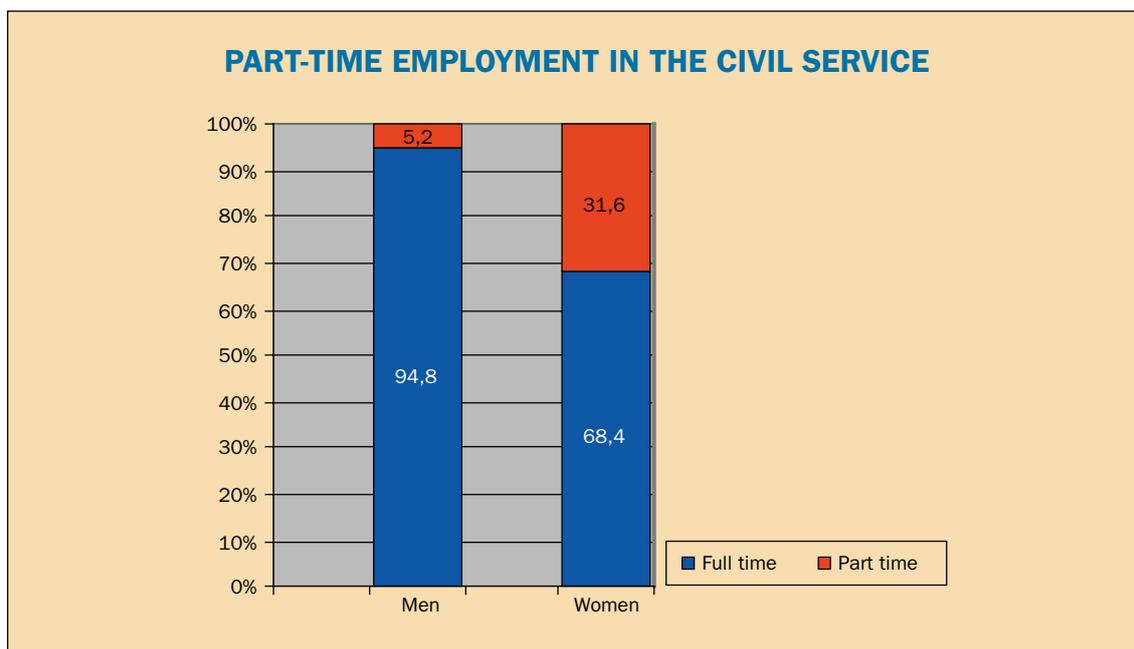
### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Public Employees** must serve public interest. They must respond to all requests from citizens, unless they are bound by professional secrecy. Public sector employees must observe hierarchical obedience and if they deem that an order given is illegal, they must inform their supervisor thereof in writing. Strike is not explicitly regulated but considered to be part of the constitutional right of association and assembly. Finally, public sector employees cannot perform any other activity which might compromise the performance of their official duties.

UNIVERSITY GRADUATES AND STAFF HAVING COMPLETED UPPER SECONDARY EDUCATION 2008			
FEDERAL CIVIL SERVICE		PRIVATE SECTOR	
MEN	WOMEN	MEN	WOMEN
39,7%	60,7%	24,7%	29,8%



**Tele-working and part-time employment:** In general, this type of employment is possible for any civil servant provided that there are no contradictory interests or services.



#### 4. CAREER AND TRAINING

The Act on the Advertising of Vacancies contains systematic and comprehensive provisions governing appointments to management-level functions: all applicants have to take part in a specific competition including a hearing carried out by an independent Commission. The appointment of top-managers such as director generals may not exceed a period of 5 years.

Recruitment of new staff is decentralised to the level of each Federal Ministry; the training of newly incorporated public employees of the General Administration is provided by the Federal Administration Academy.

Objectives to foster the development of staff include: increasing the level of qualifications, supporting leadership and motivation and improving the knowledge management culture.

These objectives involve on-going training and measures such as: performance appraisal techniques, management by objectives; employee attitude surveys, mentoring, internal position transfers, corporate identity measures.

#### 5. REMUNERATION

Salaries are reviewed annually bearing in mind inflation, economic growth and private sector salaries. The current **remuneration system** is characterized by a combination of:

- A promotion-based system with functional allowances: The career is divided into 19 salary brackets. Promotion is automatic. A functional allowance based on job category and seniority can be added to the base salary.
- An immediately effective remuneration for superior functions.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The **key topics** of social dialogue are: **salaries** and reform of the **salary system**, the **pension system** and the **staff regulations**.

The main unions are members of the Austrian Trade Union Federation (ÖGB) and are: the **Union of Public Service** (GÖD), which has 230,000 members and the **Union of Municipal Employees**, which has 150,000 members.

**Negotiation** between the Government and the GÖD Union follows a procedure regulated in the Federal Public Employees Representation Act. The agreements adopted do not have legal status but often form part of the draft bills of law. Currently the employer is represented by the Federal Minister for Women and Civil Service.

## 7. SENIOR CIVIL SERVANTS

There is no special SCS status but the Advertising of Vacancies Act 1989 (Ausschreibungsgesetz 1989) contains diverse provisions governing appointments to management-level functions and higher-level jobs. The highest-ranking civil servants are appointed to office for a maximum of 5 years and undergo an annual performance appraisal, as for other employees, by their direct hierarchical superiors.

SUMMARY TABLE			
FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Director-General	Yes	No
2nd Level	Head of Group	Yes	No
3rd Level	Head of Department	Yes	No
4th Level	Head of Section	Yes	No

## 8. RECENT REFORMS AND PROSPECTS

Since several years reforms have been focusing on controlling costs and cutting staff numbers; including the restructuring of competences between different administrative levels. An important pillar of the current Austrian budget reform is the introduction of performance budgeting (output orientated).

# BELGIUM



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Kingdom of Belgium has a surface area of 30,500 km<sup>2</sup> and a population of 10.4 million inhabitants and is one of the ten largest trading nations in the world. It is a parliamentary constitutional monarchy and was a founding member of the European Union, NATO, Council of Europe and the United Nations.

### System of government

Belgium has been a Federal State comprising 6 entities (3 Regions and 3 Communities) since 1993. The country is divided administratively into 10 Provinces and 3 Regions. It has two types of local government: provincial and municipal.

The **Federal State** has competences in defence, justice and social security. The Communities are competent in cultural matters, education and linguistic policy. The Regions are responsible for transportation, public works and some economic matters. The Provinces are generally competent in matters of local interest.

**Legislative Power:** The **Chamber of Representatives** is made up of 150 members elected directly by popular vote. The **Senate** has 71 members, 40 elected by the population (25 Dutch-speaking and 15 French-speaking), 21 appointed by the Communities (10 from the French Community, 10 from the Flemish Community and 1 from the German-speaking Community) and a further 10 co-opted senators (6 from the Dutch-speaking Community and 4 from the French-speaking Community).

The Federal Parliament (Chamber and Senate) votes on laws. The Senate, in turn, has sole powers to settle conflicts of interest that may arise between the Federal Parliament and the Councils of the Communities and the Regions. Other powers are exercised alternately by the Chamber and the Senate: the introduction of candidates for the Court of Arbitration, the Court of Cassation and the Council of State (the Supreme Administrative Court).

For the most important powers (review of the Constitution, approval of certain laws and ratification of international conventions), both Assemblies act, but it is the Chamber

that has the final say. The Senate is a forum for debate, which pronounces on draft laws or proposals.

**Executive Power: The Prime Minister** is the head of government, chairs the Council of Ministers and the Inner Cabinet. The Council of Ministers consists of 15 members, with the exception of the Prime Minister. It comprises an equal number of Dutch-speaking and French-speaking ministers. Secretaries of State are not members of the Council of Ministers.

**Judiciary Power:** The Constitution provides for an independent judiciary. The judicial system is organized into 5 territorial levels according to specialization and territorial jurisdiction: Canton, District, Provinces and Brussels, Courts of Appeal, and Court of Cassation (the highest Court of Appeal in the country whereby judges are appointed for life by the monarch). These five Courts of Appeal, both criminal and civil, study the matters of the regional legal hearings, whereby twelve jurors decide all cases by majority vote.

## Regional organization

Belgium is organized into three administrative levels: the **upper level** comprises the Federal State, the Communities and the Regions; the **middle level** comprises the Provinces; and **the lower level** is made up of the Communes. This distribution follows two broad lines: linguistic and cultural, and economic. Belgium has 3 Communities (the Flemish Community, the French Community and the German-speaking Community), based on language, and 3 Regions (the Flemish Region, the Brussels-Capital Region and the Walloon Region) with autonomous economic powers. There are 10 provinces and 189 communes.

The **Federal State** retains important areas of competence such as foreign affairs or justice. The **Regions** are competent to deal with territorial matters such as town planning, the environment and employment. The **Provinces** act within the framework of competencies at the federal, community or regional level, whereby they are also under the tutelage of these various authorities. The **Communes** are the seats of power that are closest to the citizens. Like the Provinces, they are under the tutelage of the various other authorities.

The employment level in the General Administration is relatively high in comparison with the rest of the OECD countries, and staff management systems are highly regulated. Important efforts are being made to reform these systems, in order to improve their efficiency and governance. Different channels have been followed for this reform.

Since the 1990's, the **federalization process** has involved the granting of greater autonomy to Regions and Communities for the organization of their self-government. Originally, there was a strict career-based system in the Camu Statute (which is still applied at federal level). Today, Regions and Communities are free to organize their management systems in line with the general principles set out in the Royal Decree on General Principles of 22nd December 2000. International influence on New Public Management has led to reform in questions such as the classification of

positions, rationalization of levels and grades, pay scales and the new role assigned to public managers.

Generally speaking, the history of **reforms in the Belgian administrations** is that of a transition from a centralized, strict and highly regulated system to a decentralised system. The main reform measures adopted can be summarised in the following aspects:

- *Consistency with the General Management Framework:* Assessment of staff management systems in OECD countries has shown that it is one of the essential conditions to achieve significant development and includes regular review of the organizational objectives, delegation of authority and greater citizen orientation as the client. New strategic management tools have been introduced, such as Balanced Scorecards.
- *Competence Management as a Strategic Tool:* Competence frameworks are mainly used as a support for dialogue between staff and managers.



## 2. PUBLIC EMPLOYMENT STRUCTURE

### Legal Basis

Civil service regulations take the form of Royal Decrees. Unlike other countries, there is no General Act that covers all aspects related to the Civil Service. The Belgian civil service is ruled by the **Camu Statute**, a Royal Decree from 1937, which has been modified on several occasions and contains detailed provisions about recruitment, staff evaluation and promotion.

The Camu Statute, applied in Regions and Communities, and renewed in the Federal Government, underpins the civil service on a career-based system (acquisition of grades or categories for promotion and accredited training). Relations between the State and its employees are built on a neutral and apolitical administration and competition-based recruitment. One of their pillars is the principle of equality: equality between French and Flemish speaking employees, equal opportunity to join the civil service, equal chances of promotion, etc.

The **general standard is the statutory relationship** between employees and the Administration, or in other words, by their appointment as civil servants. In recent years, the administration has increasingly called upon the services of employees with contracts.

### Types of public employees

The status of public employees was established in Royal Decree of 2nd October 1937, and has been modified on several occasions (most significantly in 2004). There are **three types** of public employees. **Civil servants** (statutory employees): with a permanent position and a grade or category. **Non-civil service employees** (with an employment contract): majority of public employees (21% at federal level). They can only occupy positions that are not regulated by specific law. **Senior Managers:** management.

**Civil Servants:** The territorial administrations select their own staff. In career-based systems, the majority of employees are selected at entry level and the professional experience of the candidates is highly regarded. For specialised recruitment (experts or senior civil servants) their influence is relative and is verified by a thorough analysis of Curriculum Vitae. There are recruitment systems with examinations, the contents of which are based on the functions that correspond to the position to be filled.

The Flemish and Federal Governments have opened the recruitment systems for some of their Level A posts to external applicants (in the Federal Government: Levels A3 and A4 are open to external applicants only when there are no suitable internal candidates) which represents a shift towards human resource management systems based on the position and specific functions of the job.

**Non-civil service employees:** Recruitment has also evolved towards the use of competence criteria.

**Senior Managers:** Their recruitment is currently through the implementation of the fixed-term system, particularly in the governments that are more advanced in terms of strategic organizational management.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Public employees have the **right** to join a trade union and to strike. The number of women in the administration has increased and today women are a majority in many

ministries (Employment, Social Affairs, Health and Environment, etc.). However, they are still under-represented in others (Justice, Traffic and Infrastructure, Agriculture).

By group, the majority of women are contractual staff, whereas the opposite occurs with male civil servants. In general, men still predominate in positions of responsibility, although changes are now taking place, as women now represent 50% of university students and, therefore, the number of women occupying Level 1 positions is on the rise.

A **Diversity Plan 2005-2007** was introduced into Public Administration and a national campaign for equal opportunities was launched in 2007 as positive discrimination measures, to adapt federal administration to the social reality in this respect. In terms of regional equality, there is parity in terms of representation between Flemish speakers and Franco-phones in most Ministries. A 1966 law formalised this system.

The first **Federal Code of Conduct** was approved in 1994. The Federal Public Department (Ministry) for Budget and Management Control Authority safeguards the integrity of public employees and assists all Ministries to draw up and implement codes of conduct. The **Anti-Corruption Act**, approved on 10<sup>th</sup> February 1999, has increased the penalties for civil servants found guilty of corruption. The Court of Audit makes observations following audits, which are forwarded to Parliament in annual reports.

#### 4. CAREER-BASED SYSTEM. TRAINING

**Civil Servants: Promotion.** There are different levels:

*Promotion to a Higher Level:* This requires selection examinations to be passed via the SELOR procedure. This examination replaces the educational qualification that is required to enter another level. This system has had limited success and on occasions, a post on the same level as that previously carried out is obtained.

*Functional Promotion:* Promotion through salary bands is based on seniority, although increasingly on success in competence examinations (Federal Government) or the evaluation of previous professional development (Flemish Government). Negative professional development evaluations prevent functional promotion. The Flemish Community has introduced the payment of bonuses related to good performance, which was in place in the Brussels Region until 2005. The Federal Government has done so through accredited training.

For promotion, the Minister decides on the suitability of a candidate, following the recommendations of a Committee. The Flemish Government has a promotion system that combines performance appraisal and career development. The Walloon Region is introducing a similar promotion system.

**Non-civil service employees:** This type of staff is recruited for a specific job. For this reason, mobility to higher levels is difficult. Salary increases are based mainly on seniority although positive performance appraisals are also taken into account. The Flemish Government is developing professional career paths for this type of staff.

There is **inter-federal mobility** for civil servants and a replacement system for temporary absenteeism, under which civil servants can be released for periods of time to work in political cabinets or in international organizations.

**The Federal Administration Training Institute** is in charge of continuous training for federal employees. Independent bodies also offer courses tailored to employees' needs.

## 5. REMUNERATION

Royal Decree of 29th June 1973 establishes the basic salary system for public employees (salary calculation procedures, seniority conditions, etc.). Pension allowances, bonuses or compensation may be added to this basic salary. Salary scales at local, regional and federal level are not equivalent.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Public employees' right to **collective bargaining** is recognised (Law of 19th December 1974). Negotiation and consultation procedures in the public sector are not the same as in the private sector. Only the most representative trade unions can take part in negotiations with public authorities. Between 40% and 55% of public sector employees are members of trade unions. Collective bargaining agreements are not legally binding, and are only recognised as a political agreement.

Union representation is exercised by the following trade unions: Public Service General Confederation, Federation of Christian Public Service Unions and the Civil Servant Free Union, trade unions with civil servant backing. The following issues are subject to negotiation, among others: pay, pensions, working hours, organization of work, etc. There is another form of social dialogue, such as consultation with employee organizations, prior to deciding on issues such as well-being in the workplace. Negotiations take place at various levels. The centralization element "Committee A", handles matters related to all public services, whilst the decentralization elements (20 sectorial committees) act at federal, community and regional level.

## 7. SENIOR CIVIL SERVANTS

Their specific status is laid out in the Civil Service Law.

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Chairman	Yes	Yes
2nd Level	Director-General	Yes	No
3rd Level	Director	Yes	No
4th Level	Advisor General	No	No
5th Level	Advisor	No	No

**Recruitment and Appointment:** The Belgian civil service is a career-based employment system. **Recruitment** is based on performance assessment. Selection examinations are organised by the Federal Selection and Recruitment Office (SELOR). The average age upon entering the senior civil service group is between 40 and 50 years old. SCS mandate holders are appointed for a period of six years by a decentralised authority. After six years they need to reapply, unless their performance is evaluated as excellent.

The actual **management** of federal high level civil servants is carried out by the administration to which the senior civil servant is appointed. Remuneration, regulation and activities are handled by the Federal Public Service of Personnel and Organisation.

The **assessment** process began operating in 2005. The broad principles of the system are as follows:

- Assessment every two years and a final assessment six months before the end of the term of office.
- Assessment based on goal achievement, or, where agreed, on the areas included in the management plan and the operational plan. Job Assessments are carried out every six years.

At federal level, the Administrative Training Institute (ATI) is responsible for **training** and offers modules in various fields: languages, administration, management, etc. Senior civil servants may take external courses at universities or private training organisations.

The Government decides on the **pay** for senior civil servants, via the Minister for Civil Service. Base salary levels vary by band (1-7). All senior civil servants are allocated to Band 7, as they only receive base salary without merit-based bonuses or variable salary.

Senior civil servants regularly work **full time** and overtime is unpaid. The making-up time policy for civil servants is not always available for senior civil servants. Tele-work and flexible-working times are available to senior civil servants but part-time work is not an option.

**Maternity/Parental Leave:** Some Departments organize summer childcare programmes, which is open to senior civil servants, who can also opt for career interruption to care for a child up to the age of six.

## 8. RECENT REFORMS AND PROSPECTS

The Civil Service Ministry has adopted a strategy for the period 2007-2011 based on three principles:

- Viewing the citizen as a customer.
- Creating accountable, efficient and results-oriented government.

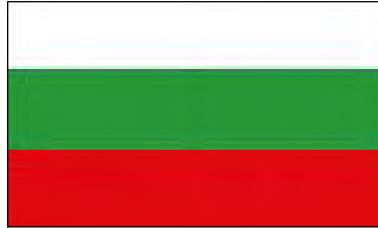
- Having a public administration that is seen as an innovative, dynamic and attractive employer.

In 2008, an initial series of measures to reform the State was adopted as a result of a compromise between the Flemish population (60% of the population), which would like to see more autonomy granted to the regions, and the French-speaking population, which advocates centralization. Hence, various legislative competences were transferred to the regions, and other measures are under way for the transfer of competences in areas such as employment, family, healthcare policies, etc.

The 1999 Copernicus Plan, which aims to place the citizen at the heart of the administrative system using private sector techniques is also worthy of mention. This reform is based on three points:

1. **Reorganisation of Federal Administrations:** Ministry activities, called “federal public services” have been refocused and restructured. Consequently, ministerial cabinets have disappeared and been replaced by smaller policy units.
2. **Modernization of human resources management:** The remuneration system has been modified and a new senior civil service has been created.
3. Establishment of **new working methods:** Data transfer between federal departments has been improved.

# BULGARIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Bulgaria is a parliamentary republic governed by a Republican Constitution. It has been a member of the EU since 2007 and of NATO since 2004. It has a population of 7.7 million inhabitants.

### System of government

In the division of powers, **Executive Power** is exercised by the Government, the Head of which is the Prime Minister. **Legislative Power** is attributed to the Government and the legislative assembly. Finally, **Judiciary Power** is independent of the other powers. The main political parties in the Republic have a social-democratic and liberal ideology.

The **President** is elected for a period of 5 years with a possible re-election. The President acts as Head of State and Commander in Chief of the Armed Forces and National Security.

**Parliament** is a single chamber, the **National Assembly**, which is made up of 240 Members of Parliament who are elected for four-year terms by popular vote of lists of candidates for the nine administrative divisions. A party must obtain at least 4% of the vote in order to obtain parliamentary representation. Parliament is responsible for the enactment of Laws, approval of the national budget, scheduling of presidential elections, selection of the Prime Minister and other Ministers, etc.

### Regional organization

Bulgaria is divided into 28 Provinces (*области, oblasti*), corresponding approximately to the 28 okrugs existing prior to 1987. All of the Provinces bear the name of their capital. The country capital, Sofia, is therefore the capital of the City of Sofia and the Province of Sofia. The Provinces are divided into Municipalities (*община, obshtina*).



## Public administration

The Council of Ministers creates, modifies and eliminates the Administration bodies below the ministerial level, as well as the executive agencies and state commissions (individual corporate bodies under the central bodies of the Executive Power) by Royal Decree. The general administrative model essentially determines the types of administrative structure according to their functions, general principles and organization.

**Central Administration** has the following structure: Administration of the Council of Ministers; Ministries; State Agencies; Peripheral Administration and Executive Agencies. Territorial Administration consists of regional and municipal administration.

**State Agencies** are directly accountable to the Council of Ministers, and deal with the administration for the implementation of activities that are not the competence of a Ministry. They are a corporate body with a specific budget. The Decree establishes their functions and administrative organization, led by a President appointed by this Council.

## 2. PUBLIC EMPLOYMENT STRUCTURE

### Regulations

The 1999 Civil Service Act establishes two types of Public Employees: Civil Servants and **Non-civil service employees**, whose employment contract may be indefinite or

temporary. A trial period of 6 months is common. Both types of employees occupy positions listed in the “Unified classifier of administrative positions”, which includes the distribution of positions into levels, minimum entry requirements as well as their legal nature. Depending on the functions, the positions are: Manager (reserved for civil servants); Expert and Technician.

**Public Employment Management Body:** Management of public employees is carried out by the Secretary-General of the corresponding Administration. The Ministry for State Administration and Administrative Reform is the institution responsible for the human resources policy of the State Administration. There are 83,943 public employees (47.1% of which are civil servants and 53.3% are contractual staff) serving a total population of 7.7 million inhabitants.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Rights and Obligations** are established by law and include, among others: the obligation of secrecy, political neutrality, hierarchical obedience, unless the order given is evidently illegal. Public employees also have the right to freedom of speech and the right to join a union. Civil servants do **not** have the right to strike.

The Law allows civil servants to provide some services under an employment contract, but the administration must be informed so as to avoid conflicts of interest. As civil servants, they may only work part time as university professors.

The work of all civil servants is **assessed** through an “attestation”, which is prepared in three phases: Making a draft and co-ordinating a working plan at the beginning of the period; A meeting half-way through the period; A final meeting and assessment – before giving a final score at the end of the period (1st-30th November).

This procedure evaluates:

- The degree of fulfilment of the aims set out in the working plan.
- The degree of fulfilment of the obligations laid down for this post.
- The necessary competence for this post.

The assessment is carried out by the Evaluation Manager with the participation of union representatives. For the positions of Director-General and Director of Directorate, the Head of Evaluation is normally the Secretary-General.

According to Bulgarian Labour Law, each Administration reports the **overtime** of its employees over a 6-month period to the Chief Labour Inspectorate, which is remunerated, in accordance with the amount regulated by Law. This does not apply to civil servants. Civil servants are entitled to additional leave (apart from the general leave determined in the Labour Law and in the Civil Service Act) according to their position, up to a maximum 15 days.

#### 4. CAREER-BASED SYSTEM - TRAINING

**Career:** This is mainly based on the position. There are mobility programmes for civil servants, who can transfer to another administration provided that they have completed a probationary period of one year, that there is an agreement between both administrations and they fulfil the requirements for the post. The Law regulates permanent and temporary mobility.

**Training:** When service requirements arise, training costs shall be borne by the administration. Each administration presents a Training Plan for its civil servants each year. In the State sphere, this plan is reviewed by the Minister of State Administration and Administrative Reform, who will approve it and take care of the annual budgetary allowance for this concept.

Training of state public employees is carried out by an **executive Agency**, dependent on the aforementioned Ministry, the Public Administration and European Integration Institute. Training is compulsory at the beginning of public service and for civil servants appointed to managerial positions for the first time. Senior civil servants must pass a training programme organised by the Public Administration Institute at least once a year.

#### 5. REMUNERATION

The Civil Service Act regulates the official minimum salary for public employees. The basic salary may be increased in accordance with work performance.

#### 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The main trade unions in the Social Dialogue are the Confederation of Independent Trade Unions and the Confederation of Podkrepa Labour. The trade unions take part in the determination of wages, working conditions, holidays, etc., for public employees. Around 25 to 40% of civil servants are members of a union. **Negotiations** take place within the tripartite National Council, which consists of 2 representatives of the Council of Ministers, 2 representatives of the trade unions and 2 representatives of the employer. It is presided over by the Deputy Prime Minister. Trade unions and employers elect a Vice-Chairman on the principle of rotation. The results of collective bargaining must be implemented, and they therefore take the form of a legal text or political agreement.

There are no differences in the institutional framework between employment relations in the public and private sector, but there are specific conditions regarding education, health or culture.

## 7. SENIOR CIVIL SERVANTS

<b>FUNCTIONAL LEVEL</b>	<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
1st Level	Secretary-General	Yes	No
2nd Level	Director-General	Yes	No
3rd Level	Director	Yes	No
4th Level	Head of Department	No	No
5th Level	Head of Unit	No	No

There is no special equality policy for women in senior civil service positions. This type of personnel has a one year probationary period.

## 8. RECENT REFORMS AND PROSPECTS

In 2002, the Council of Ministers drew up an e-administration strategy to improve on-line relations with citizens, making them play a role in decision-making, as well as an anti-corruption strategy, with the creation of a Commission for this purpose. Laws have also been approved regarding the rights and obligations of public employees, conflicts of interests, efficiency and transparency in recruitment processes and the development of fiscal controls.



# CYPRUS



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Cyprus is the third largest island in the Mediterranean, after Sicily and Sardinia. It is a member of the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, the Commonwealth and other international and regional Organisations. It joined the European Union in 2004. However, the application of the EU *acquis communautaire* was suspended in the occupied areas because they are not under the effective control of the Government of the Republic of Cyprus.

### System of government

The Republic of Cyprus is organized according to the 1960 Constitution, which distributed power between the Greek Cypriot and Turkish Cypriot communities and established the principle of division of powers.

**Executive Power:** The Republic of Cyprus has a presidential system of governance; Executive Power is vested in the **President of the Republic**, elected by popular vote for a five-year term of office. Executive Power is exercised by the Council of Ministers. This body is responsible for the governance of the Republic, coordinating and supervising public services, processing the budget and accounts prior to their presentation to the House of Representatives. There are currently eleven Ministries.

**Legislative Power** is exercised by the House of Representatives. The House has 80 seats: 56 for Greek Cypriot candidates and 24 for Turkish Cypriot candidates, who are elected by direct and secret universal suffrage for a five-year term. The last parliamentary elections were held on 21 May 2006. The distribution of seats by party was as follows: AKEL 31,16% (18 seats), DISY 30,33% (18 seats), DIKO 17,91% (11 seats), EDEK 8,91% (5 seats), EUROKO 5,73% (3 seats) and ECOLOGISTS 1,95% (1 seat).

**Judiciary Power:** Under the Constitution of the Republic of Cyprus the judiciary is established as a separate power, independent from the other two powers of the state and autonomous in its sphere of competence authority and jurisdiction. Courts are organized on a two-tier system: The Supreme Court and the First Instance Courts (District Courts, Assize Courts etc.).

**Independent Bodies:** There are also some independent bodies which do not come under any Ministry, such as the Attorney-General’s Office, the Auditor-General’s Office and the Public Service Commission.

There are also **Semi-Governmental Organizations** created by specific legislation, governed by a Board of Governors appointed by the Council of Ministers which are responsible for the provision of essential services in areas such as: port authority, sport, telecommunications, tourism, etc.

### Regional organization

The Republic of Cyprus is divided into **six administrative districts:** Nicosia, Famagusta, Limassol, Paphos, Larnaca and Kyrenia. Each district is headed by a central government representative, who is the chief coordinator and liaison for the activities of all Ministries in the District and is accountable to the Ministry of the Interior.

Cyprus has **two** types of **local authorities:** Municipalities and Communities, which are governed by separate laws. In principle, Municipalities constitute the form of local government in urban and tourist centres while communities constitute the local structure in rural areas.

Municipalities represent 60% of the population and the 353 Councils of the Communities represent the remaining 40%. The functions of the Municipalities are set out in the 1985 Municipalities Law, which stipulates that any community may become a municipality by local referendum provided it has more than 5,000 inhabitants. From a financial point of view, the main sources of revenue of municipalities are taxes, fees and duties, as well as state subsidies. Since the Turkish invasion of 1974 and the subsequent occupation of the northern part of Cyprus by Turkey, nine municipalities (Famagusta, Kyrenia, Morphou, Kythrea, Karavas, Lapithos, Lefkoniko, Akanthou and Lyssi) have been temporarily relocated to the areas that are under the effective control of the Government.



## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** The **Public Service Law** of 1990 to 2009 regulates the type of employment, categories, grades and public posts. Public posts are defined to be posts in the public service. Civil/Public Service means any service under the Republic excluding the Judicial Service, Arm or Security Forces, Education Service, Local Authorities and specific constitutional posts (e.g. Attorney General, Auditor General).

The Public Service Law regulates the functioning of the **Public Service Commission**, establishes the public sector structure, the system of recruitment, promotion, mobility, obligations, etc. It is applied to all public employees, except those that are not under the jurisdiction of the aforementioned Commission (officers in the judicial service, education, Armed Forces or Security Forces, etc., which are governed by a specific legislation). Employees in semi-governmental organisations and local authorities are also governed by specific legislation.

Public posts may be **permanent or temporary**. They are created by the Budget Law, specifying their job title and corresponding salary, as well as the maximum number of positions. An employee holding a permanent post is entitled to a retirement pension. Posts are divided into those which are interchangeable and those which are not. The former include the following general categories: Administrative, Clerical and Auxiliary. The remaining posts are not interchangeable.

The Public Service Commission **is responsible** for the appointment, promotion, transfer, secondment, retirement and the disciplinary control of public officers and comprises a President and four other members, appointed by the President of the Republic for a six-year term. Its members are subject to an extensive set of incompatibilities, such as exercising a paid profession or commercial activity, without the express authorisation of the Council of Ministers.

The general **obligations** and **responsibilities** of a specific post and the **qualifications** required for its performance are set out in service sheets (Schemes of Service) prepared by the Council of Ministers and approved by the House of Representatives.

Posts are divided into the following categories for the purposes of appointment: **First Entry** posts to which internal as well as external candidates may be appointed; **First Entry and Promotion** posts to which external candidates may be appointed and internal candidates may be appointed or promoted; **Promotion** posts are filled internally by the promotion of candidates from the immediately lower grade, without the need for prior advertisement. Promotion is based on the principles of merit, qualifications and seniority.

The Public Service Law also provides for the establishment of Advisory Committees that assist the Commission to fill First Entry or First Entry and Promotion posts, by executing the first screening of candidates.

The Commission shall not proceed to fill any vacancy in any public post without a written proposal from the competent authority (Minister). Proposals to fill vacancies must be made within a maximum period of four months, from the creation of the post or from the time it becomes vacant. Notwithstanding the above, all First Entry posts which are

expected to become vacant by the end of the year are published by the Public Service Commission in the Official Gazette within the first four months in each year.

To be appointed, a civil servant must:

- Be a citizen of the Republic of Cyprus or provided that the post does not entail direct or indirect participation in the exercise of public authority and the protection of the general state interests, an EU State citizen.
- Be over the age of 17 and have completed military service, or be exempted from doing so (for Cypriot citizens).
- Have the qualifications required in the Scheme of Service.
- Not have been convicted of a serious moral or dishonest offence.
- Not have been dismissed or his services were not terminated in the past from the public service or from any service or organisation governed by public law of the Republic or of the European Union or of any member state, for a disciplinary offence.
- Not be officially recognised as incapacitated for the post.

The Council of Ministers may authorise, on grounds of public interest, the appointment of candidates that are not citizens of the Republic of Cyprus or another EU State. Their appointment shall be under a fixed-term contract, or permanent if the candidate already served, under a contract, for a period of no less than four years.

### **3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES**

Civil servants have the right to strike, join a union and the right of freedom of expression (except for issues related with their duties). On the other hand, they must be impartial; serve public interests; avoid conflicts of interest; abide by the Constitution and follow the law and orders, serve citizens objectively, fairly, impersonally and impartially and act with dignity. Failure to do so shall be sanctioned with:

- a. Reprimand.
- b. Severe reprimand.
- c. Disciplinary transfer.
- d. Stoppage of annual increment.
- e. Deferment of annual increment.
- f. Fine not exceeding the emoluments of three months.
- g. Demotion in salary scale.
- h. Demotion to a lower post.
- i. Compulsory retirement.
- j. Dismissal.

## 4. LEARNING AND TRAINING IN THE CIVIL SERVICE

**The Cyprus Academy of Public Administration**, which was established in 1991, is the Learning and Development Centre of the Cyprus Civil Service. In 2001, the Academy launched the “Learning Initiative in the Cyprus Civil Service”. The overall aim of this initiative is to help Civil Service Organisations build their capacity to manage by themselves their own learning, so that the Service moves from a situation of a largely unsystematic and centralised administration of learning to a largely decentralised system of methodical management of learning. In the context of this initiative, each Civil Service organisation has to develop a Learning Policy and set up a Learning Unit, a team that has to manage the organisation’s learning along lines set out in the organisation’s Learning Policy. More specifically, on an annual basis, each Learning Unit has to conduct a Learning Needs Analysis (LNA), prepare a plan of learning activities to meet the needs diagnosed, implement the activities planned and evaluate the work done and draw lessons for improvement.

In this context, the Academy provides appropriate training for the Learning Unit members, gives on-the-job support to the Learning Units and prepares and implements, either directly or through outsourcing, training activities for specific horizontal needs that Civil Service organisations may have. In the cases of outsourcing, the activities are prepared by the provider in cooperation with the Academy, in order to guarantee quality. Non-horizontal, specialised training is organised by Learning Units themselves, either directly or by means of outsourcing.

Until today, out of a total of around 80 Civil Service organisations, 40 have a functioning Learning Unit, systematically managing their learning, that is, carrying out LNA, preparing and implementing action plans and evaluating training activities.

## 5. REMUNERATION

The **Law on State Budgets** sets the salary scales in the civil service. Within the general salary framework, each position has a scale or a combination of scales, ranging from A1 (entry level scale for positions with minimum requirement for employment a high-school certificate) to A16(i) (highest scale for Directors of relatively small Departments). Directors of large Departments, Directors – General of Ministries and employees at other high level positions receive a fixed salary. The annual gross salary of civil servants in Cyprus consists of a basic salary (Scales A1 to A16(i) or fixed salaries for managerial position) as stated in the Budget, increased by the approved salary increases and the cost of living allowance.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The terms and conditions of employment of public servants are set out in the **Public Service Law**. Based on the legal provision of this Law, special Regulations have been issued for each benefit (pension benefits are set out in the Pension Law). For the formulation or any modifications that affects the terms and conditions of employment of the public employees, the government has to negotiate with the public servants’ trade union that is **the Pancyprian Union of Public Servants** (PASYDY), with the aim to come to an agreed formula. Doctors are represented by another union.

There is the right to **collective consultations**, to strike (but with restrictions for judges, the armed forces, police and fire-fighters) and to reach collective agreements, etc. The negotiations take place **centrally**, under the **Joint Staff Committee**. The Permanent Secretary of the Ministry of Finance (Head of the Joint Staff Committee) and the Director of the Public Administration and Personnel Department represent the government side.

The trade unions of other government employees (not civil servants) are: Pancyprian Organization of Greek Teachers; Organization of Secondary Education Greek Teachers, etc.

The decisions of the **Joint Staff Committee** are put before the Council of Ministers as recommendations. Once approved, the majority of them are implemented through the laws and regulations. Generally, social dialogue is highly centralised.

## 7. SENIOR CIVIL SERVANTS

There is formal status for senior civil servants in Cyprus. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Director-General of the Ministry (Permanent Secretary)	Yes	No
2nd Level	Directors of Departments / Services	Yes	No
3rd Level	Internal Directors of Ministries	Yes	No
4th Level	Chief Officers in Ministries/ Departments	Yes	No
5th Level	Senior Officers in Ministries/ Departments	Yes	No

The posts of Senior Officers are mostly Promotion posts (only available to employees providing services in the immediately lower level). The average age of senior civil servants is 40-50 years old.

**Statistics:** The amount of posts of each of the above functional levels, which are included in the Budget for the Year 2010, are the following:

Directors General of Ministries	12
Directors of Departments/Services	44
Internal Directors of Ministries	258

Chief Officers in Ministries/Departments	132
Senior Officers in Ministries/Departments	602

The percentage of women civil servants in general is 53% and women senior civil servants is 30% (Data: Year 2008).

**Performance appraisal** in each Ministry/Department is carried out once a year by a 3-party committee, consisting of the immediate supervisor of the employee concerned, the Head of the Division concerned, and the Head of the Department. Most learning activities are offered by the **Cyprus Academy of Public Administration**, which focuses on Leadership, Strategic Management, Change Management, Planning Teamwork and Human Resource Management.

**Work-Life Balance:** Senior civil servants are not paid for **overtime**, unless under extraordinary circumstances and special approval by the Council of Ministers. Tele-working or flexi-time is not possible for SCS.

**Maternity/Paternity Leave:** The general law applicable both to private and public sectors provides for 18 weeks of maternity leave. **For the public servants and other government employees**, the first 12 weeks of this leave are on full pay, whilst the remaining 6 weeks is paid under the provisions of the general Social Security Scheme. Currently, there is no provision for Paternity Leave, although there is parental leave, which is applicable both to the private and public sector, whereby the mother or father is allowed up to 13 weeks of unpaid leave of absence for childcare, until the child reaches the age of 6.

There are no **mobility** programmes for senior civil servants. However, the Director-General posts are interchangeable, upon decision by the Council of Ministers.

## 8. RECENT REFORMS AND PROSPECTS

### Citizen Service Centers

The Public Administration and Personnel Department (PAPD), Ministry of Finance, designed and established the **Citizen Service Centers** (CSCs), in light of its citizen-centric vision of public administration, bringing for the first time in Cyprus the idea of “one-stop-shops” for citizens. In particular, the PAPD’s objective is to improve the quality of services offered to citizens by the public sector, by fully utilising Information and Communications Technology, rendering possible the on-the-spot provision of services and information to citizens from a single point of contact. The PAPD is the competent authority for the supervision, coordination and development of all CSCs.

The main **objectives** for setting up CSCs are the following:

- a. To provide multiple services, on the spot, from one location, using ICT
- b. to offer citizens the convenience of meeting their requirements in one stop
- c. to provide eGovernment benefits to all population groups

- d. to provide another point of contact with the Public Administration (multiple access channels)
- e. to minimise bureaucracy
- f. to speed up service delivery

In 4 years from the operation of the first CSC in Nicosia, the 5 CSCs now operating on the island have offered **1.238.509** services and have given information over the phone to 776.212 citizens (end of 2009). At present, the five CSCs operating on the island act as an alternative channel for citizens to deal with the public administration.

The CSCs bring together more than **70 public services**, which are normally provided by various Ministries, Departments and Services (Civil Registry and Migration Department, District Administrations, Grants and Benefits Service of the Ministry of Finance, Road Transport Department, Social Insurance Services, Lands and Surveys Department, Ministry of Health), under one roof, thus offering citizens the convenience of meeting their requirements in one stop.

Some of the services that are issued on the spot at the CSCs are: Birth and Death Certificates, Civil Identity Card, Medical Card and European Health Insurance Card, Driving Licence, International Driving Licence, Circulation Licence, copies of Cadastral Plan, and Certifications to Insured Persons under the Social Insurance Scheme, Certifications to Self-Employed Persons, Pensioners and Employers.

The PAPD is committed to continue the improvement of the relationship between public administration and citizens, by establishing new CSCs in all areas of Cyprus and by constantly upgrading the already established CSCs. The PAPD has, so far, won three awards/ best practise certificates for establishing and developing the successful institution of the Citizen Service Centres.

Further to the continuous expansion of the CSC network, the PAPD, following a Council of Ministers' decision, is now in the process of establishing a Contact/ Call Center which will respond to citizen information inquiries regarding public administration, over the phone.

### **Strengthening the administrative capacity of the civil service**

Recently, a project proposal has been approved for the “**Re-organisation and improvement of the administrative capacity** of the Public Administration and Personnel Department (PAPD) (Ministry of Finance) and the Labour Department (Ministry of Labour and Social Insurance)”. The project falls under the priority axis “Development of Human Capital and Adaptability” (specific objective “Upgrading the administrative capacity of the public sector and its provided services”). The project is part of the Operational Programme “Employment, Human Capital and Social Cohesion 2007-2013”, and is co-financed by the European Social Fund. Its overall objective is the improvement of the provided services and the internal operation of the two aforementioned Departments, as well as the development of a series of methodological tools that will be horizontally implemented, so as to enhance the operation, efficiency

and effectiveness of the Organisations (Ministries / Departments) of the Civil Service in Cyprus. The project includes actions relating to:

- The improvement of the efficiency and effectiveness of the Public Administration
- The decentralisation of competences and the enhancement of the strategic role of the PAPD
- The modernisation, simplification and codification of the legal framework
- The simplification of procedures
- The adoption of modern practices, and the use of ICTs
- The introduction of strategic planning methods

The project is already underway and a number of competitions for obtaining the services of Consultants have been procured.

### **Employee performance appraisal system in the Cyprus public service**

A new performance appraisal system has been developed in close cooperation with a private consultancy firm. The basic principles of the system, its objectives and the assessment criteria per level of staff were discussed with the civil servants' trade union and altered. Based on the agreed assessment criteria, the competency frameworks have been developed for each level of staff, so as to reflect their level of responsibility. In addition, a project plan has been prepared for the finalization of the new appraisal system which includes, amongst others, the finalization of appraisal forms, the preparation of Guidance Notes and the drafting of provisions in the form of regulations/ directives which will be submitted to the Council of Ministers and the House of Representatives for approval. The new appraisal system will be presented to and discussed with the civil servants' trade union (PASDYD), prior to its submission to the Council of Ministers and the House of Representatives, aiming at reaching a common consensus with regards to the new system.

### **Common Assessment Framework (CAF)**

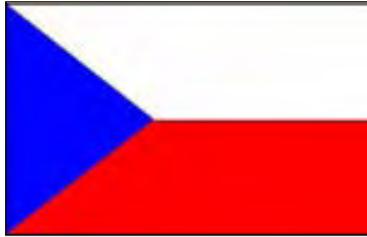
The Cyprus' Civil Service has proceeded with the implementation of the CAF in its organizations, on a pilot basis, since 2004. In an effort to further promote the dissemination of CAF in the Cyprus' Civil Service, discussions have been made concerning the possibility of making CAF implementation compulsory to all public service organizations as part of a project called "Training on Strategy, Leadership and Management Development in the Cyprus' Civil Service", which will be co-financed by the EU.

### **Code of Conduct**

A Code of Conduct for Civil Servants is being prepared in cooperation with the Cyprus Ombudswoman. The Code will codify the responsibilities and obligations as well as the expected behaviour of civil servants when dealing with the public. It is expected that the Code will improve the accountability, credibility and transparency of the Civil Service and put pressure on public officers to act more responsibly and, thus, be more trustworthy.



# CZECH REPUBLIC



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Czech Republic is a Central European State with a parliamentary system. It joined the EU in 2004 and has a population of 10,300,000 inhabitants and a surface area of 79,000 square kilometres.

### System of government

**President of the Republic:** The President of the Republic is elected by the two Houses of Parliament in a joint session for a 5-year term, with a maximum of two mandates. He is the Head of State and appoints and dismisses the Prime Minister; dissolves the Houses; returns bills to Parliament; represents the country in the signing, negotiation and ratification of International Treaties etc. His decisions must be approved by the Prime Minister or members of the government. He may also attend Parliament and Government meetings.

**Parliament** holds Legislative Power. It consists of two Houses: the Chamber of the Deputies, which has 200 members (elected for four years) and the Senate, which has 81 senators (elected for six years), a third of which is renewed every two years. Both Chambers are elected by popular vote. A Member of Parliament must be over the age of 21 and a Senator must be over the age of 40.

**The Government** is the highest authority of the Executive Power. It is made up of the Prime Minister, the Deputy Prime Minister and the Ministers. The Prime Minister is appointed by the President of the Republic, who appoints the rest of the members of the Government on the recommendation of the Prime Minister. The Government is subject to ordinary and extraordinary parliamentary control (votes of confidence, censure etc.) It is an authority that acts as one body and is the highest executive and administrative authority. Its most important powers include national defence, foreign relations, public order and security, the economy and Finance.

### Regional organization

Regional Governments have existed in the Czech Republic since 1848, but they were eliminated in the XX century and were not restored until after 1989. The Constitution

recognises the Regions and Municipalities. They have legal status and their own budget as well as regulatory power and they are accountable to the Assemblies elected by popular vote for 4 years.

**Regions:** There are 14 large self-governing units (13 Regions and the City of Prague). The main authority in the regions is the Assembly and its decrees are applied in the regional sphere. The President (Mayor in the case of Prague) administers the Region, and is elected by the Assembly from among its members. The Regions have budgetary, secondary education, healthcare and social welfare powers.

**Municipalities:** There are 6,249 Municipalities. The main authority in municipal self-government is the Municipal Assembly, elected for a 4-year term by means of a system of proportional representation. The municipality is managed by a Mayor elected by the Assembly from among its members. The Municipalities have powers in relation to agriculture, primary education, housing and public transport.



## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** Public employees in the Czech Republic are regulated by the same regulation as the private sector, i.e. the Labour Code (Nr. 262/2006 Coll.).

### Status of Civil Servants:

- 1. Civil servants in central administration.** Their status is regulated by the 2006 Labour Code (262/2006 Coll.) until the Civil Servants Act passed in 2002 (218/2002 Coll.) comes into force or is replaced by a common legal norm for both types of officials (i.e. civil servants in central public administration as well as in territorial self-governing units).

- 2. Civil servants of the territorial self-governing units** (municipalities and regions): Their status is regulated by Law (312/2002 Coll.) on civil servants in territorial self-governing units, which stipulates employment conditions and the qualifications required for local government employees.

**Public Employment Management Body:** The Ministry of the Interior is, besides other, responsible for the public administration and management of public employees. However, in practice, staff management is decentralised. Although the State is formally the only employer, there is currently no independent central management, so each ministry or other state body acts de facto as an independent employer, with the power to recruit, promote and dismiss its employees based on the Labour Code and on the internal working rules of each administrative authority.

**Statistics:** There are 680,000 public employees, representing 6.6 % of the total population. 17,486 employees work in the central administration bodies.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

The rights and duties of all public employees are set out in the Labour Code and there are no differences with the private sector. However, civil servants have additional obligations such as abiding by the law, striving to serve public interest, remaining impartial, and observing hierarchical obedience.

Public employees have the right to paid leave, to receive severance pay in the event of redundancy and can contest sanctions imposed by their supervisor. They have the right to strike and join a union, but exercising these rights remains difficult.

**Ethics.** The Code of Ethics for public administration was approved in the 2001 reform process. Its aim is to foster appropriate rules of conduct and behaviour for employees in the public administration. The Code of Ethics is not legally binding, but acts as a guideline for behaviour. Each government authority has the obligation to draw up its own Code of Ethics.

**Working Hours:** According to the Labour Code, the working week consists of 40 hours.

### 4. CAREER-BASED SYSTEM

There are no general rules on an administrative career, but there are units that have drawn up job descriptions in order to assess employee performance.

**Training** is a duty and right as, on the one hand, public sector employees are required by law to continuously improve their qualification levels, and on the other hand, state or local authorities must offer guidance and help with training. The State Administration Institute and the Local Government Institute have been set up for this purpose, besides these, there are other 304 institutions accredited by the Ministry of Interior, providing for the training of the officials in the territorial self governing units.

## 5. REMUNERATION

The Labour code stipulates private and public sector employee pay conditions. Salaries are based on the degree of difficulty of the position occupied and seniority. Employees achieving outstanding results may benefit from seniority credit and receive an additional bonus up to a maximum of 50% of their base salary.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Public employees have the right to join a union and to strike (with restrictions for judges, prosecutors, the armed forces and security forces). Collective agreements are signed by the Ministries as the employer. At a more general level, the State is represented by the Economic and Social Council, comprising 5 Ministers and 2 State Secretaries. Civil servants are represented by the two main trade unions (CMKOS and ASO).

Negotiations deal mainly with working conditions, pay, modernisation of the social security system, equal opportunities, training, etc. Social dialogue is characterised by its informal nature, as collective agreements only take place in certain situations. There is no obligation to set up committees or other types of formal structures for the representation of public employees.

## 7. SENIOR CIVIL SERVANTS

“Senior Civil Servants” (SCS) have neither differentiated status nor special working conditions. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Deputy Ministers	No	Yes
2nd Level	Director of Section	Yes	Yes
3rd Level	Director of Department	Yes	No
4th Level	Head of Unit	No	No
5th Level	Official	No	No

**Recruitment and Appointment:** As for the rest of the Czech civil service, **recruitment** is open to applicants from the public and private sectors. To be accepted at a managerial position in the central state administrative authority, the candidate has to be appointed by the relevant minister. This leads to greater political appointments for senior positions.

**Training:** Within the framework of enhancing the professional skills of the public administration employees, it has been proposed that senior civil servants demonstrate their general and professional competencies in examinations. Training is mainly provided and funded by individual ministries.

**Remuneration:** The base salary depends on the position occupied and additional pay supplements are awarded according to the number of officials he/she manages and his/her individual performance.

**Policy on Diversity and Work-Life Balance:** Senior civil servants are subject to the general system for workers, although there is a special policy (without specific targets) to improve equality between men and women.

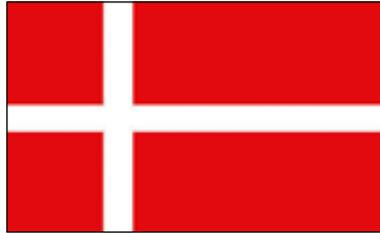
**Mobility Programmes:** Mobility is not very common in the Czech civil service and is only possible with the prior consent of the employee.

## **8. RECENT REFORMS AND PROSPECTS**

The State Administration Institute has been training Czech managers in the Common Assessment Framework (CAF). A practical guide on the CAF was also published in 2005. The most ambitious objective is the coming into force of the new regulation in terms of public employment and the creation of a Civil Service Statute which defines the working conditions of employees serving the Czech Public Administrations.



# DENMARK



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Denmark is a constitutional monarchy in which almost 90% of the population is satisfied with the way in which democracy works, according to opinion polls. More than 5% of voters are affiliated to a political party, whilst 75% of the active population is a member of a trade union.

### System of government

Denmark is a parliamentary democracy. **The Parliament** (Folketing) has 179 seats (175 Denmark, 2 Pharaoh Islands and 2 Greenland) which are awarded to the parties by proportional representation. The legislature is of 4 years, although the Prime Minister may call early elections.

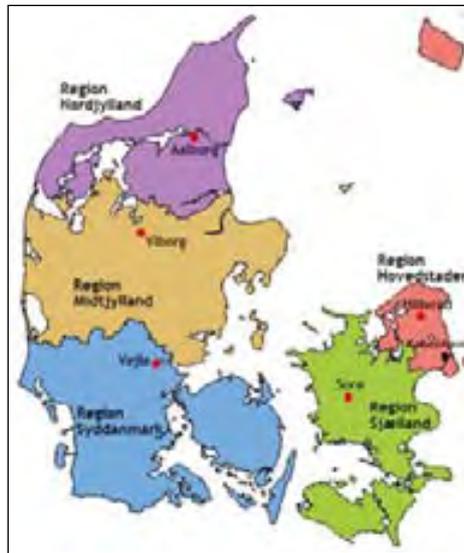
**The Prime Minister** determines the number of Ministers. The figure of Deputy Minister or State Secretary does not exist. The Minister is the supreme authority in his/her Ministry and is politically accountable to Parliament and legally accountable to a Court of the Kingdom. Supervision and control of the central and municipal administration is exercised by the Ombudsman, elected by Parliament at each new general election.

The main functions of the Folketing are debate, approval of draft bills of law and supervision of the Government and Administration. This supervision is also carried out by Interventors elected by the Folketing and the Audit Office.

### Regional organization

The level of decentralization in Denmark is relatively high. In 2007, a reform was implemented which involved a radical transformation of the municipal map and the distribution of powers and positions between the **State, Regions and Municipalities**. 14 Provinces were replaced with five regions governed by a Regional Council, elected by popular vote, and whose main competences are health and regional development. The 271 Municipalities were reduced to 98, under the administration of Municipal Councils elected by popular vote, with competences for tax collection, education,

environment, roads, etc. Regional and municipal elections are held every 4 years (there are no early elections).



## Public administration

Central Administration is divided into Ministries, which deal with a specific area of administration, headed by Ministers and assisted by Director-Generals, who are normally civil servants. There are also a large number of Committees, representing Groups of interest in different issues and they have consultative functions although, at times, with control power, even budgetary control. There are also Government Agencies, dependent on the Ministries.

## 2. PUBLIC EMPLOYMENT STRUCTURE

The relationship between the employer and the individual worker is usually regulated by Collective Agreement. However, **civil servants** have their **own legislation**. There are **two types of public employees**, governed by two different systems.

Since 2001, civil servants are only those indicated in the **Circular of 11/12/2000**, applicable to civil servants employed in the state sector and the National Church. Since then, the number of civil servants has fallen and now stands at around 36%. Civil servants are: management, judiciary, police, prison officers, defence, etc. The remaining groups are usually in categories regulated by collective agreement.

**Employees** subject to **employment legislation** are governed by **collective agreements** signed by the Ministry of Finance and trade unions. **Civil servants**, as indicated, are subject to their **specific law** and the **Pension Law**. Whilst the laws regulate matters such as duties and obligations, disciplinary rules, dismissal and pensions, the determination of pay and other working conditions for civil servants are subject to collective bargaining.

**There are also two more staff categories:** *regulation employment* and contractual staff. The former is a category used for areas that are not subject to a collective agreement, with unilateral conditions. The individual contract is used for high level managers, with flexible salaries, non-concurrence rules, special dismissal, special retirement scheme, etc. Conditions are agreed between the employee and the employment authority. Both types of staff are subject to general employment legislation.

The main **differences** between civil servants and other public employees are that civil servants are not entitled to strike; are entitled to 3 years salary if they are dismissed, and their pension scheme consists of a defined plan of benefits. The following table shows the main characteristics of both:

<b>PEOPLE EMPLOYED UNDER A COLLECTIVE AGREEMENT</b>		<b>CIVIL SERVANTS</b>
<b>REGULATORY LEGAL FRAMEWORK</b>	General Agreements, Collective Agreements and general employment legislation	Constitution, Civil Service Law, General Agreements, Collective Agreements and general employment legislation (except Holiday and Pay Law for Employees).
<b>PROCEDURE IF CONSENSUS IS NOT REACHED IN COLLECTIVE AGREEMENT</b>	Procedures set out in General Employment legislation.	They are not entitled to strike. The Ministry of Finance will take a Draft Bill to the Parliament.
<b>PROBATIONARY PERIOD</b>	Payroll employees, a maximum of 3 months. Not applicable to others.	Normally 2 years.
<b>BREACH OF OBLIGATIONS.</b>	Warnings and dismissal are possible sanctions.	Disciplinary sanctions according to the provisions in the Civil Service Law.
<b>SICK LEAVE</b>	Normal pay during sick leave (Most Groups). Others receive benefit according to the Benefit Law.	Normal pay during sick leave.
<b>PRIOR NOTICE OF CONTRACT TERMINATION (EMPLOYEE)</b>	One month for payroll employees. Workers on hourly wages, up to one month (Maximum).	3 months
<b>PRIOR NOTICE OF CONTRACT TERMINATION (EMPLOYMENT AUTHORITY).</b>	Between 1 and 6 months according to seniority. Workers on hourly wages, up to 3 months (maximum)	Normally 3 months.
<b>PENSIONS</b>	Pension linked to retirement or withdrawal from service due to illness.	The Pensions Law brings together pensions for retirement, illness or other causes not attributable to the civil servant.

The Danish Constitution does not allow civil servants to be foreign citizens, but foreigners occupying these posts shall be recruited with the same rights (including the pension scheme) as if they were civil servants in accordance with the regulations regarding the free circulation of workers in relation to Public Employment. However, there are some exceptions for defence or prisons.

### Public employment managing body

The State Employer's Authority is an agency within the Ministry of Finance.

The primary task of the State Employer's Authority is to administer the State's general responsibilities as an employer in the area of wages, pensions, personnel and management policy. The State Employer's Authority enters into collective agreements and other agreements with professional organisations representing the approximately 178,000 employees in the state sector, and provides guidance and assistance to ministries and agencies within its overall area of remit.

**Statistics:** The public sector employs a total of 35.7% of the Danish active population, divided into: Municipalities 25.5%; State Sector 7%; State-owned companies 3.3%.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Working hours are determined by collective agreement, by the Law on the Work Environment and by diverse European regulations. It currently stands at 37 hours a week. There is a possibility of agreeing on less or more (up to 42) hours.

Employees are entitled by law to 24 hours rest every 7 days and 11 uninterrupted hours per day. A paid lunch-break of up to half an hour is included in the working day.

At local level, agreements can be made with flexible working hours and work-life balance schemes. For state sector employees, holiday pay includes normal pay plus a special allowance calculated as 11/2 of the percentage of income for the previous year.

With the 2008 collective agreement the regulations concerning paid maternity and paternity leave was altered. The regulations for maternity and paternity leave remain the same until the child's 14th week, and entails 6 weeks before birth and 14 weeks after birth maternity leave. Furthermore it contains 2 weeks paternity leave at the birth of the child. This applies also to registered partners who have been living together for 2½ years. After the 14th week new regulations apply which allows 6 weeks maternity leave and 6 weeks earmarked paternity leave. In addition another 6 weeks leave can be taken as either maternity or paternity leave or divided between the parents. The new regulations increase the paternity leave from two till six weeks and increase the total leave from 12 to 18 weeks if both parents are employed in the state. If only one parent is employed in the state, he/she can take 12 weeks leave.

Also in 2008, the regulation on paid leave on the child's first day of illness was extended to also include the child's second day of illness. If the parents wish, they can share the two days, so the one parent can stay home on the first day and the other parent on the second.

## 4. CAREER-BASED SYSTEM. TRAINING

Training is considered in terms of effectiveness to enhance employee skills and for better adaptation to the job. In other words, to bring the employee closer to the real needs of citizens. Training activity is coordinated by the Ministry of Finance, although the Departments or Agencies are responsible for providing training in their own areas and specialities. Training is considered to be a right and an obligation for employees. In recent years, a lot of importance has been given to training, considering it as an on-going process and linked to career development.

In the administrative career, non-performance related factors such as seniority are currently losing importance, in favour of systems that evaluate performance. Therefore, from the initial entry position, in which accredited knowledge and experience is used, performance in the position is evaluated along with the objectives and results achieved.

## 5. REMUNERATION

At institutions operating with a payroll (Ministries or Agencies), recruitment of new staff is limited to the total workforce on the payroll. For other institutions, such as Universities or technical colleges, the limit lies in the total budget.

Pay for **Central Government** employees is determined according to the **employee category**. At higher management levels, the total number of positions and individual pay are determined centrally. For the remaining positions, there is a centralized basic pay classification and some bonuses subject to decentralized negotiation. The possibility of these bonuses depends on the position and whether it is subject to the new or old pay system, the differences of which are explained below.

In the State sector, a salary adjustment procedure has been agreed which ensures that pay is parallel to that of the private sector, through the comparison of employment market increases and the state sector. In the event of differences, 80% of the difference shall be taken into account for the next pay agreement adopted as an adjustment to be made by Central Government. This procedure makes the private sector the long term reference for pay in the state sector.

### Reform of the Pay System

The new system was introduced in 1998 and the number of employees affected has gone from 3% to the majority (total in education, offices and managers). It is based on:

- Decentralization to bodies that have a better understanding of the working condition, employee skills and effort.
- Linking pay to results and the individual skills of employees.
- Motivation through pay as a management tool to achieve a more efficient public sector.

It is based on a basic pay system, consisting of basic pay scales which are agreed centrally and bonuses agreed non-centrally that link pay related to the number of years in the job to a decentralization of the system and increasing importance of the bonuses in the whole pay package.

Bonuses that may be agreed at local level are related to:

- **Qualifications:** skills, professional and personal qualities of the employee, quality of the results, comparability with similar tasks performed in the labour market or the intention to recruit or retain staff is rewarded. As a general rule, this type of bonus is permanent.
- **Functions:** rewards responsibility, special tasks or functions that are usually temporary, but they may become permanent.
- **One-off payments:** for exceptional tasks.
- **Performance:** For achieving certain previously agreed (quantitative or qualitative) objectives. This type of bonus may be agreed individually or for a group of employees.

Employees under the former pay system are paid in accordance with a series of pay scales which go up automatically in accordance with seniority (usually every 2 years). The salary scale consists of 55 grades, and each grade is split into levels. Classification into one grade or another depends on the tasks, responsibilities and qualifications required for the job. Furthermore, there is another type of bonus for permanence in the institution, overtime, etc. Differences between municipalities in 5 different areas of the country are also taken into consideration in relation to salaries, prices and local taxes.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Central trade union organizations are represented in collective bargaining by the Danish Central Federation of State Employees (CFU) to which some of the less representative trade unions do not belong (around 2 or 3% of public employees). This Commission is made up of the following:

- The Association of Danish State Employees' Organisations: Federation of trade unions covering qualified and unqualified, contractual and civil service employees belonging to the Danish Confederation Trade Unions.
- The Collective Negotiation Secretariat of Central and Local. Government Employees (SKAF): Federation of three public employee trade unions: Civil servants, contractual staff and the Association of Danish Teachers.
- The Danish Confederation of Professional Associations: Covering management and professionally qualified employees.

**Framework Agreements** and questions related to pay and working conditions are negotiated between the Ministry of Finance (State Employer Authority) and the

Commission (CFU) within collective bargaining, which usually takes place every 3 years. These negotiators cooperate via mutual consultations in projects of common interest, as required.

The Management of the workplaces in the state sector is responsible for the organization and distribution of work, but in a way that links formal and informal dialogue, cooperation participation to social representation. All workplaces with at least 25 employees must have a Consultation Committee. At smaller workplaces, the same rules of cooperation prevail but without the formal existence of this committee. In the case of disagreement between staff at a certain workplace and its Management, the Committee shall be formed to take the necessary decision.

The number of committee members is subject to local agreements, although it may not exceed 14 (7 management representatives and 7 employee representatives). Employee representatives enjoy special protection in relation to dismissal or transfers.

## 7. SENIOR CIVIL SERVANTS (SUMMARY TABLE)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Ministers	No	Yes
2nd Level	Permanent Secretary	Yes	No
3rd Level	Director-General (Agency)	Yes	No
4th Level	Head of Department	Yes	No
5th Level	Head of Division	Yes	No

**Recruitment:** Recruitment of Senior Civil Servants is always carried out openly and publicly and public employees do not have any preference over candidates from the private sector. They are appointed by the Queen on the basis of a recommendation from an Executive Committee for a period of 3 to 6 years (extendable for a maximum of 3 more years). The employment contract includes their pay conditions and provisions for when the contract expires.

Recruitment is based on seniority, qualifications and merit shown in performance. Performance **assessment** is annual and is performed by the immediate boss. Along with career and pay, training is one of the areas that underwent most changes in the 2007 Quality-reform, improving management qualifications.

The reform deals with the **remuneration** of SCS to make its management more flexible. Whilst maintaining a centralised basic salary classification, various bonuses can be negotiated, with the possibility of linking results to their pay and likewise, between

the performance appraisal of Director-Generals and their remuneration system. The Public Employee Authority has developed a pilot project to increase the number of **women** in management positions.

Overtime does not exist per se, but there are additional hours for SCS that may be awarded bonuses for an increased workload (in addition to those linked to the fulfilment of objectives). Flexi-time, part-time work or tele-working are not widespread, although they are possible. SCS have the same rights as the rest of employees in relation to maternity/parental leave.

## **8. RECENT REFORMS AND PROSPECTS**

In addition to the aforementioned 1998/99 reforms to the pay system, the “Qualitative Reform” took place in 2007, with a total of 180 initiatives to improve Human Resource Management and particularly for Public Managers.

# ESTONIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Republic of Estonia (*Eesti Vabariik*) has belonged to the European Union (EU) and NATO since 2004. Estonians are ethnic and the Estonian language shows many similarities to Finnish and they have close historical and cultural ties to Scandinavia, unlike the other two Baltic countries. It is an independent, sovereign and democratic republic.

### System of government

Supreme power lies with the people who elect the “Riigikogu” (Parliament). The President is the Head of State, but the Riigikogu and the Government exercise legislative and executive power. The functions of the executive are divided into Government areas managed by Ministries. The State Chancellery (Government Agency) supports the Government and the Prime Minister.

The political and administrative systems are interrelated in the Ministries. 11 ministries are responsible for the organization of areas of government. The ministries are managed by political, ministers working in them. Constitutional Institutions consist of Chancellery of the Riigikogu, Office of the Legal Chancellor, Office of the President, Supreme Court, State Audit Office. Ministers (politicians and members of the central government) are the heads of the Ministries and the Government Agencies. The regulation that controls the Government of the Republic classifies the agencies of the Executive Power as follows: Government Agencies; State Agencies administered by the former.

Government Agencies are administrative agencies (Ministries, the State Chancellery, County Government, Executive Agencies and Inspectorates, their Regional Offices, etc.). They are funded through the state budget and their main function is to exercise Executive Power.

<b>TYPE OF POWER</b>	<b>LEVEL</b>	<b>LEGISLATIVE POWER</b>	<b>EXECUTIVE POWER</b>	<b>JUDICIARY POWER</b>
	National Level	The Parliament Riigikogu	Government of the Republic and Government Agencies	Supreme Court
	Regional Level		County government, State Regional Offices, Regional Associations of Municipalities	Circuit, County and Administrative courts
	Local Level		Local Council and Government	

## Regional organization

Estonia is a unitary State without self-governing regions which is divided into Counties, rural municipalities and cities (193 rural municipalities and 33 cities which in turn form 15 Counties). The Constitution forbids the establishment of self-governing regions or the creation of a Federal State. Local affairs are managed autonomously by local governments, which are the rural municipalities and cities, on which obligations may be imposed by law or via agreements with the local government.

The country is divided into 15 Counties (maakonnad) as administrative sub-divisions. The County Government (maavalitsus) of each county is headed by a Governor (maavanem), appointed for 5 years, as the central government's representative at regional level.

The regional level of the administrative system includes: county governments, and ; regional offices of executive agencies, inspectorates and regional associations of municipalities. Each Local Government of the 226 cities and rural municipalities has an administrative mechanism for the local government and its inhabitants. The number of administration staff depends on the size of the municipality (from 1,000 public servants in Tallinn to less than 5 in small municipalities). At local level, the 193 rural municipalities (*vald*) and the 33 towns (*linn*) are responsible for organizing the areas of education, housing, leisure, etc within the area of a local government unit.

The administrative system currently has the following levels: National: the State Chancellery, Ministries, Executive Agencies, Inspectorates and Government Agencies.

## 2. PUBLIC EMPLOYMENT STRUCTURE (PUBLIC SERVICE STRUCTURE)

Legal Basis: The 1995 Public Service Act, which is applicable to public service employees, laid the foundations to build a professional and neutral body of public servants. Estonia has an open and position-based public service system, (it is possible

to enter at any level, including the highest) and its management is decentralized (each Ministry and Executive Agency recruits, evaluates and trains its own staff) which covers state institutions and municipalities. Public service (public service) employees are defined as staff employed by the central government institutions (Ministries, agencies, inspectorates, constitutional institutions and the county governments) and local government administrative agencies. Some groups are regulated by special legislation (the diplomatic corps, police officers, judges and the armed forces). The Public Service Employment System does not include medical staff, teachers and academics, whose working conditions are regulated in the Employment Contracts Act.



There are 3 types of public service (public services) employees: Officials: Appointed to an office in an administrative department, whereby a distinction is made between state employees and local government employees; Support Staff: Clerical staff employed in the administrative departments under employment contracts; Non-Staff Public Servants: Recruited for a specified period of time on the basis of an appointment or an employment contract.

The State Public Servants Official Titles and Salary Scale Act divides public service employment positions into 3 main categories: Higher Officials (incl State Secretary, Secretary-Generals, Deputy Secretary-Generals, Director-Generals of Agencies and Inspectorates, County Governors, Heads of structural units and Advisers); Senior Officials (incl experts, analysts, consultants, specialists, etc); Junior Officials (incl assistants, specialists, etc).

Although the management of human resources is decentralized, the responsibilities of coordinating the development of human resources management is divided between several ministries: Ministry of Finance (development of human resources management policies and supporting the development of the Estonian public service in general, development of public service ethics and core values, strategic planning and public service remuneration), State Chancellery (recruitment, development and promotion of top public servants); Ministry of Justice (public service legislation), Ministry of Internal Affairs (regional and local administration).

## Statistics

As of 31 December 2008 in total, 29,384 public servants were employed in public service in Estonia, including 23,920 public servants were employed in state administrative agencies and 5,464 public servants in local government administrative agencies. Majority of the public servants (22,478) are employed in inspectorates and administrative agencies implementing public policies. The biggest of the state administrative agencies are Police Board (4132 officials) and Tax and Customs Board (1941). Estonian ministries, which have mainly a policy-making role, are relatively small, employing all together only 2889 people.

Concerning other factors, the Estonian public servants are relatively young (55% are under the age of 40 and 25% are under the age of 30); women prevail in all groups of public servants (54.6%); the proportion of officials with degree in higher education is remarkable (55% of public servants and 92.7% of senior positions are university graduates).

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

The Public Service Code of Ethics, which was included as an Annex to the Public Service Act in 1999, prescribes 20 principles and values that all public servants are expected to hold (for example: performing their functions impartially, based on respect for the Constitution and other laws, pursuing the public interest etc). According to the Anti-Corruption Act, the officials are obliged to submit annually declarations of their economic interests. In addition the public officials do not have the right to strike.

Rights of public servants include Pregnancy Leave and Maternity Leave (140 days). In the case of multiple births or a delivery with complications, maternity leave is extended to 70 days. Fathers can take 10 days paternal leave. There are also benefits for employees raising a child until the age of 3, whereby the employment contract is suspended for the duration of the parental leave but the employee is paid parental benefit (his/her average salary) for 14,5 months. All public servants are also entitled to base holiday of 35 calendar days a year, a study leave for professional development of 3 months once every five years as well as a old-age pension of official.

## 4. CAREER-BASED SYSTEM. TRAINING

Promotion is appointing of official to a vacant higher position upon the recommendation of a supervisor and with the approval of an Assessment Committee. As previously indicated, the Public Service is an open position-based system, in which candidates that fulfill the requirements of public servant can enter the system at every level, including the highest level. There is however an exception for Senior Public Servants, who are recruited, promoted and assessed by a committee located by the State Chancellery. The Head of State and local governments can also organize competitive recruitment exams for certain positions.

Formal education is provided by Estonia's universities (Tallinn, Tartu, etc.), which offer degree programs in public administration. The Public Service Academy (ATAK) is in charge of in-service professional training for public sector employees.

## 5. REMUNERATION

The principles of the pay system and its scales are set out in the State Public Servants Official Titles and Salary Scale Act. The salary rates shall be established annually by the Government. The salary rates for local public servants and their agencies are approved by each local council.

Pay components are divided as follows: Basic Salary with differentiation (68.6-79.4%); Additional pay established by Law (seniority, qualifications, languages) (1.8-7.4%); Additional pay based on performance (13.2-26.2%). (Data: 2008)

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The unionization rate is fairly low in the Estonian public service (less than 10%) Collective bargaining negotiations (limited in the central level and informal and decentralized) are carried out between the Confederation of Estonian Trade Unions and an interministerial committee headed by the Minister for Social Affairs. The areas addressed primarily concern work conditions, salary, retirement system and public sector reform. Agreements are binding.

## 7. SENIOR PUBLIC SERVANTS

The Senior Public Service is a staff system for senior management positions in the public service. It is a framework for career development that allows positions to be assigned competitively for advisory functions related to public policies, operational management and services. In Estonia, they are called “Top Public Servants” and enjoy special conditions and treatment that is different to that of other public servants, although they do not have a formal status.

### SCS Positions: (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Secretary-General of a Ministry	Yes	Yes
2nd Level	Deputy Secretary-General of a Ministry	Yes	Yes
3rd Level	Director-General of an Agency or Inspectorate	Yes	Yes
4th Level	Local Governor	Yes	Yes

**Recruitment Methods:** The State Chancellery publishes the open process for the vacant position. Candidates are evaluated by the Committee for the Recruitment and Assessment of Senior State Public Servants, except for Secretary-Generals and

Local Governors. Deputy Secretary-Generals and Director-Generals of Agencies or Inspectorates are proposed to the authority by a Selection and Assessment Committee in order to proceed to appointment. Each Ministry and Agency is responsible for the recruitment, assessment and career development of its senior positions.

Senior executives are assessed once a year and there are also additional voluntary assessments. Those appointed to senior positions together with their superior, prepare their career dossier taking the results of their competences assessment into account for the next period. The Competences Dossier consists of self-assessment by the executive, assessment by his/her immediate superior and a summary of the evaluations and comments made by his/her subordinates and colleagues.

Their Training includes leadership activities, such as individual development tasks under the supervision of a mentor or a senior executive with experience and development programs at various levels in order to improve the competencies of senior executives.

There is no special pay system solely applicable to top public servants and in practice the final remuneration is based on mutual agreement. In senior non-political positions (Secretary-Generals) 4 out of every 11 are women.

## **8. RECENT REFORMS AND PROSPECTS**

Estonian Government Program of the Coalition for 2007-2011 foresees the adoption of a new Public Service Act. The draft framework of the new Act proposes that the number of public servants is considerably reduced (by applying the provision of the Employment Contracts Act to them) and the possibilities of working in state and local government agencies on the basis of an employment contract shall be expanded. As a result of the proposed changes, the legal acts regulating public service and private sector employment should be more harmonized. In addition, many groups of public servants will not be prohibited to strike (the reform proposal will not concern those public servants who are responsible for exercising public authority). The new Act would affect the state as well as local government officials who have been recruited under the conditions of the current Public Service Act.

# FINLAND



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Finland is a Republic with a surface area of 338,115 square kilometres and 5,326,000 inhabitants, which has been a member of the European Union since 1995.

### System of government

The supreme governing bodies are the Parliament, the President of the Republic, and the Council of State. The single-chamber **Parliament** with 200 members elected every 4 years, is vested with the legislative power. The Parliament is organized into Committees (the Grand Committee is responsible for EU affairs). The Parliamentary Ombudsman and the State Audit Office report to Parliament. A committee chaired by the Speaker (President of the Parliament) is responsible for parliamentary administration.

The **President of the Republic** is elected for 6 years (direct and two-staged election) and can be elected for a maximum of two consecutive terms. The President represents the supreme executive power along with the Council of State, signs the laws and budgets passed by Parliament and appoints the Prime Minister elected by the Parliament, Ministers and senior civil servants.

The **Council of State** exercises the executive power, draws up draft bills of law and budgets. It is made up of the Prime Minister and the Ministers, along with the independent Chancellor of Justice. The number of **Ministries** is 12.

### Regional organization

Finland has 342 Municipalities (16 in the Aland Islands), which provide basic services such as health and education. Their main body is the Municipal Council, elected for a period of 4 years. The Council elects the Municipal Committee, which implements its decisions, as well as the different Committees responsible for providing public services.

There are 6 State **Regional Offices** and 15 **Centres for Economic Development, Transport and the Environment**.



## Public administration

The Ministries are in charge of preparation of legislation and supervision of their fields of administration including the Agencies and institutions that are under their responsibility. They cooperate with local authorities in the development of public services. They are also responsible for international and EU cooperation in their respective fields.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** State Civil servants are governed by the Civil Servants' Act and public employees by the Employment Contracts Act. In addition, there are Collective Agreements, one for statutory workers and another for contractual staff corresponding to the two existing categories: **civil servants** (83%) and **public employees** (17%).

**Management Body:** Each ministry and agency organises its own human resources management. **The Office for the Government as Employer** is responsible for negotiating and concluding collective agreements at the central level as well as for the strategic human resources policy line of the state.

The 525,000 public employees (NA% male), represent around NA% of the active population; of which, 437,000 belong to Local Government, 6,000 to State Enterprises and 88,000 (76 500 civil servants and the rest contractual staff) to the central State (of which 5,000 to Ministries).

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Public employees must act in defence of neutrality, sovereignty and impartiality in their work. In 2001, a set of common values (with highly ethical contents) were defined for the state, including, among other things, that activities are result-oriented and open, characterised by quality, strong expertise and trust and are neutral, sovereign, equal and responsible.

The “Values in the Daily Job” Handbook (civil servants’ **ethics**) was published in 2005. The Office for the Government as Employer is responsible for developing conflict of interest tools and participating in international initiatives in this field, particularly in the OECD. It is worth mentioning that Finland is one of the least corrupt countries in the world.

Weekly working hours are 36 hours and 15 minutes at office work.5 minutes. Maternity leave is 105 days, which begins 30-50 days prior to the birth of the child. In addition, there is parental leave of 158 days after the maternity leave.

### 4. CAREER-BASED SYSTEM. TRAINING

Finland has no career system except for the military and the foreign service. There is open recruitment for each post. Progress in the career is possible when the needs of the organization and the individual coincide. Human resources development is linked to the organization’s operational strategy and is carried out by determining the appropriate measures and allocating resources for the development process, including courses, placements, mobility, substitutions, staff rotation, teamwork and on-the-job learning. Training is on-going and is aimed at a better adaptation to the position and its demands.

### 5. REMUNERATION

Management of **labour costs** is one of the essential policies of the civil service in order to promote the efficiency and competitiveness of the public sector in the employment market, and retaining and attracting the most qualified employees. Monthly salaries are calculated mainly around job evaluation systems, measuring the complexity of the tasks assigned, and individual performance appraisal.

Pay systems are specific to each state agency, although there are some common principles: each pay system is based on individual performance and competence.

Individual performance component may not exceed 50% of the pay assigned to each post. Agencies also determine their own performance appraisal methods. In addition, there are annual result-related bonuses in around 25 State Agencies, which is being extended to other agencies.

Some agencies have other features, such as individualized pay, separate calculations for the emoluments of senior positions and Ministers, etc. The Office for the Government as Employer does not publish collective salary scales.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The Office for the Government as Employer is party to the Collective Bargaining for all State Agencies. There is a general centralised agreement, the Collective Agreement for State Civil Servants and Employees under Contract, which has been agreed with the main trade unions. This central agreement sets out the overall cost framework and contains provisions on terms of service as a whole and any other mutually agreed contents. There are agency-specific collective agreements (around 100 for civil servants and 70 for employees under contract).

## 7. SENIOR CIVIL SERVANTS

There is not a formally differentiated group of senior executives although some special conditions apply to senior civil servants: (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	State Secretary	No	Yes
	Permanent Secretary/ Secretary-General	Yes	No
2nd Level	Director-General	Yes	No
3rd Level	Director	Yes	No

The **recruitment** system for executive positions is open to all candidates. Experience, skills and a university degree are valued. Senior civil servants are appointed by the President of the Republic or the Council of State for a term of 5 to 7 years. The objectives of senior civil servants may be set out in a Management Agreement in accordance with the requirements of the unit. There are also special Executive Training programmes.

The Office for the Government as Employer coordinates the remuneration of senior civil servants. Performance related bonuses (up to a maximum of 8% of the annual basic salary) were introduced in 2009 for senior civil servants. Normally their working

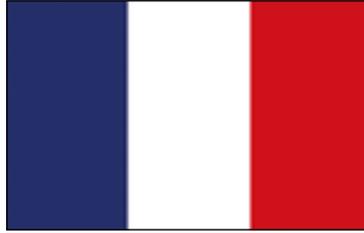
hours are longer although they have the same rights as other public employees in relation to maternity and parental leave. Tele-working, part-time work and flexible working times are possible but seldom used by executives.

## **8. RECENT REFORMS AND PROSPECTS**

Finland is currently in the process of a vast reform of its public sector. The Productivity Programme has been underway since 2003 with a purpose of systematically improving the productivity of the State. The Relocation Programme aims to allow functions to be transferred from Helsinki to other regions, which involves the relocation of 4,000 to 8,000 jobs so as to ensure a more balanced development of the country. The Reform of Regional Administration entered into force at the beginning of 2010 and seeks to streamline and collect together the various state organizations in the regions. The Reform of the Municipal sector seeks to safeguard the provision of basic services through creating bigger and more sustainable municipalities.



# FRANCE



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The French Republic was constituted as a semi-presidential, social and democratic state of law, governed by its universal motto: Freedom, Equality and Fraternity.

### System of government

The **Executive Power** is shared between the President of the Republic and the Prime Minister.

The **President of the Republic** is elected by popular vote for a period of 5 years. The Constitution gave the President important powers, such as arbitration between the high level institutions, defence of the integrity of the territory, appointment of some senior positions and enactment of laws.

The **Prime Minister** is appointed by the President (who can dismiss him). If he does not need to be sworn in by the National Assembly, the Prime Minister is accountable to the Assembly. The Prime Minister also has constitutional powers such as mediation in the budgetary process and management of the administrative system responsible for implementing national public policies.

### Regional organization

Local administration is divided into **three levels: Communes, Departments and Regions,**

In the framework of a **decentralization** process launched in 1981, region and department as state administrative districts were differentiated from their local authority status, elected by popular vote. This was all accompanied by a transfer of powers.

The Communes, led by a Mayor, have basic service and democratic representation functions. Services of the prefecture and local state services were transferred to the Departments: health and social services, infrastructures, agriculture, etc. The Regions powers consist mainly on economic planning and education.



## Public administration

The French Republic is a parliamentary democracy, whose central government consists of various Ministries, which in turn have regional Departments and Directorates. The Regions and the Departments have jurisdiction over questions concerning training, transport and public works, etc.

## 2. PUBLIC EMPLOYMENT STRUCTURE

France has three branches of the civil service (central government, local government and hospital). Each branch is governed by a specific set of provisions, which are applied nationwide. The General Regulations for all three branches were unified by the Law of 13 July 1983 (Title I – General Regulations), which however, defined and maintained the specificities of each branch.

Members of the judiciary and the armed forces are governed by special regulations.

**Statistics:** The French civil service employs 5.3 million people (21.1% of the active population) and is organised into 3 Levels: **State Civil Service**, with 2.484 million employees (47% of the total) distributed into Ministries (2.,193 m.) and Public Administrative Establishments (0.292 m); **Territorial Civil Service**, (1.748 m. which is equivalent to 33% of the total) and the **Hospital Civil Service**, (over 1 m., representing 20% of the total), of which 94% work in hospitals and 6% in homes and other offices.

**By Services.** At a **Central Level**, the average age of employees is 43.8 years old; women represent 50.1% of employees and 16,1% of senior positions.. At a **Territorial Level:** Age: 44.4 years old; Women: 61% and 18% of senior positions;. At a **Hospital Level:** Age: 42.9 years old; Women: 76.4% and 37,9% of senior positions.

For the three branch of the civil service, disabled represent 4,5% of the employees.

Ratio of civil servants/inhabitants: 70.9/1,000 (including overseas). In the Central Service, 17.4% of women work part-time, compared with 2,9% of men.

**Retirement:** The average retirement age in 2008 was 59 years old for the central government civil servants. Between 2006 and 2007, 4.5% of civil servants enjoyed geographic mobility, whilst 3.3% had professional mobility with a change in group. 6,5% changed administrative organization and 0,3% had structural mobility with **organization transfer**.

**The Civil Service** is divided into **3 Categories** according to the position: Category **A** (directors, 29.7%), Category **B** (intermediate professionals, 24.3%) and Category **C** (employees and operators, 46%). The Ministry for the Budget, Public Accounts, Civil Service and State Reform is responsible for the civil service, human resource management and the salary policy.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

The main rights of civil servants are: the right to strike, join a union, ongoing training, participation, remuneration, protection and freedom of opinion (whether political, trade-union-related, philosophical or religious). Their main obligations are: professional confidentiality, professional discretion and informing the public, performing the tasks entrusted to them, following orders from superiors, etc.

### 4. CAREER-BASED SYSTEM. TRAINING

Although public employees can be recruited on a contractual basis (16%), they are normally recruited via **selection processes**. Training is provided at on-going training centres and others that specialise in international cooperation: National School of Administration (ENA), Regional Administration Institutes that offer training for standard government posts and the Centre for European Studies (Strasbourg). There are also ministerial centres that provide training for specific posts.

The civil servant **assessment** procedure is set out in Decree 682, on the classification and promotion of civil servants in administrative scales. Assessment is carried out by the direct hierarchical superior and is based on performance as well as professional development prospects.

The civil servant is informed of the result of the assessment. It is carried out in each Ministry, in accordance with the functions and corps to be managed, whereby it may adopt its own classification system in agreement with trade unions. Classification is the responsibility of the Head of Service. The Decree provides a regulation defining the procedure to follow, classifications, notes, etc. for the specific characteristics of each Ministry.

The assessment may be annual or twice yearly and is based on the rules established for each administration. It may be reviewed on the civil servant's request, who is also entitled to appeal to the administrative jurisdiction.

The importance of seniority in career development has been reduced in favour of merit. The result of the assessment serves for career advancement by means of a change in level or grade. Each grade is divided into levels and it is possible to go up a level in the same grade. There are 3 types of grade advancement: By authority appointment, by examination, by competition.

## 5. REMUNERATION

Remuneration is based on the employee's **grade** and the **rank** of the position occupied, or in other words, for belonging to a corps and the rank within each corps. The rank is linked to a base remuneration according to the civil servant's position on a common scale. In addition to grade, rank and position, remuneration consists of compensation for residence, a family supplement and legal compensation. Therefore, the main remuneration is determined by a civil servant's grade within his/her corps and a rank associated to a gross index or classification index, to which a salary index that varies between 280 and 821 is assigned. Annual salary is calculated by multiplying this salary index by a percentage.

A harmonised, streamlined and more individualised bonus system, known as the "Function and Performance Bonus" is currently being introduced, in which remuneration has a functional part that takes account of the civil servant's responsibilities, and another that covers a person's individual performance, which is evaluated in individual interviews.

## 6 SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

In theory, trade unions do not have the legal authority to initiate collective bargaining except for salary increases. In reality, the practice of bargaining has grown and deepened over the past ten years. During negotiations, the government is represented by the Ministry for the Civil Service (central government civil service), the Ministry for Health (hospital civil service) and the Ministry for Local Authorities (local government civil service). Employee representatives come from the eight major trade unions. **Subjects** discussed include working conditions, health, remuneration, etc. Although the

agreements reached are not binding, the political weight that they represent is definite. The Government may act unilaterally in the case of failure to reach agreement.

Within the framework of social dialogue reform, in 2008, the six most representative trade unions: French Democratic Confederation of Labour, French Confederation of Christian Workers, Union of Executives, General Confederation of Labour, General Confederation of Labour - Force Ouvrière, National Union of Autonomous Unions signed the “**Bercy Agreements**” in order to strengthen the role of bargaining and social dialogue between civil service branches and between ministries, underscore the legitimacy of technical committees and advisory bodies, and reinforce the rights and means for trade union action.

Collective bargaining is centralised on a national level; and includes salary increases within the limits set out in the Budget by the Ministry for Finance. It is characterised by the obligation to consultation prior to decision-making. According to the recent “Bercy Agreement”, a pact between trade unions and employers is considered to be valid if 2 trade unions, with a minimum of 20% of the votes of the entire union representation, sign it and it is not rejected by any organization that represents a majority of the votes.

## 7. SENIOR CIVIL SERVANTS

In France, they are not called Senior Civil Servants but rather **High Level Civil Servants**. They enjoy special conditions that are different to the rest of the civil servants, but they do not have a legally defined status. However, high level positions are exceptional and have a special **social status**, and in particular, they enjoy special conditions in relation to their recruitment and entry, assignation of posts and benefits. The French employment system is career-based and seeks a coherent public service.

### POSITIONS TO BE OCCUPIED BY SCS (SUMMARY TABLE)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?
1st Level	Secretary General of the Ministry	Yes
2nd Level	Director-General	Yes
3rd Level	Director	Yes
4th Level	Deputy Director	In certain cases
5th Level	Head of Service	In certain cases
6th Level	Deputy Head of Service	In certain cases

Civil service recruitment remains essentially centralised. Civil servants are mainly recruited at the beginning of their careers, through highly competitive examinations and training, through special institutes. The most important schools (*grandes ecoles*) are: National Administration School (ENA) and the Polytechnic School (EP). Entrants to *grandes ecoles* immediately become salaried civil servants and the top 20% (ENA) and top 25% (EP) are appointed to the most prestigious *grands corps*.

**ENA** is the principal means for accessing the high-level civil service functions. However, there is also the possibility of becoming a Civil Administrator through specific recruitment systems opened to all civil servants throughout their career (known as *Tour extérieur*). There are also specific examinations for technical corps (Polytechnic School) and specific competitions are organised by Ministries such as Foreign affairs, in order to recruit agents with specific competencies.

**Entry Recruitment:** ENA: At least a higher education diploma (or similar) and an examination. The proportion of posts via external examination is 50%, 40% internally and 10% from a third channel open to candidates from the private sector or those who have an elected mandate. EP: Secondary diploma, two years of preparatory classes and a competitive examination.

There are discretionary appointments by the Government (Prefects, Directors, Ambassadors, etc.) without a fixed term contract and revocable at any time, and classical management appointments with a defined duration (three years, renewable once). For discretionary appointments by the Government, a formalised procedure does not exist; for other appointments, there is a very limited procedure (call for application, nomination, validation by the Prime Minister and the Minister concerned and consultation with the General Directorate for Administration and Civil Service).

Senior Civil Servants are recruited by a more centralised process than general civil servants. Performance **appraisal** takes place annually. The Assessment interview is held between the Programme Manager and the Senior Civil Servant, or at the very top level. There are three core elements in the appraisal: Indicator-based objectives; operational quality of the service and the capacity of the Director and the assessment carried out by the hierarchical leaders. The appraisal defines the amount of the performance-based pay, which can be up to a maximum of 20% of the total salary.

The ENA and EP carry out **training** at the entry level and subsequently (senior positions receive training within six months of their appointment). Leadership training for senior civil servants consists of training in negotiation, communication skills, public governance, etc.

As for **remuneration**, Directors and Director-Generals have performance-related pay. Civil servants' remuneration is based on three components: basic salary assigned to each corps. Two additional levels: At the inter-ministerial level: a fixed premium for productivity or the percentage of the base salaries of the different pay grades. At ministerial level: an efficiency premium is used, which is also defined as a percentage of the base salaries of the different pay grades.

**Part-time work** for SCS is allowed by Law, but in practice, like tele-working, it is not really common practice, arising only for jurisdictional functions. SCS have more free days to compensate for the flat-rate time worked, but in practice many executives are unable to take their days off. For members of the grands corps there is **mobility** between ministries and various positions within the administrative system. By means of temporary assignments, they can be loaned to other ministries. They are permitted to take leaves of absence to hold political office or work in the private sector while maintaining their benefits such as rate of pay and level of seniority upon their return.

**Statistics:** In France there are over 5,000 senior civil servants in the Central Administration (around 16% of which are female). Since 2005, career initiatives and the elimination of the 50 years old age limit makes it easier to recruit senior executives via the “tour extérieur”. This procedure, which is open to Category A civil servants with at least eight years of service, is specifically designed to take account of professional experience. Mobility obstacles between the three branches of the civil service have also been removed so that local government and hospital civil servants seconded into the civil administrators’ corps may move there permanently after 2 years of service.

## 8. RECENT REFORMS AND PROSPECTS

Several reform projects have been initiated, including ones dealing with individualised remuneration, mobility, evaluation, training and diversity. A number of these are part of the roadmap for the “**Public Service 2012 Pact**”. They are also part of the wider General Review of Public Policies, specifically in relation to human resources.

The 2008 reforms mentioned in the social dialogue and other reforms approved by the Public Policy Modernisation Council to improve the quality of public services and meet the objective of replacing only one out of two retiring civil servants between 2009 and 2011 to reduce the size of the public service have also been initiated.

Other reforms affect the modernisation of the 15 French Ministries to improve their efficiency, which have already been culminated in the Ministries of Defence, Sustainable Development and the Interior. A series of inter-departmental measures include multi-year budgets, modernisation of the State’s territorial organisation, streamlining internal procedures, modernising human resource management, modernising the State’s support functions (payroll, State purchases), and a “zero red tape” policy.



# GERMANY



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Germany is a federal parliamentary republic made up of sixteen states (Bundesländer). The capital and largest city is Berlin. It is a member of the United Nations, NATO, G8, G4 nations, and signatory to the Kyoto Protocol. It is the world's third largest economy in terms of nominal GDP, the leader in Europe, and the world's largest exporter of goods in 2007.

### System of government

Executive Power is invested in the Chancellor and federal ministers. The Head of State is the President of the Republic, who essentially has powers of representation and is characterized by his/her neutrality in Government policy.

**The Chancellor** is elected by the Bundestag, and is normally the leader of the party that obtained the majority vote in this chamber. Although the Chancellor proposes the members of the Government to the President of the Republic, the composition of the Government is usually negotiated between the coalition parties as there is almost always a coalition government. The Government is ruled by three principles:

- Richtlinie-Prinzip: The Chancellor defines the general policy guidelines.
- Ressort-Prinzip: Within these guidelines, each Minister acts independently and is accountable to the Chancellor.
- Kollegial-Prinzip: The Federal Government adopts joint decisions.

Generally speaking, the Federal level is responsible for legislative and coordination tasks, and the territorial administrations have executive powers as well as monitoring and implementation. For coordination, the Chancellor and Ministers have advisory and support Cabinets, which are normally made up of civil servants.

### Regional organization

German federalism has two characteristics which differentiate it from other federal systems:

1. The Federal level is responsible for legislation, coordination, political impulse whilst state level is responsible for implementing public policies.
2. Representatives of the Federal Chamber (Bundesrag) are not elected directly by the people, but they are appointed by the executive power of the Länder.

The first territorial administration is the federal administration and the second level is state administration: the Länder. Each Länd has a Constitution and the division of powers takes place in its own territory. Each Länd has its own legislative, executive and judicial bodies and is self-organized. The Landtag (State Parliament) has sovereignty to pass laws within its sphere of competence: local authorities, police system, culture and education. Like the Länder, they carry out essentially executive tasks. Part of the activity of the Landtag is being assumed by the federal level through framework legislation.

Political management lies with the **President** and administrative tasks are carried out on three levels by peripheral delegations: At the higher level: by the Ministers of the Länd; at the second level: by a state government delegate; at the third level: by the Municipalities with delegated powers of the Länder.

Local Administration consists of various models depending on the size of the Länder. In the nine large Länder, there are three levels: Regions, provinces and communes or villages; whilst there is no regional level in the four smaller Länder.



## Public Administration

As indicated, Germany is a Federal State (*Bund*) made up of Federated States (*Länder*). Its distribution of powers is based on the principle of subsidiarity.

**Basic Legislation** (*Grundgesetz*) determines the exclusive and concurrent legislative powers when the framework laws have been approved. The Federation is competent in most areas of legislative power (defence, foreign affairs, nationality), whilst the *Länder* have powers in services: education, culture and police. In concurrent areas (civil, criminal, statutory and company law), the *Länder* legislate if the Federation does not do so. The Federation may create framework provisions that the *Länder* may develop, allowing a homogenous system within the country.

**Ministerial Structure:** First Level: political posts, Minister and parliamentary Secretary of State (who is elected on grounds of trust, is a member of parliament and supports the Minister before the Bundestag). Second Level: political civil servants (career civil servants or employees with this temporary status) Secretaries of State and Director-Generals, that are discretionally appointed and do not have to resign when there is a change of government. Third Level: career civil servants, Deputy Director-Generals, Heads of Service and Heads of Division. The basic unit of the Ministry is the Service. The Services (maximum of 6) form a Sub-Directorate General; these are grouped under Directorate Generals which are under a Secretary of State.

The Cabinet of Ministers deals with coordination problems derived from the Kollegial-Prinzip, of the coalition governments and the dually-headed capital of the State between Bonn and Berlin, whereby ministerial tasks are distributed. Like other cases in the Union, in recent years, independent entities (agencies) have been created for the provision of services.

## 2. PUBLIC EMPLOYMENT STRUCTURE

### Categories and Status of Public employees

**Basic Regulation** establishes the principle of unit of status for civil servants serving the Federation, the *Länder* or Local Government. Federal civil servants are governed by the Public Service Law, of 31st March 1999. The Federation is also competent to draw up framework regulations concerning all civil servants, ensuring homogeneity between the different categories. Administration staff can be divided into the following categories:

- Civil servants: They belong to the career-based system and generally hold posts in the traditional administration (management, police, education).
- Employees and Workers: They have positions under an employment contract but their status in fact gives them the same security.

A small proportion of civil servants work at federal level, but most local competences are the responsibility of the *Länder*. Civil servants in their strictest sense are the minority compared with the rest of public sector employees although the statutory and working conditions are practically identical and in spite of the fact that civil servants form the administrative elite.

State employees account for 47% of public employees, civil servants make up 38% and employees represent 15%. The percentage of state employees increased from 40% to 47% between 1989 and 2000 due to the growing importance of local government functions and services. However, the number of public employees has fallen significantly since the unification. In total, they have fallen from approximately 6.7 million in 1991 to less than 4.5 million by mid-2007. Human resource management and public employment are decentralised and the respective Ministries are responsible for recruitment and training.

Data of interest: 3.7 million people are employed by the central, regional and local authorities. (Federation: 0.47 million), (Länder: 1.9 million), local authorities and associations for special purposes: 1.3 million). The number of people indirectly employed in public services amounts to 779,000 employees.

### Categories of public employees (With their interval levels)

Lower Levels (not common)

**A2:** Oberamtsgehilfe -**A6:** Oberamtsmeister

Intermediate Levels

**A6:** Sekretär -**A9+AZ:** Amtsinspektor mit Amtszulage

Senior Levels

**A9:** Inspektor, f.e. Regierungsinspektor -**A13:** Oberamtsrat

Senior Police Levels (Police Officer)

**A9:** Kommissar, f.e. Kriminalkommissar or Polizeikommissar -**A13:** Erster Hauptkommissar, f.e. Erster Kriminal- or Polizeihauptkommissar

Senior Service

**A13:** Rat, e.g.: Studienrat, Medizinalrat, Baurat, Bibliotheksrat, Verwaltungsrat, Regierungsrat - **A16:** Leitender Direktor, e.g. Leitender Finanzdirektor, Leitender Medizinaldirektor, Ministerialrat, Oberstudiendirektor

**B1:** Direktor - **B11:** Staatssekretär (Secretary of State as a civil servant)

- Bundesminister: **1 1/3 x B11** (Federal Minister)
- Bundeskanzler: **1 2/3 x B11** (Federal Chancellor)
- Bundespräsident: **1 5/6 x B11** (Federal President)

These Groups are not considered to be civil servants.

- **W1:** Juniorprofessor -**W3:** Teacher (Like a headteacher in an institute)

- **C1:** Wissenschaftlicher/Künstlerischer Assistant **C4:** Teacher (Ordinary); Lehrstuhlinhaber (not common)
- **R1:** Amtsrichter (not a civil servant), Staatsanwalt **-R10:** Präsident(en) der Bundesgerichte (not a civil servant)

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

#### Rights and Obligations

The Basic Law requires civil servants to “respect the principles of the public service career”. This specifically involves:

- Obligation to serve (there are some cases of special dedication).
- Right to immobility.
- Respect for the Constitution.
- Hierarchical obedience, except when the order is clearly illegal, in which case the supervisor must be informed in order to avoid accountability, or except in cases in which action may be detrimental to human dignity.
- Right to exercise political activities, whilst observing the neutrality of their functions at all times.
- The employer has the obligation to help its employees and families.
- They do not have the right to strike, unlike other state employees.

#### Diversity Policies

The Law on the Enforcement of Equality between Men and Women of 30th November 2001 aims to achieve equality in all public service areas, with the obligation of appointing a commissioner on women’s affairs, who has the task of promoting and monitoring the implementation of the law.

Amongst other measures, the law stipulates that women who are equally suitable, qualified and capable as men shall be given preferential treatment in areas where they are underrepresented. This applies to training, recruitment, employment and promotion. Furthermore, it sets regulations for family conciliation. Employees with family obligations are entitled to part-time employment or special leave with preferential treatment in the allocation of positions on their return to their initial situation.

#### Work-Life Balance

**Working Hours:** The normal working week consists of 41 hours (40 hours with full salary for civil servants with a child under the age of 12 or a dependent relative).

Flexible working time is available fulfilling the core hours of the day and there are up to 24 flexible days a year.

**Tele-working:** An agreement must be reached between the employer and trade union representatives, providing that the tasks can be fulfilled this way. Tele-working agreements usually involve alternating between working at the office and at home.

**Part-time work:** The Act on Part-Time Work and Limited Employment grants public employees the right to work part-time on the basis of consensus between employers and employees and providing there are no operational grounds to reject this type of work.

**Paternity Leave.** All employees are entitled to work part-time up to 30 hours a week until the child reaches the age of 3. At a later point in time, a period of up to 12 months parental leave can be taken.

**Mobility:** Mobility is granted for operational reasons or at the request of the employee:

- It may be temporary or permanent, with transfer to another post.
- It involves the temporary or permanent secondment or transfer to another authority within the same or different spheres (e.g. from the Federation to a Land or to a European or international organization).

#### 4. CAREER- BASED SYSTEM

**Career:** Career development is based on merit (according to a grading system) as well as seniority and budgetary limitations.

**Recruitment and Training:** Recruitment does not have a centralized competitive examination system and is organised independently by each authority. Senior Civil Servants are recruited from those that apply for a project. In the *Länder*, executives with seniority may be selected for a specific term prior to obtaining a permanent position.

**Assessment:** Although the Federal Ministries have different procedures for performance appraisal, they follow common principles stipulated in the federal regulations in relation to career. Most assessment guidelines provide for two categories of criteria: performance criteria (results in the assessment period) and capacity criteria (potential for future development).

#### 5. REMUNERATION

All civil servants are paid in accordance with the Bundesbesoldungsgesetz (Federal Salary Regulation), regardless of where they provide services. Nowadays, the 16 Federal states may vary salaries, depending on whether they are considered to be “rich” or “poor” states (the former include Bavaria, Baden-Wuerttemberg or Hesse, and the latter are the majority of the eastern states). However, the Federal Government

continues to supervise the respective “*Landesbesoldungsgesetze*”, which may only vary from the Federal Salary System by 5%. The State that has carried out a more in-depth modification of its pay system is Beamte.

The basic salary is the same for all civil servants (federal, federated and magistrates) and is set out in federal law. Bonuses are negotiated with the respective employees. There are two pay schemes in the area of general administration including the federal administration: Scheme A: Levels (A1-A16) covers the vast majority of civil servants, who receive incremental salaries. Scheme B: Levels (B1-B11) or fixed salaries that affect civil servants in senior positions.

The basic salary may be supplemented by the family allowance, as well as specific allowances which are also applicable to assignments abroad. To reward outstanding performance, performance-related pay, performance steps (merit increment), performance bonuses (one-off payments) and performance allowances (up to 12 months) were introduced in 1997 and enhanced in 2002.

## **6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION**

Civil servants do not have the right to strike and initially, they do not have the right to collective bargaining either. In spite of this, the two main federal trade unions, the *deutscher Gewerkschaftsbund* (DGB) and the *deutscher Beamtenbund* (DBB), exclusive to public employees, participate with the Ministry of the Interior in the drafting of legal provisions related to the rights, working conditions, training, etc. of civil servants (membership of these unions is between 40 and 55%). Public service laws set out the obligation to consult with trade unions prior to the adoption of unilateral measures. The agreements are legally binding.

Until 2003, collective bargaining was highly centralized as the Agreements affected the public sector as a whole (Federal, *Länder*, and local levels). Since 2005, negotiation with employees of the *Länder* has been carried out separately.

## **7. SENIOR CIVIL SERVANTS**

The highest levels of administration (Heads of Department, Ministers and Secretary-Generals) are occupied by senior civil servants (*politische Beamte*), who generally come from the Administration, but are selected based on political criteria. It is organized as a Spoil System, similar to the American system. As for their status, they enjoy special conditions that are different to the rest of the civil servants although there is no formally recognised status.

The employment system is career-based, which seeks to build a coherent public service with senior executives sharing the same culture. It means that teamwork, communication between government organizations is fluent and internal mobility is encouraged.

### POSITIONS TO BE OCCUPIED BY THE SCS:

FUNCTIONAL LEVEL	TITLE	PART OF THE SCS?	POLITICAL APPOINTMENT
1st Level	Secretary of State	Yes	Yes
2nd Level	Director-General	Yes	Initially Yes
3rd Level	Deputy Director-General	Yes	Initially No
4th Level	Head of Division	Yes	No
5th Level	Desk Officer	No	No
6th Level	Assistant Desk Officer	No	No
7th Level	Office Clerk	No	No
8th Level	Messenger	No	No

Senior Civil Servants are **recruited** through career progression within the public service. Access to SCS positions starts at the Head of Division and required regularly verified professional performance with excellent performance appraisals over the years. Advertising of SCS vacancies is handled differently within the different Ministries: some ministries only advertise them internally. Top SCS positions (particularly Secretaries of State) are regularly recruited on a political basis.

A career path towards a SCS position usually starts with recruitment to the first category or “Higher Service”. The law stipulates the recruitment requirements to the higher civil service, the level and conditions; but there is a great deal of discretion left to the individual Ministries to organize the selection process and evaluation systems. The average age to enter the SCS is 40-50 years old.

SCS appointments are decided on by the Federal Cabinet on the proposal of the competent Ministry and are permanent appointments in order to ensure a stable and uniform civil service body. However, employment in a SCS position may be terminated (early retirement). Top positions (Secretary of State) are appointed and terminated on a political basis. Higher SCS positions (Director-General or Deputy Director-General, President of Agencies, except the Secretary of State) have to pass a **probationary period**, which usually lasts two years, in order to evaluate and enhance their management and leadership skills. The appointment is brought into effect through the issue of a certificate of appointment as a civil servant.

Each Ministry manages its staff independently. The Secretary of State is the superior of the Director-General, who in turn is the superior of the Deputy Director-General, etc. This hierarchical principle applies to all administrative bodies.

**Performance appraisals** are carried out regularly every two to three years. For lower SCS positions (Head of Service), appraisals are carried out in accordance with general regulations. Higher SCS positions are sometimes exempt from regular appraisals.

The Federal Academy's leadership **training** programmes are constantly updated and enhanced. Training is geared towards the changing profile of modern leadership, which increasingly depends on management skills.

SCS are included in the B (B1-B11) salary categories, which cover seniority positions with a fixed salary. They have the bonuses and performance-related extras that have already been mentioned as well as the possibility of working flexible hours, although this seldom occurs amongst SCS.

## 8. RECENT REFORMS AND PROSPECTS

In October 2005, a collective agreement between the Federal Government, the Länder and the trade unions came into force for the following reforms:

- Establish common legal provisions for all public employees and special employees in certain sectors. (hospitals, airports, etc).
- Development of flexible working hours.
- Performance and experience-related pay.

In January 2007, a performance-related pay scheme was introduced for civil servants, with a series of measures aimed at determining pay in accordance with the position.

**Statute Reform:** This has enabled mobility to different positions and workplaces, even without the civil servant's agreement, who may be transferred for a period of up to 5 years. It introduces flexibility and allows temporary recruitment as well as "short-term management positions" "*Führungsfunktionen auf Zeit*" and "management positions for a probationary period" "*Führungsfunktionen auf Probe*" (normally 2 years, which may be terminated if performance is not satisfactory). It allows the creation of temporary management positions for two periods of 10 years, and at the end of this term, civil servants must be appointed for life. This regulation is valid for the *Länder* and is not applied to federal civil servants.

It introduces incentives modifying the principle of salaries due to seniority, as the employee's performance affects his/her promotion to one pay level or another. The merit or performance limit is 10% of the total pay or 7% of the total salary for each category. Incentives include:

- Performance Steps. This allows payment according to a higher scale than the current one until the next level is reached. This is limited to 15% of the staff in each Department. It also rewards excellence and cannot go back over more than 3 months.

- Performance Allowances. Additional pay over a short period of time. They are determined in accordance with civil servant appraisals.
- Performance –related pay (up to 7% over salary). Linked to results over a period of time (3 months to 1 year).
- Workload-related pay. Rewards extra responsibilities over a period of time (from 7 months to 5 years).

# GREECE



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Greece is a Parliamentary Republic whose current Constitution (1975) sets out the division of powers (legislative, executive and judiciary) and supports civil freedoms and social rights. It has a population of 11.2 million inhabitants and a surface area of 132,000 square kilometres.

### System of government

**The Head of State** is the President of the Republic, with eminently formal functions, elected by the Parliament for a 5-year term. **Executive Power** has been exercised by the Prime Minister and Government since 1986. The electoral system favours single party Governments whereby the figure of Prime Minister usually coincides with the leader of the majority party. Following a vote of confidence from the Parliament, the Prime Minister is appointed by the President of the Republic along with the rest of the members of the government.

A single chamber Parliament made up of 300 members, who are re-elected every 4 years, exercises **Legislative Power**. The Laws that are passed are enacted by the President. **The Judiciary Power** is independent from the legislative and executive powers.

### Regional organization

Greece is divided into 13 **Regions** (*diaperismata*), which are sub-divided into Departments (*nomoi*). Monte Atos is an autonomous district. The **Municipalities** or *demos* (cities with over 100,000 inhabitants) are governed by a Mayor and a City Council, and the **Communities** of 300 to 10,000 inhabitants are governed by a President and Community Council.

### Public Administration

The administrative system is classical, developed hierarchically from the Minister downwards, passing through Directorate-Generals. However, there is some functional

decentralisation in Agencies and Public Law Organizations (especially Public Establishments with more than 50% of the employees).



## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** The Civil Servants' Code regulates the status of public employees except some cases, which require special conditions or are subject to constant changes. There are two types of employees: **civil servants** with **lifelong tenure** (in a statutory position) and **contractual staff** (with a fixed-term contract). Temporary staff is hired for 3 to 8 months to cover temporary staffing requirements. Scientific, technical or auxiliary staff recruited under a private law contract also has a permanent employment relationship.

80% of issues related to contractual staff with an open-ended contract are regulated in the aforementioned Code (recruitment, mobility, dismissal, pay scale, etc.) They have almost the same rights and obligations as civil servants with lifelong tenure. Differences lie in issues related to their assessment, promotion, health and social security system and pension schemes. **Temporary** contractual staff does not enjoy the same rights but some benefits are the same, such as maternity leave.

<b>CIVIL SERVANTS</b>	<b>CONTRACTUAL STAFF</b>
Unilateral relationship with the administration	Bilateral nature of the contract
Lifelong tenure	Fixed-term or temporary contracts
Based on Civil Law (statutory)	Based on Private Law
Recruitment: competitive examination by the Higher Council for Staff Recruitment.	Recruitment: open-ended contractual staff by the Higher Council for Staff Recruitment. Temporary: Simplified recruitment
Administrative Jurisdiction.	Labour Jurisdiction.
Own pension scheme	General pension scheme
Application of the national social security system	Limited application of the national social security system.

According to the level of studies required for entry in the civil service, **statutory staff** are classified into special position categories which require studies: University Degree, Technical Studies, Secondary Studies and finally, compulsory studies.

**PUBLIC EMPLOYMENT MANAGING BODY:** The Ministry of the Interior, Public Administration and Decentralization organises human resources through the Directorate-Generals for: Administrative Organization and Procedures; Staff Status; Administrative Reform.

**Statistics:** The total number of employees is 369,800, (25% in the Central government, 23% in local government and 52% in Public Law Establishments).

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Civil servants have the same political and social rights as other citizens. Their working week, with a few exceptions (such as the armed forces, prisons, courts, universities and others) is 5 days and 37.5 hours a week. Since 2006, they have enjoyed flexi-working times.

The new Civil Servants' Code sets out unpaid family leave of two years for the care of children under the age of 6. Furthermore, parents of children under the age of 2 work 2 hours less a day and mothers with children between the ages of 2 and 4 also work 1 hour less. Parents may opt for paid leave of 9 months for childcare, which is incompatible with the above.

### 4. CAREER-BASED SYSTEM - TRAINING

The Constitution determines that civil servants holding posts shall be permanent so long as these posts exist. They may not be dismissed with the exception of those retiring upon attainment of the age limit or by court judgement, which is also applicable to open-ended contractual staff. The exceptions approved by law are: staff or senior positions outside the hierarchy, ambassadors, employees of the Presidency, Prime

Minister, Ministers and Deputy Ministers. To enter statutory positions, civil servants must spend 2 years on probation, during which time they may be dismissed.

Dismissal may be imposed as a sanction for disciplinary breaches, such as refusing to respect the Constitution, lack of loyalty to the State and Democracy, breach of service, serious insubordination, etc.

**The Ministry of the Interior** is responsible for the training policy, along with the National Centre for Public Administration, which analyses training needs, and other specialised departmental centres.

## 5. REMUNERATION

Since 1997, there have been pay increases to bring the civil service in line with the private sector, with a new pay method based on a series of 36 salary scales according to each job category. Each scale is broken down into 18 levels, each one with a base salary. Employees change level automatically every two years. Contractual employees' salaries are set by collective agreements concluded between trade unions, the Ministry of the Interior and the Ministry for Finance. In local governments, remuneration is the same as for State civil servants.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Public employees have the right to strike and to union membership (with the exception of the police and armed forces). Collective bargaining is regulated in Law 2738/1999, and takes place annually between the Ministry of the Interior (and others if the subject concerns them) and ADEDY (Administration of Greek Civil Servant Trade Unions). The main topics of negotiation are: salaries, training, modernisation of the social security system, union rights, the working week and mobility. Agreements are not binding on administrations, except those concerning training, social security and union rights.

## 7. SENIOR CIVIL SERVANTS

There is no formal SCS status in Greece although there are some special conditions. (Summary Table)

<b>FUNCTIONAL LEVEL</b>	<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
1st Level	Secretary-General	No	Yes
2nd Level	Director-General	Yes	No
3rd Level	Director	Yes	No
4th Level	Head of Section or Unit	Yes	No

Senior Civil Servants are **recruited** internally through examinations conducted by the Greek National School of Public Administration or by the Personnel Selection Board. Appointment is for a 3-year term which may be extended for a further 3 years, and they are under the management of their direct superiors in the organic ranking. They are assessed annually on the following criteria: knowledge, effectiveness, behaviour, etc.

The National Centre for Public Administration offers a specific training programme for SCS which focuses on the command of foreign languages and training in this field.

They do not have any extra pay apart from the SCS bonus derived from their participation in certain Collective Councils. They usually work full-time without flexi-working times or part-time work. They have limited mobility.

## **8. RECENT REFORMS AND PROSPECTS**

A public administration reform programme is currently being implemented (2007-2013), backed by the European Social Fund, with the following measures: establishment of quality policies through the modernisation of the regulatory framework; reform of administrative structures and procedures; improvement of human resource management; combat inequality in the administration.



# HUNGARY



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The current Hungarian Constitution was approved in 1949, and its last modification was on 23rd October 1989, in which the Republic of Hungary is defined as “an independent, democratic constitutional state, in which supreme power is vested in the people and the government exercises its power within the framework of a State of Law representing a parliamentary constitutional democracy”.

It is a member of NATO and has been a Member State of the EU since 2004.

### System of government:

**The National Assembly** is the highest authority of the State and is elected by popular vote. It elects the President of the Republic, President of the Government, members of the Constitutional Court, Parliamentary Commissioners, President and Vice-President of the Audit Office, President of the Supreme Court and the Director of Public Prosecutions. The Hungarian *Parliament* has a single chamber.

**The President of the Republic:** The Head of State of Hungary is the President of the Republic, who expresses the national unit and ensures the democratic functioning of the State. He is elected by the National Assembly for a period of five years and may be re-elected once.

**El Government** consists of the President of the Government and Ministers. The President of the Government is proposed by the President of the Republic to the National Assembly who decides on his election by majority vote and approves his Government programme. Ministers are appointed and removed by the President of the Republic, on the recommendation of the President of the Government.

The Government shall be accountable to the National Assembly, and regularly reports on its actions. In turn, members of the Government are accountable to the President of the Republic and the National Assembly.

**Hungarian Electoral System:** In accordance with the 1997 Hungarian Electoral Law, the President of the *Republic* is the competent authority to call elections, whereby

the Ministry of the Interior and the National Electoral Commission are responsible for organising the elections and ensuring they are carried out properly.

Parliament is made up of 386 seats, in accordance with the following distribution:

- 176 members are elected in single-seat constituencies;
- 152 members are elected from the lists in Budapest and other Provinces;
- 58 members are elected from the national compensation seats.

In the single-seat constituencies, there is a two-round electoral system in case one of the candidates does not win an absolute majority in the first round. Regards voting for lists, the seats are divided according to the percentage of votes received by each list in each region. As for the national compensation list, it is not possible to vote directly for this. The Hungarian electoral system favours the majority parties, particularly the most voted; and hence strengthens the possibility of creating a stable majority government. Furthermore, it encourages the parties to join forces as coalitions in the second round.

**The Judicial System:** Justice is administered by: the Supreme Court of the Republic of Hungary, the Court of the Capital City and the county courts, and local courts. Legislation may provide for the institution of special courts for certain groups of cases. The courts administer justice in councils of professional judges or magistrates and lay-members, whereby legislation may authorize exceptions to this rule.

*The Supreme Court of the Republic of Hungary* manages the principles of the judiciary and the Administration of Justice in all the other courts. The President of the Supreme Court is elected by the National Assembly, on the recommendation of the President of the Republic.

*The Constitutional Court* reviews the constitutionality of legal stipulations and carries out the functions attributed to it by legal mandate. It is made up of members elected by the National Assembly.

## Regional organization

Hungary is a decentralised unitary State. The central government has representatives in the 19 Departments (*Comitats*), which have wide-ranging competences. Hungary is administratively sub-divided into 20 Regions, of which 19 are counties (“*megyék*”, singular: “*megye*”) and the other is the capital city (“*főváros*”), Budapest. There are also 23 towns with county rights, sometimes known as “urban counties”. Although the local authorities of these towns have extended powers, these towns cannot be considered as independent territorial units. On the other hand, there are seven statistical regions created in 1999 by Law 1999/XCII, which amends Law 1996/XXI. It is hoped that the regional division will replace the current administrative division of 20 regions. Regions are made by grouping the territorial units together.

The Constitution regulates the local autonomous bodies. It establishes that: the territory of the Republic of Hungary is divided geographically into the **Capital** of the country, **Provinces and Municipalities**, which are divided into cities and villages. The Capital of the country is divided into districts. It recognises that local self-government is the “autonomous and democratic management of local public affairs affecting the communities concerned, is the exercise of local public authority in the interest of the population”.

Their bodies are the democratically elected Autonomous Representative Body. It regulates and administers matters of self-government; manage revenue and determine the types and amounts of local taxes; may freely form associations with other local representative bodies, create federations of autonomous representative bodies; cooperate with local authorities in other countries and join international organizations of local bodies.

The President of the Local Representative Body shall be the Mayor; Laws or government decrees may determine and transfer some of the functions of the State Administration.



## Public Administration

The Hungarian Central Administration is divided into **Ministries**. On the other hand, there are other organizations such as **Agencies**, an important one of which is the Hungarian Research and Development Agency which is responsible for decision-making in relation to public employment, public development and investment and is linked to other entities and networks acting in the public employment field, such as the European Commission Enterprise Europe network.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** Public Officials are regulated by the 1992 Act XXIII on the Legal Status of Public Officials and public servants are regulated by the 1992 Act XXXIII on the Legal Status of Public Servants, both of which regulate the main aspects of public employment.

**Activities to be performed by public officials:** These activities are published online so that citizens can be aware of their objectives and tools to achieve them. The following public service activities can be highlighted for 2009:

- A)** Recruitment and training of public servants, Public administration managers (central and regional) and personnel for the Hungarian Presidency of the EU in 2011.
- B)** Implement the programme specialised in newly recruited public servants (PÖF).
- C)** Administer and supervise EU grants intended for public administration education and human resources.
- D)** Launch an annual programme for senior public managers or directors.
- E)** Set up a professional training centre for public officials.
- F)** Participate in international projects, etc.

### Staff Categories

Public officials perform activities ranging from management, administration, control and supervision and they represent the state when they perform their duties.

**Administrator** is the name given to those who work for a public administration organization, carrying out administrative tasks.

**Contractual workers** are employees whose legal relationship is regulated by the Labour Code. They are in charge of collecting material, filing decisions, posting letters, cleaning or driving.

Therefore, the concept of public servant should not be confused with that of public official, as the Public Officials Act **does not apply to:**

- The organizations of the Hungarian Armed Forces, the Civil Guards, the Police, the national security services, the Fire Department, the Customs Officers, prison officers, civil defence and armed security guards (whereby staff working for these organizations are not public officials, but these organizations may also have some responsibilities that are the same as public officials).
- Persons employed to provide the public services that are part of the responsibilities of the local self-government (public servants), persons employed in non-profit and community service works, or those temporarily working in the civil service (employees working under the scope of the Labour Code).

**Public servants** are persons employed by the State, local authorities and local self-governments to perform public services (at times, nursery school workers, primary and secondary school teachers, hospital workers, the police, the armed forces are public officials rather than public servants).

Therefore in order to differentiate between public servant and public official or other legal relations, the specific functions performed in the organization shall also be observed.

## **Conditions to be a Public Official**

A public official shall be a Hungarian citizen; have no prior criminal record; have legal capacity; have at least secondary level studies; pass the entry examination.

The Public Administration entry examination is a condition for public officials that has gradually been introduced since 2007. In fact, the examination has been compulsory since January 2009.

## **Conditions to be a Public Servant**

The public servant joins the Hungarian Administration: to carry out a substitution or to perform a specific job.

The public servant's legal relationship shall be established for 5 years in both cases. However, since 2005 the public servant has also performed temporary activities for a more limited time.

## **PUBLIC EMPLOYMENT MANAGING BODY**

In Hungary, there is no single managing body. Therefore the main authorities responsible for public employment within the Hungarian administrative organization are the following:

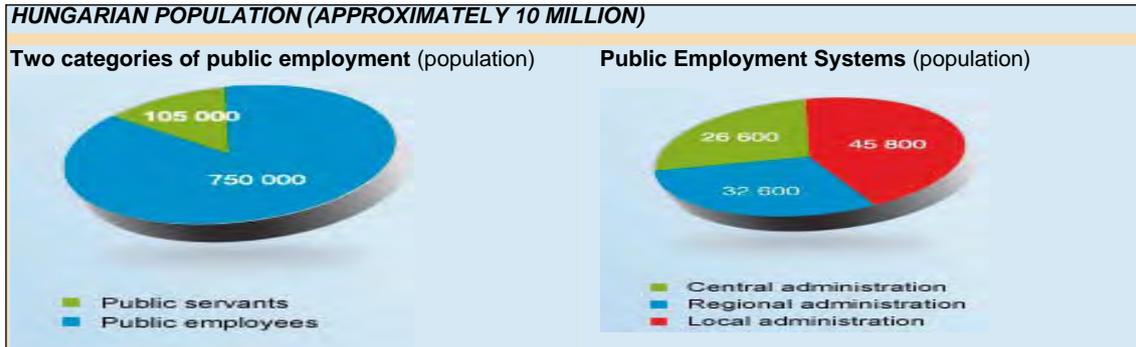
- Director-General.
- Member of Parliament, Director-General for Human Resource Development and Recruitment.
- Member of Parliament, Director-General for Training and Education.
- Director of the Project and Subsidies Office.
- Financial Director.
- IT Director.
- Central Administration Director for Human Resources and Project Development.

The following are particularly relevant: a) The Training and Education Division. b) The Human Resource Development and Recruitment Division.

The Training and Education Division prepares a permanent competitive examination focussed on the evolution of public employees in terms of training. It also concentrates on the development of programmes for the improvement and modernisation of central, regional and local administration.

The Human Resource Development and Recruitment Division is developing a system focussed on reducing costs and enhancing the public services offered to citizens.

## Data: Distribution by categories and territorial Public Administrations



In turn, it must be highlighted that the percentage of women in the Hungarian Administration is 55%. Of these, 30% are civil servants.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Principles:** Public employee principles are similar to those established in most European countries, highlighting impartiality, proper performance, fairness and objectivity in the provision of a public service. On the other hand, they are obliged to respect the principle of hierarchical obedience and some employees have to declare their assets and interests prior to taking up office.

**Rights and obligations:** Public sector employees have the following rights: 1. The individual right to a career in the public service and to training. Since 2006, training is also an obligation. 2. Collective rights such as the right to strike (except for members of the judiciary and the police), as set out in Law VII of 1989 and the right to representation through social dialogue.

### 4. CAREER-BASED SYSTEM

The 1992 Civil Servants' Act regulates an administrative career for an indefinite period throughout their active lives. However, there are certain circumstances in which a civil servant may occupy a post for a fixed period of time.

The basic career of civil servants has been developed over the years, by making the minimum requirements for candidates stricter, particularly after 1997, when the basic public administration regulations were approved, in which some of the most characteristic aspects are defined. Therefore, a degree is a requirement to enter a civil servant position.

**The vertical career** reaches its ceiling at civil servant supervisor level. Another position on the hierarchical scale that is often performed in the latter years of an administrative career is that of Head of Employment for each unit, responsible for recruiting human resources for each unit.

The national coordination body in this field is the Hungarian Institute for Public Administration, responsible for training, although training is provided on a regional level.

## 5. REMUNERATION

There are different payment categories according to the number of years of service in the Hungarian Civil Service. Public sector employees' pay comprises a base salary calculated on the civil servant's position, and additional remuneration for some employees (central administration, National Assembly, Constitutional Court).

The base salary level is set by parliament every year, following negotiations with management and representatives of the leading trade unions. This salary cannot be lower than that of the previous year. There is also position and performance-related pay.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Social dialogue takes place at the National Interest Conciliation Council, where public employees are represented. Issues subject to Social Dialogue are working and living conditions of public employees, salaries, human resource management, etc. It is characterised by its centralized structure and is organised on two levels:

1. National Interest Conciliation Council of the Public Service provides the framework for national negotiation on issues such as salary levels and the organisation of the work of civil servants, public sector employees and the Armed Forces. The State is represented by senior civil servants of the various Ministries concerned.
2. At departmental level, sector-based agreements are concluded between the State and Trade Unions (25-40% of civil servants are members of a trade union).

## 7. SENIOR CIVIL SERVANTS

In Hungary, there is no special Senior Civil Service group, like in other European countries. However, there are political figures that hold management positions in the Administration. The following can be highlighted: (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Prime Minister, Ministers	No	Yes
2nd Level	State Secretary	No	Yes
3rd Level	Assistant State Secretary	No	Yes
4th Level	Senior Head of Department	No	No
5th Level	Head of Department	No	No

All of these figures share some common characteristics, as the Hungarian Civil Service Act (1992) created "probationary period" which grants a temporary or permanent position in the Civil Service. The common characteristics date back to

1997, when the principles and values required for senior and management posts in the Hungarian Administration were introduced. Since then, the Hungarian Institute for Public Administration, which is responsible for training, among other functions, has been determining which ones should form the basic criteria for entry into the Administration. This criteria is based on:

1. **Recruitment:** Civil service status is legally considered a “special contractual relationship” between the central, regional, or local government and the civil servant. Civil servant status is awarded during the recruitment process, which begins with direct recruitment by central, regional or local employers. In most cases civil servants are appointed for a flexible managerial post.
2. **Assessment.** The supervisor of each unit manages and assesses the work of civil servants in the framework of a special evaluation system (TER). This assessment takes place annually.
3. **Training and Management Skills Programmes:** Initial training for civil servants starts at the Administrative Study University, which offers diplomas on completion of the examinations in the year in which civil servants are registered. On-going training is provided by the Government Centre for Public Administration and Human Resource Services, which opened in 2007 and provides training in a wide range of areas. A new public manager programme is currently underway, which aims to train leaders in administrative organization.
4. Another **programme** currently being offered is the Executive Management in Public Administration, “EMPA”, which evaluates the quality of the work performed in accordance with OECD criteria. These training programmes ensure that civil servants have the necessary skills to work at the highest level in the Hungarian Administration.
5. **Diversity Policies:** There are no policies on diversity in Hungary but there are objectives to reach real gender equality in the short term (there is a large percentage of women in the civil service).
6. **Work-Life Balance:** There are no statistics related to work-life balance for public employees, although it can be verified that the Hungarian system has made enormous progress in this area in recent years. Although part-time work and teleworking are not possible, voluntary flexible working hours do exist
7. **Mobility:** Public employees may enter a higher position provided that they fulfil the requirements previously established by their supervisor, prior to a selection process and they fulfil the requirements for the job. This type of mobility is similar to the Spanish system’s vertical mobility.

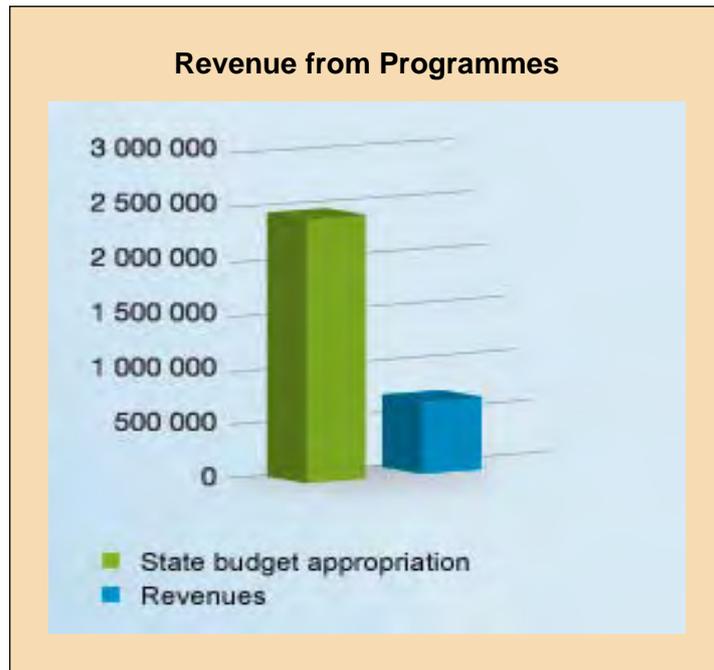
## COORDINATION WITH INTERNATIONAL ORGANIZATIONS IN RELATION TO PUBLIC EMPLOYMENT

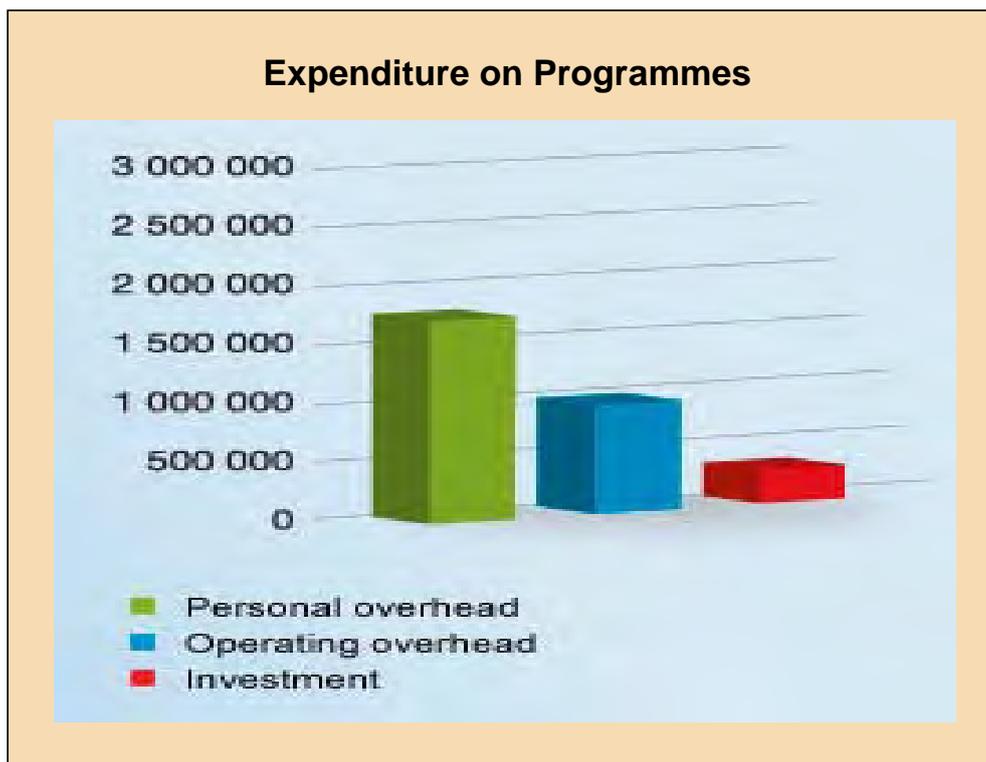
The Hungarian Administration is committed to the practical development of human resources, recruitment and training of public employees, whereby it is participating in

activities within the EIPA and EPSA framework. In turn, Hungary is an active member of DISPA and IASIA, and participates in the Working Group focussing on human resources in the European Union and the OECD. Finally, it is part of the European Senior Civil Servant (ESCS) and the UNDESA network projects.

The programmes that are underway in 2009 are the following:

- “Organization, Development and Performance Assessment” at the Administration Centre, in conjunction with the Prime Minister’s Office.
- “Human Resource Management” in the Central Administration in association with the Ministry for Foreign Affairs.
- Employee Management and Training Programmes.
- The number of public employees participating in these programmes is 75,000.
- The importance of better public employment can also be seen by analysing the latest civil service budgets:





## 8. RECENT REFORMS AND PROSPECTS

Reform of institutions and budgetary mechanisms was initiated in 2006 in Hungary. The main objectives are the following:

- Develop larger and more efficient agencies and institutions.
- Reduce the number of minority corps in the Civil Service.
- Reduce the number of duplicate departments.
- Merge inefficient services.
- Develop the necessary management techniques to bring the civil service closer to citizens.
- Develop the quality of public services.

Most of these objectives have already been achieved, although new institutional reforms are underway. The aim of this reform is to clearly define each department's missions and seek greater administrative transparency and more effective controls.

# IRELAND



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

In 1949, the Irish State was declared the Irish Republic, which joined the UNO in 1955 and the EEC, now the EU in 1973.

The Constitution of Ireland, approved on 1st July 1937, establishes that, “the name of the State is Éire, or in the English language Ireland”. For all official documents, including international relations and other legal documents, the Irish Government uses the name of Ireland, as well as Éire for documents written in Irish. The Irish Constitution establishes that “the State is a sovereign, independent, democratic state”.

### System of government

**The President of the Republic:** The *President of Ireland*, who acts as *Head of State*, is elected for a seven-year term and is only eligible for re-election once. His/her powers are largely ceremonial, although she/he has certain constitutional powers, assisted by the *Council of State*, a consultative body. The Irish Constitution establishes that in the event of the absence of the President, the powers and functions conferred on the President shall be performed by a Commission consisting of the Chief Justice (President of the Supreme Court), the Chairman of the House of Representatives Dáil Éireann (An Ceann Comhairle), and the Chairman of the Senate (Seanad Éireann).

**The Taoiseach** (*Prime Minister*) is nominated by Dáil Éireann and appointed by the President. The Taoiseach is normally the leader of the political party that obtains the most seats in the legislative elections. Governments are often formed by coalitions, and there has not been a single ruling party since the 1987-1989 term of office.

The National Parliament (Oireachtas) consists of the President and two Houses, namely Dáil Éireann (the House of Representatives) and Seanad Éireann (the Senate). Each House of Parliament elects its own Chairman and Deputy Chairman from its members; it can make its own Standing Orders (rules) and no person may be at the same time a member of both Houses of Parliament.

Dáil Éireann, or the House of Representatives consists of members representing the constituencies defined by law and its members are also determined by law. There must be at least one Member for every 20,000 to 30,000 people. Elections are held using the proportional representation system. Dáil Éireann is elected for a maximum term of 5 years.

**Seanad Éireann or the Senate** is composed of 60 Members, of which eleven are appointed and forty-nine are elected. Appointed members of the Senate are named by the Taoiseach. Elected members of the Senate shall be elected as follows: three shall be elected by graduates of the National University of Ireland, three shall be elected by graduates of the University of Dublin, and, forty-three shall be elected by panels of candidates. Elected members are elected using a proportional representation system.

**The Government** consists of at least seven and no more than fifteen members, who shall be appointed by the President in accordance with the provisions set out in the Constitution. The Government is accountable to the House of Representatives and meets and acts as a collective body and is jointly and severally liable.

**The Head of the Government or Prime Minister** (Taoiseach) keeps the President informed of any matter of national or international policy, and shall appoint the Deputy Prime Minister of the Government (Tánaiste). The Taoiseach (Prime Minister), the Tánaiste (Deputy Prime Minister) and the Minister for Finance must be members of the House of Representatives, whilst the other members of the Government must be members of either the House of Representatives or the Senate, but no more than two may be members of the Senate.

**The Judicial System:** There are Courts of First Instance and a Court of Final Appeal. The Courts of First Instance consist of a High Court invested with full jurisdiction and power to determine all matters and questions whether of civil or criminal law. The Courts of First Instance consists of District Courts whose sentences may be appealed. The Court of Final Appeal is called the Supreme Court. Its members and the judges of the other courts are appointed by the President of the Republic.

## Regional organization

Ireland is divided into **four Provinces**, *Connacht, Leinster, Munster* and *Ulster*, and 32 *counties*. Six of Ulster's nine counties form *Northern Ireland* (and are governed by the United Kingdom) and the remaining 26 counties form the *Republic of Ireland*. The four Provinces do not have separate administrative status and are merely cultural. From an administrative point of view, twenty of the counties in the Republic are local government units. The other six have more than one local authority in their area, making a total of thirty-four authorities at county level. However, *Tipperary* is a special case, as it is divided into North *Tipperary* and South *Tipperary*. The electoral areas of the Republic of Ireland are called *constituencies*.



## Public Administration

The **Strategic Management Initiative**, which was launched in 1994, set the agenda for change in the Irish Civil Service. The objectives were to ensure that, on an ongoing basis, the Public Service would make a greater contribution to national development, be a provider of excellent services to the public and make effective use of resources.

The Report **Delivering Better Government**, published in 1996, gave clear direction to the programme for change and modernisation. It expanded on the framework set out in the Strategic Management Initiative and outlined an extensive modernisation process, built around key organisational themes. These included greater openness and accountability, a mission of quality customer service, and the efficient and fair operation of simplified regulations.

During that time there have been significant improvements in the areas of:

- human resources management;
- financial management;
- regulatory reforms; and
- eGovernment.

There has been a very significant step change in the way the Civil Service not only deals with its customers but also in the manner in which it organises its internal business. Basic changes have been made in the way in which pay is determined and staff have accepted real changes in terms and working conditions. At the same time, Departments and Offices continue to operate within a cap on numbers, and their administrative budget allocations are set to reflect this.

Central to this is developing a more **performance-oriented culture**. Throughout the life cycle of civil servants, from their entry into the Civil Service right through until they retire, initiatives have been introduced which are aimed at increasing the focus on performance and on the levels of accountability, both at the level of the organisation and the individual.

At the level of the **organisation**, the preparation of strategy statements and annual business plans is now a well accepted part of the yearly work cycle. The introduction of output statements is aimed at clearly linking resources with outputs and outcomes, and demands a rigorous approach to the management of all resources across the Civil Service.

At the level of the **individual**, the Performance Management & Development System (PMDS) is now a well accepted part of each individual's work. While the system originally provided a map for each staff member's development and an opportunity to discuss both performance and development with their supervisor, the recent integration of the system with other HR processes – such as the award of increments and eligibility to apply for promotion – increases the level of accountability of the individual to perform well and means that it must be operated in a way which is both tangible and durable.

One of the most critical drivers of change within the Civil Service is ensuring an effective approach to the **management of human resources**. Human resources are the main resource available to the Civil Service, and real improvements in service delivery can only be brought about by ensuring the availability of a skilled and talented workforce that is committed to delivering excellent services to the public.

In order to strengthen the skill levels entering the Civil Service, **open recruitment** beyond the traditional entry levels has been introduced, with targets set for recruitment by open competition for the grades of:

- Principal – 2 in 9 of all grades;
- Assistant Principal – 1 in 5 of all grades;
- Higher Executive Officer – 1 in 6 of all grades; and
- Executive Officer – 1 on 2 of all grades.

Since the end of 2006 all Top Level Appointments Commission (TLAC) competitions for the grade of Assistant Secretary have been advertised openly.

A new recruitment framework has also been introduced which allows Departments and Offices to recruit directly under licence. This flexibility is intended to allow organisations across the public sector speedy access to the skills they need. Such flexibility is vital in an increasingly competitive employment market where the public service seeks to be the employer of choice. There has also.

There is a greater use of competitive merit-based **promotion** procedures, with the target of a minimum of 75% of all internal promotions posts in each grade being filled through competitive merit-based processes being met or exceeded in most areas. In a small number of areas where the target has not been met, the Departments and Offices concerned are pursuing the issue through local discussions.

## 2. PUBLIC EMPLOYMENT STRUCTURE

### Legal Basis:

Legislative changes introduced in the *Civil Service Regulation (Amendment) Act 2005* and the *Public Service Management Act 1997* mean that Secretaries General and Heads of Office are now more directly responsible for the management of staff. In turn, they can also further delegate the responsibility for the management of staff to other managers at all levels in their organisations.

### Structure: Civil Service Model - Staff Categories

### Organizational Structure:



The Irish Civil Service consists of two streams - a general service stream comprising the majority of the service charged with carrying out general administrative work and a professional and technical stream that addresses specialist work such as accounting and engineering.

Civil servants are responsible for a wide range of activities within the Civil Service. The main objective of civil servants is to implement government policy and provide services to citizens. As for the activities performed, it is necessary to differentiate between general posts and technical or professional positions. Officers serving in the grades of Clerical Officer, Administrative Officer, Executive Officer, Higher Executive Officer and Assistant Principal Officer occupy general service posts. Other staff serve in specialised posts such as accountants, architects, chemists, engineers, lawyers and forestry engineers.

### **Partnership in the Irish Civil Service:** National Background to Development of Partnership

*The social partnership agreement –Partnership 2000– on pay and social and economic matters provided for the establishment of new forms of trade union and employee involvement in the change management process across the private and public sectors under the term “partnership”. A key part of the rationale for the development of partnership at the level of individual organisations was that it had been a very successful process at the level of the economy. Partnership provides a mechanism whereby the social partners at the level of sectors and organisations could replicate the partnership approach that had been developed at national level around joint objective setting and non-confrontational problem solving.*

Following the conclusion of this agreement, discussion took place within the main sectors of the public services as to how partnership should be structured and developed in each sector. Sectoral level partnership agreements were subsequently concluded in the civil service, local government, the health sector, the institutes of technology and third level education.

### **Background to Development of Partnership in the Irish Civil Service**

*In respect of the civil service, Partnership 2000 provided that the initial focus of the partnership process would be directed at the development and implementation of action programmes to progress the modernisation of the civil service.*

*Partnership 2000 set out the governing principles for the development of partnership at sectoral and organisation levels. The objectives of the partnership approach were described as “...to ensure that, in each department and office through consultation and the participation and co-operation of all concerned, there is, firstly, common ownership by management, unions and staff of the development and implementation of the action programmes, and secondly, a new participative approach to resolving issues and challenges generally.”*

### **Employee Categories**

In Ireland, the concept of a Senior Civil Service is not formally defined in the Irish civil service. Government Departments are headed by a Secretary-General supported by a small cadre of senior management at the level of Assistant Secretary. These grades occupy the first and second level on the administrative hierarchical scale. The third

and fourth levels include the Principal Officers and the Assistant Principals are not considered as belonging to the Senior Civil Service.

Career opportunities within the civil service are extremely diverse and public employees have the opportunity to work on diverse activities ranging from the health sphere to the provision of various administrative services. Civil servants work as part of a team, and to reinforce this idea, they often create clubs and sports teams, which give civil servants the opportunity to socialise and create personal ties.

## **Appointments to Senior Posts in the Irish Civil Service**

### **Top Level Appointments Committee (TLAC)**

The Top Level Appointments Committee (TLAC) was established in 1984 by a Government decision. TLAC recommends candidates for the most senior appointments in the Civil Service. Subject to certain exceptions, TLAC deals with all posts at or above Assistant Secretary (Deputy Director General) level or equivalent across the Civil Service. Eligibility to compete for posts at Secretary General level is confined to existing Assistant Secretaries in the established Civil Service. Officials at this level are always established Civil Servants who have been selected through a statutory selection process that is independent of political influence. (Irish Civil Servants above the grade of clerical officer (entry level) are forbidden from taking an active role in part in politics.)

### **Appointing Authority**

The Government is the appointing authority for posts at Secretary General (Director General) level. In accordance with a decision of the Government, TLAC recommends up to three candidates, if found suitable, for posts at this level. The Government appoints the Secretary General from among the recommended candidates.

### **Secretary-General (Director General) level posts**

The Committee itself screens and short-lists the candidates and usually devotes a full day to meeting the short-listed candidates before making its recommendation. Because these posts are the most senior posts at official level in departments, the Government decided that up to three candidates, if found suitable, are to be recommended in alphabetical order. The final decision is made by the Government. In the case of Secretary-General posts, the outgoing Secretary-General participates as a full member of the Committee.

### **Secretary General posts where TLAC does not make recommendations and the right of appointment rests with the Government**

- Secretary General to the Government and to Department of the Taoiseach (Office of the Prime Minister).
- Second Secretary General, Department of the Taoiseach (Office of the Prime Minister).

- Secretary General, Department of Finance.
- Secretary General, Public Service Management Division, Department of Finance.
- Secretary General, Department of /Foreign Affairs.
- Chairman of the Revenue Commissioners.

Appointees nominated under this process are established career Civil Servants and are not political appointments in the sense of being party political nominees.

### **Tenure**

The tenure is usually for 7 years but if, on appointment as Secretary General, a person is between 56 and 60 years of age, the Government may, at its discretion, (a) waive that person's obligation to retire at 60 and (b) permit the person to serve as Secretary General for a period not exceeding 4 years in any case.

### **Removal from office**

The appropriate authority (competent authority) for the dismissal of an Irish Civil Servant (including a Secretary General, i.e. the most senior Civil Servant in a Department) is the Government of Ireland. The Civil Service Regulation Acts 1956 - 2005, provide tht: "Every established civil servant shall hold office at the will and pleasure of the Government."

Before the dismissal of any Irish civil servant, the most important consideration would be to ensure that due process was followed in every detail of the dismissal procedure (i.e. that the rights of the civil servant were protected at every stage of the dismissal process). This applies to all Civil Servants.

**Statistics:** According to official figures, in June 2008 there were 291 senior civil servants in the Irish Civil Service. Fifty three were women (18%) and 238 (82%) were men. Of the 29,718 people in the Irish civil service 18,859 are women and 10,866 are men. A higher proportion of women serve in the lower grades of the Irish civil service e.g. there are 10,175 women in the grade of CO (Clerical Officer) compared with 3,324 men.

## **3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES**

**Individual Rights:** There are no differences with respect to those analysed in other countries. However, it must be mentioned that the right to training and professional career development are the rights that have been developed most in recent years in the different regulatory texts among a wide catalogue of rights in the civil service sphere.

**Collective Rights:** Civil servants have social rights such as the right to strike, to collective bargaining and to hold collective agreements. However, there are some limitations to these social rights. For example, in the case of the right to strike and in turn, there are mechanisms to resolve disputes among public employees and the Public Administration.

#### 4. CAREER-BASED SYSTEM. TRAINING

In general, the Irish administrative system is a career-based system although civil servants are recruited via different recruitment systems. The career-based system and horizontal promotion work in a similar way to the Spanish system. The senior positions on the hierarchical scale are usually advertised openly. The Top Level Appointments Committee (TLAC) plays an important role in this sphere, as it is responsible for deciding whether a position should be filled as part of an open competition. Once civil servants have been recruited they are assigned to a particular Department or Government Office.

The administrative career of a civil servant is not static and mobility across Departments and Offices is a common feature in a civil servant's career.

#### 5. REMUNERATION

The remuneration system consists of a base salary that varies in accordance with the grade to which the civil servant belongs. When the civil servant enters the civil service, an initial remuneration is determined in accordance with his/her grade. Each grade has a specific pay scale. Rates of pay are approved by the Department of Finance. The salaries of politicians and senior civil servants are reviewed every four years by the Advisory Review Body on Higher Remuneration in the Public Sector. Its recommendations are generally approved by the government, which is the primary decision maker in this area.

Since 2002, a variable annual performance award may be paid to Deputy-Secretaries and Assistant Secretaries in addition to their base salary. These performance-related awards can reach up to a maximum of 20% of the base salary, with a limit of 10% of the payroll for the group as a whole.

The performance-related pay, while not part of the basic salary of Assistant Secretaries and Deputy Secretaries in the civil service and of related grades in other parts of the public service has formed part of their remuneration package since 2001, on foot of a recommendation by the Review Body on Higher Remuneration in the Public Service in its Report No. 38. The Review Body recommended that 10% of the paybill for the grades would be set aside for performance-related payments. The Government accepted the recommendation. Accordingly, while the payments to individuals varied, the average payment was 10% of salary. In 2009, it was decided the scheme would be terminated but this was subject to discussion on the implementation of the decision with the relevant staff association.

#### 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

**Issues** subject to Social Dialogue are: working conditions, public sector reform, modernisation of the Social Security system, etc. Employers are represented by the Department of Finance whilst employees are represented by: The Irish Municipal, Public and Civil Trade Union, The Civil and Public Services Union, The Public Service

Executive Union and The Association of Higher Civil and Public Servants. On the other hand, one of the most characteristic features of social dialogue is the decentralised dialogue. The extent of the decentralisation of the dialogue depends on the nature of the topic. The system is quite formal. Negotiations are held once a month at the General Council meetings and the agreements reached are formally ratified. On the other hand, there are sub-committees to deal with more complex topics such as the Disability Sub-Committee that considers disability related issues. Agreements reached at sub-committee level are ratified in the General Council.

## 7. SENIOR CIVIL SERVANTS

In Ireland there is no formally defined Senior Civil Servant group but some special conditions exist for high level positions which are analysed below. (Summary Table)

<b>FUNCTIONAL LEVEL</b>	<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
1st Level	Secretary-General	Yes	No
2nd Level	Assistant Secretary	Yes	No
3rd Level	Principal Officer	No	No
4th Level	Assistant Principal	No	No
5th Level	Executive Officer/Administrative Officer	No	No

## 8. RECRUITMENT

In general, the Irish civil service operates a career-based system. Recruitment to the Civil Service is governed by the Public Service Management (Recruitment and Appointments) Act 2004. The Act established the Commission for Public Service Appointments (CPSA) and the Public Appointments Service (PAS).

The CPSA sets the standards to apply to the recruitment of persons for positions in the Civil Service and certain other public service bodies.

The PAS is the principal recruitment body for the Irish civil service and is responsible for carrying out the competitive process (based on examinations and theory and practical tests) for civil service posts, as well as for senior levels of the local government.

The Top Level Appointments Committee (TLAC) oversees recruitment at senior level. Finally, the Government is the competent authority in relation to recruitment to Secretary-General level. Depending on the Government decision, the Top Level Appointments Committee (TLAC) recommends up to a maximum of three candidates for the post. For positions below the Secretary-General, the competent authority is the Minister. Civil servants are usually selected to form part of a permanent team and for a period of time that does not exceed 7 years. The most common posts are Secretary-General.

## **9. PERFORMANCE ASSESSMENT**

The Performance Management and Development System (PMDS) programme was approved within the framework of human resource management as an essential tool that would increase the quality of Civil Service actions. This programme establishes strategies for the development of skills such as responsibility and leadership for those positions at the top level of the administrative organization.

The Committee for Performance Awards (CPA) oversees the “Annual Assessment Plan”, in which the criteria to be fulfilled by Assistant Secretaries and Deputy Secretaries is established. Within this system, civil servants that obtain a better assessment may receive a monetary reward that ranges between 10 and 20% of his/her real salary.

## **10. TRAINING**

There are a series of agreements between the different administrative levels so that Assistant Secretaries or Secretaries-General, perform their functions whilst constantly increasing their training.

These programmes or agreements include: 1) The Annual Conference of Secretary-Generals, which provides an opportunity to share knowledge and experiences at all administration levels in order to develop the skills of the different administrative management positions. 2) The MSc Programme for the Public Sector for Assistant Secretaries, which addresses the skills that need to be developed in the different administrative levels. 3) The Assistant Secretary Network, whose members share information and points of view on public policy and issues of political and administrative interest, and whose decisions are subsequently considered to be implemented in different positions. 4) Participation in high-level seminars both nationally and internationally. Following the participation of different managers in the seminars, conclusions may be reached for inclusion in the aforementioned MSc Programme for the Public Sector for Assistant Secretaries. Finally, it must be mentioned that in recent years, Ireland has promoted training, dedicating 4% of the administrative budget to different training programmes.

## **11. EQUALITY POLICY**

There are a number of public policies that seek to promote gender equality and diversity: a growing number are dedicated to the prevention and protection from physical abuse and bullying, and others dedicated to promoting the work-life balance.

The Diversity policy, introduced in July 2002, commits the civil service to ensuring equal opportunities in such areas as: recruitment, promotion, training and development and flexible working hours.

The 2001 Gender Equality Policy establishes that the promotion of equality in public employment should consist of establishing strategic objectives at departmental level, including equality objectives in order to obtain a balance between men and women.

1. Development of an organizational culture that supports equality between men and women.
2. Training of Committees focussing on the development of equal pay, gender, mobility, and family life policy.
3. Development of programmes that ensure positive discrimination.

## **12. WORK-LIFE BALANCE**

Flexible working hours have been promoted in recent years so that a large proportion of civil servants and public employees have adapted their working hours around their family life. A decision to grant a career-break is subject to the approval of Departmental management.

## **13. ANNUAL LEAVE**

Holiday/annual leave entitlements in the Irish civil service vary according to grade. In summary, the following entitlements apply.

Clerical Officer

20 days at the outset, rising to 21 after 5 years' service, and 22 after 10 years' service.

Staff Officer

21 days at the outset, rising to 22 after 5 years' service, and 23 after 10 years' service.

Executive Officer

21 days at the outset, rising to 22 after 5 years service, and 23 after 10 years' service.

Administrative Officer

23 days at the outset, rising to 27 after 5 years' service, and 29 after 10 years' service.

Higher Executive Officer

27 days at the outset, rising to 28 after 5 years' service, and 29 after 10 years' service.

Assistant Principal Officer

30 days at the outset, rising to 31 after 5 years' service.

Principal Officer

31 days.

## 14. OTHER TYPES OF LEAVE

There are a range of unpaid leave options available to civil servants and public employees. These include:

- Shorter Working Year Scheme
- In 2009 a Shorter Working Year Scheme was introduced. The Scheme allows civil servants to balance their working arrangements with outside commitments, including the holidays of their children. Under the terms of the scheme, unpaid special leave will be available as a period of 2, 4, 6, 8, 10 or 13 consecutive weeks to any civil servant. Staff may apply for more than one period in any year subject to a maximum of 13 weeks in that year.
- **Career-Breaks** – Civil servants and public employees may apply to take a career-break (unpaid leave) for a period of between six months and five years for a range of reasons including childcare, domestic reasons, educational purposes and travel abroad.
- **Maternity Leave** – Maternity leave consists of 26 weeks paid leave with an option to take 16 weeks unpaid maternity leave
- **Paid Paternity Leave** – Paid paternity leave is granted for three days for a civil servant who is the father of a child born on or after 1st January 2000.

## 15. MOBILITY

Almost all civil servants spend their whole careers within the civil service. However, internal mobility opportunities within the Civil Service are high and interdepartmental promotion competitions provide the opportunity for civil servants to move, on promotion, to a different Department. The majority of civil servants will hold more than one administrative post throughout their professional career.

## 16. RECENT REFORMS AND PROSPECTS

At the end of 2006 the **OECD** was commissioned by the Government to carry out a review of the Irish Public Service. Specifically, it was asked:

- to **benchmark** the Public Service in Ireland against other comparable countries, including identification of appropriate measures to compare the productivity and effectiveness of the Irish system, or discrete elements of it, against comparable international best practice; and

- to **make recommendations as to future directions** for Public Service reform which will support the Irish Government's drive for delivery of world class services to the citizen, within existing resources commitment, and contribute to sustainable national competitive advantage.

The Review, ***Towards an Integrated Public Service***, was published on 28 April 2008.

### **Main Conclusions**

- Ireland has a **relatively low level of total Public Service Employment** in international terms;
- **Ireland is on track in terms of public service reform.** The reforms that have taken place since the start of the Strategic Management Initiative and Delivering Better Government have made the Irish Public Service more open and focused on the citizen. There is engagement with the reform process through Quality Customer Service, Performance Verification for all pay increases, the Performance Management Development System for staff and latterly the introduction of Output Statements;
- The Irish Public Service has given Ireland **a competitive advantage** by providing high quality services but with ever growing global competitiveness and growth slowing it needs to work smarter.

Following the publication of the OECD Report on the Irish Public Service, *Towards an Integrated Public Service*, a Task Force was established to prepare, for consideration by the Government, a comprehensive framework for renewal of the Public Service. The report of the Task for was published at the end of 2008, along with a Government Statement on Transforming Public Services.

### **Main findings**

In its Report, *Transforming Public Services*, the Task Force categorise their findings under a number of headings:

# ITALY



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Italy is a parliamentary *Republic* with representative democracy. The legislative power is held by a bicameral Parliament. It is a multi-party system. Italy is divided into 20 administrative *Regions*, organized into *provinces* and these in turn are divided into *municipalities*. Of the twenty regions, five (Friuli Venezia Giulia, Sardegna, Sicilia, Trentino Alto Adige/Sudtirolo, Valle d'Aosta/Vallée d'Aoste ) enjoy a special status due to their geographical, cultural or social characteristics.

Since the Nineties some electoral, administrative and constitutional reforms were introduced to reorganise the State. The electoral reform process began with direct elections from Mayors up to Regional Presidents and the reinforcement of their roles. The administrative reforms started with the simplification and transparency of administrative procedures, the decentralisation of functions, the technological innovation, the efficiency, effectiveness and quality of services delivered by public administrations.

The constitutional reform interested the section 5 of the Constitution.

“With the 2001 reform of the Italian Constitution, Italy has gone from a regional system in which central government enjoyed all the powers combined with a limited role for local government to a system that can best be defined as *federalist like* because the federalisation process has not yet been completed, especially in terms of establishing a house of parliament representing the interests of the regions, provinces and municipalities as such”

### System of government

The Italian Parliament is made up of the Chamber of the Deputies and the Senate of the Republic. The Parliament represents one of the few cases of full bicameralism. Both Chambers are democratically elected by the population. Legislature can only last five years.

**The President of the Republic** is the Head of State and represents the national unity. His main prerogatives are representative but, at times, he/she may act as an arbitrator of the country's politics. The Constitution leaves him/her out of the partisan field although an important role is reserved for the President.

**The Government:** The executive power is held by the Government that, according to art. 92 of Constitution, is composed of the President of the Council of Ministers and the Ministers, who together compose the Ministers Council. The Law n. 400 of 1988 disciplines the Government activity and the regulation of the Presidency of the Council of Ministers.

**Composition:** The Council of Ministers comprises the President of the Council and the Ministers. There is a Government in the broadest sense, there are also State Secretaries, Ministers without Portfolio and Vice-Ministers. Italian Governments are usually heterogeneous due to the distribution of offices as a result of the coalitions, whereby the Prime Minister balances and promotes the association of the Council.

**The Head of the Government:** The Prime Minister is the *Head of Government* with the express function of directing the general politics of the Government and coordinating the activity of the Council of Ministers. The Ministers are personally responsible for the actions of their offices, and assume collective responsibility for the actions of the Council of Ministers.

**Government Functions:** The government directs the general and national politics, has legislative initiative, participates in sessions of the Chambers (although it is not a member of them) and can be heard by the Chambers. It can receive delegation from the Parliament to adopt legislative-decrees with the force of ordinary law and it can adopt also decrees in case of necessity and urgency: in this case the decree-law must be ratified by Parliament within 60 days [art. 77 Cost].

## Regional organization

The Constitution defines the Italian Republic composed of Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State, placed on the same level [art. 114], overturning the previous approach when the State was above every body. The Regions are territorial entities with own statutes [art. 114 for Regions with a Common System; art. 116 for Regions with a Special Statute]. The Regions have political, financial and administrative autonomy and legislative power –concurrent or exclusive– in many issues [art. 117].

Their legislation is legally controlled via the constitutional control. The Government may submit to the Constitutional Court a regional law when it exceeds the competences of Regions, but also the Regions may submit to the Constitutional Court a State law or a regional law that it's thought affecting the regional competences.

The President of the Republic may dissolve a Regional Council or remove the President of Region if they act against the Constitution or for serious violations of the law.

The Constitution establishes two different types of Regions:

- *Regions with a Special Statute* are Friuli Venezia Giulia, Sardegna, Sicilia, Trentino Alto Adige/Sudtirolo, Valle d'Aosta/Vallée d'Aoste [art. 116 Cost.]. They are Regions with particular importance due to a geographical (Islands and Valle d'Aosta), political and economic factors. Their autonomy is stronger.

- *Regions with a Common System* are the remaining 15 regions.

The organizational structure of the Regions is essentially the same, the difference between them lies in their powers and in the drafting and reform of their Statutes, whereby for Special Regions the statutes are adopted by Constitutional law, and for the others by a Regional law.

Elections to Regional Councils were held for the first time in 1970, so until then, it was not possible to talk about Italian regional reality. This delay of over 20 years (the “special” Regions existed but with far less powers) was due to various factors (also the mistrust between the parties).



### Summary of regional organization

- The Italian Republic is single and indivisible and the State is the source of the power of the Regions which are listed in the Constitution. The number of regions may vary. A coordinating spirit should prevail in relations between them.
- The regional bodies should be representative, financially independent and their legislative capacity is limited to their competences within their territorial sphere.

### Competences

Legislative power is exercised by the State and the Regions according to the Constitution and the Community law and international obligations.

The Constitutional law **n. 3/2001** has modified the division of competences between State and Regions.

“Article 117 Cost sets out the exclusive competences of the State ( for example foreign policy, defence and armed forces, the administration of justice, immigration) and the concurrent competences of the State and Regions whereby the former lays down the basic principles in a national law and the latter specify the contents in more details

through regional laws (for example, foreign trade, health care, scientific research). All of the other matters not specified in the Constitution fall within the competence of the Regions, which in effect amounts to a residual competence in their favour.”

## Regional bodies

The law n.165/2004, according to art. 122 Cost., has established that Regions determine the system of electing the President of the regional Council and Regional Council within specified principles.

**Regional Council** (Regional Parliament); exercises the legislative powers attributed to the Region, politically controls the Board and is democratically elected.

**Regional Government**; is the executive body of the region, its members are chosen by President of the Region.

**President of the Regional Government**; elected directly by voters resident in the Region. He/she represents the region, enacts regional laws and regulations, manages administrative functions delegated by the State in the region and calls elections. The Regional President, like the rest of the regional government is politically accountable to the Regional Council.

## Public administration

In recent years, the Italian Public Administration has been characterised by its systematic process of reform and modernisation. The current climate of economic crisis and accelerated community legislation leads to one of the priorities being the restriction on public spending.

## 2. PUBLIC EMPLOYMENT STRUCTURE

### Legal Basis:

- Law 165/2001 on the General Rules Governing the Work of Public Officials, as modified by legislative decree n. 150/2009.
- Collective agreements.
- Code of Conduct for Government employees (2001).

### Structure

#### Civil Service Model - Employee Categories

The civil service reform of February 1993 instituted contract-based relations between public employees and the State. This process was known as the “privatisation of public

employment”, the aim of which was on one hand, to put an end to certain privileges enjoyed by public employees and on the other hand, to bring their regulations in line with those of the private sector.

The legislative decree n° 165/2001 establishes which are the public administrations (article 1) and it identifies civil servants who are regulated by the decree itself and private labour laws (article 2) and public employees who have not been privatised (article 3), in order to guarantee their independence. The latter represent the 15 % of public sector employees (judges, public prosecutors, university professors, military personnel and police officers, diplomats and prefects) and they are governed by their own public regulations.

**Public Employee Management Body:** The Department for Public Administration is the body responsible for managing public employees and defining their selection and recruitment processes. Until October 2002, it managed Senior Civil Servants, which was an inter-ministerial matter, coordinated by a special professional body called the *Ruolo unico dei dirigenti*, but since 2002 each Ministry manages own SCS.

**Statistics:** Population (about 60 m., Istat 2008); Public employees (according to the Ministry of Economy and Finance – State General Accounting Department, 2008, about 3.4 m.); 85 % Civil servants, 15% public sector status; Public employee union membership rate: about 45 % (according to data from Dep. Pub. Adm).

1.4 Public Sector Employment and Wages						
Data from the latest year available		Italy 1991-1995	Italy 1996-2000	European Union Average <sup>a</sup> 1996-2000	High income OECD average <sup>a</sup> 1996-2000	High income group average <sup>a</sup> 1996-2000
<b>Employment</b>						
Civilian Central Government <sup>b</sup>	(,000)	--	1,971			
	(% pop.)	--	3.4	4.1	--	2.8
Sub-national Government <sup>b</sup>	(,000)	--	1,431			
	(% pop.)	--	2.5	4.1	--	2.8
Education employees	(,000)	--	1,182			
	(% pop.)	--	2.1	1.2	--	1.3
Health employees	(,000)	--	673			
	(% pop.)	--	1.2	1.2	--	1.1
Police	(,000)	306	--			
	(% pop.)	0.5	--	--	--	--
Armed forces	(,000)	329	298			
	(% pop.)	0.6	0.5	0.5	--	0.5
SOE Employees	(,000)	--	--			
	(% pop.)	--	--	--	--	--
Total Public Employment	(,000)	--	--			
	(% pop.)	--	--	--	--	--
Total Central gov't wage bill	(% of GDP)	5.7	4.2	3.6	--	4.2
Total Central gov't wage bill	(% of exp)	11.2	12.5	12.8	--	16.4
Average gov't wage	(,000 LCU)	33,226	48,527			
Real ave. gov't wage ('97 price)	(,000 LCU)	--	47,595			
Average gov't wage to per capita GDP ratio		--	3.40	--	--	--

Source: World Bank - Public Sector Employment and Wages

<sup>a</sup> UNDP - Human Development Report 2002

<sup>b</sup> Data refer to total public expenditure on education, including current and capital expenditures.

<sup>c</sup> As a result of a number of limitations in the data, comparisons of military expenditure data over time and across countries should be made with caution. For detailed notes on the data see SIPRI (2001).

<sup>d</sup> Averages for regions and sub regions are only generated if data is available for at least 35% of the countries in that region or sub region.

<sup>e</sup> Excluding education, health and police - if available (view Country Sources for further explanations).

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Rights and Obligations:** Public sector workers have the right to freedom of speech, political freedom and to join a union. The right to strike is authorised but there are certain restrictions for military personnel and police officers, set out in specific rules. Civil servants must take an oath (contractual employees are exempt from this obligation since 2001) and they have the duty of efficiency, neutrality and professionalism as well as loyalty to the Nation. They also have the right to conscientious objection.

**Equality:** There are various rules that foster equal opportunities. For example, one out of every three candidates for a given post must be female. 70 % of Director-Generals in Central Public Administrations are male [internal survey of Department PA. 2009].

### 4. MERIT - SYSTEM

Public employment has been interested by various reforms, mainly by law n° 133/2008 and the legislative decree n° 150/2009, that have provided measures with the purpose of optimizing labour productivity and make the organization more flexible; reorganizing the system for staff appraisal, which is linked to the implementation of evaluation systems and control, but also, more generally, providing the cycle of strategic planning; restructuring the system of collective bargaining and their financing system.

According to legislative decree. n° 150, a new evaluation system is introduced relating to the establishment of new control equipment and a central evaluation committee, which will prepare an annual ranking of performances of public administrations in three levels of merit in order to allocate resources at national collective bargaining for the best ones. The decree n.150 has introduced also the principle that the bargaining cannot derogate the law.

The reform enhances therefore the figure of the manager, who will operate really as responsible for allocating economic treatments accessories for human resources and will be sanctioned, economically, if he doesn't carry out his work effectively.

**Training:** On-going training is one of the priorities of the Department for Public Administration. It is mandatory and under the responsibility of the employee's administration.

**Training of Employees and Senior Executives:** There are various training centres, the most important of which is the National School of Public Administration (SSPA), responsible also for the training of senior civil servants. It organises training courses for newly appointed executives and offers on-going training courses for other public employees. The initial training phase is carried out in formative cycles of no less than 1 year, and is offered to all new senior officers and executives who have passed the competitive examination set by the Prime Minister's Office. There is currently a pilot training course entitled "The European Senior Civil Servant", run by the Department of Public Administration and the National School for Public Administration. Other training centres include the High Economic and Finances School, the Local Public Administration School and the Police Centre for Studies and Training.

## 5. REMUNERATION

Pay rises for public sector employees were automatic until the 1993 reform. Since then, remuneration is determined by the employee collective agreements.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The Agency for Collective Bargaining for Public Administration (ARAN) has been representing the public employer in collective bargaining negotiations since 1993, except for civil servants who have not been privatised. ARAN membership is mandatory for all public administrations, which are consequently kept informed of progress in negotiations on a regular basis.

The Agency has been reorganised by legislative decree n. 150/2009.

As far as the employees are concerned, there are many unions and three main confederations:

- Italian General Confederation of Labour.
- Italian Confederation of Workers' Trade Unions.
- Italian Workers' Union.

Around 45% of public sector employees are members of a union. According to legislative decree n. 150/2009, art. 54, negotiations will be carried out in 4 different sectors at the national level for 2010-2013. The collective agreements provide on matters relating to pay, working conditions, professional content, and equal opportunities.

## 7. SENIOR CIVIL SERVANTS

The creation of the Senior Civil Service in Italy dates back to the 1970s (*"dirigenza"*) and has undergone several legislative changes since then (in 1972, 1993-1998 and 2002). Their status has been governed by diverse laws and private contracts since 1998. However, it can be said that there is a formal SCS status in Italy. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Secretary-General or Head of Department	Yes /No	Yes
2nd Level	Director-General (Upper Level)	Yes/No	Yes
3rd Level	Executive (Lower Level)	Yes/No	No

The Secretary-General, Director-General or Senior Executive functions could be carried out both by SCS and by politically-appointed experts. Lower level executives are excluded from political appointment.

**Performance assessment** for SCS takes place annually.

**The remuneration system** of senior civil servants is based on merit, the position and productivity, whereby aspects such as seniority or years in public service are not taken into account. Salary is based on:

- A basic salary (for example, for State 's executives, it's 50% of the total).
- A bonus (idem, 40%) related to the responsibility involved in the position, according to a fixed scale which is decided annually by the corresponding Minister.
- A percentage (idem,10%) for the fulfilment of objectives.

The percentages can vary for the remuneration of Director-General.

## **8. RECENT REFORMS AND PROSPECTS**

Modernizing the Public Administration is a key issue and a plan defining diverse performance objectives for the forthcoming years has recently been established. These objectives include:

- A 20% rise in productivity in the public services.
- One out of eight retiring employees will not be replaced.
- A more efficient, restructured and digitalised public administration.
- Enhance quality and citizen satisfaction.
- A 40% reduction in public expenditure over the next 5 years.
- Improvements in the management and responsibility of public servants, giving human resource managers the possibility of evaluating them, increasing wages and rewarding productivity.

# LATVIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

*Satversme* is the Constitution of the Republic of Latvia, and defines the Basic constitutional principles (sovereignty, division of powers, popular sovereignty, democracy and fundamental rights). It stipulates that Latvia is an independent democratic republic. The Latvian parliamentary system is strictly defined as democratic and republican in which the legislative power is vested in the Latvian Parliament (*Saeima*).

### System of government

The Constitution defines the fundamental rights and principles of the political system and the structure of the state in accordance with the principle of division of powers. **Legislative Power** lies with the institutions representing the Latvian Parliament or *Saeima*, and national referendums. **Executive Power** is divided between the President and the Council of Ministers, whereby they both have specific powers including legislative functions. Judiciary Power is vested in the independent **Courts**. The President appoints the Prime Minister, who is responsible for presenting a governmental programme and appointing the members of the Council of Ministers. In both cases, Parliamentary approval is required.

### Regional organization

Latvia is a parliamentary democracy. The Republic of Latvia is also a unitary state. There are two main local self-government levels in Latvia:

**Central Government:** Ministries and administrative organizations managed and controlled by the former (State Agencies, services, councils, offices and administrations).

**Regional Level:** There are territorial administrative bodies of the different Ministries operating at this level, for example, the territorial environment service. There are 33 territorial units, 26 municipal districts and 7 local municipalities (also with self-government functions). The municipal districts, with the support of government

delegates, ensure the implementation of the functions delegated by the local self-government.

**Local Municipalities** have local self-government functions as do the municipal districts whose authority has been questioned since 1990, which has postponed the reform. The 1994 self-government law gave some of the functions of the municipalities to Local Government. Municipal districts have not had their own taxes since 1996 and direct elections were abolished in 1997. 33 administrative units have failed to receive European funding. The sectorial Ministers have developed different sectorial and regional administration systems. These sectorial administrative units have greater powers than a municipal district.



## Public Administration

The State Administration led by the Council of Ministers carries out administrative functions for the Executive Power. These functions consist of different tasks and administrative responsibilities. It is structured according to a hierarchical system. The principles of the State Administration are:

- It is bound by the law and should observe human rights and act in the public interest.
- The State Administration, individual institutions and state civil servants may not have their own interests when exercising of administrative functions
- In its activities, it must abide by the principles: of good governance, respect for the privacy of citizens, data protection, implementation of procedures in order to safeguard the rights and interests of individuals.
- The Administration is evaluated so as to improve the quality of public services.
- Inform the public of its activities, be organised in a manner that is as convenient and accessible to private individuals as possible in compliance with the principle

of subsidiarity, and in accordance with the principle of efficiency with respect to for the law, interpreted by institutions, courts and jurisprudence.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** It is governed by the following regulations: State Civil Service Act 2001; Law on the Prevention of Conflict of Interests in Civil Servant Activities; employment legislation on aspects of Public Employment; Law on Public Agencies and Law on the Administrative Structure and Public Administration Reform (2001–2006). Civil servant regulations only cover 50% of public employees.

**Civil Service Model:** There are two categories of public sector employees in state administration:

- *Civil servants* (13%) are governed by the *State Civil Service Act of 2001*. This law applies to 116 state administration institutions (ministries, agencies, etc.).
- *Public employees* (87%) employed with job contracts.
- Civil service status has not been introduced in local governments, which autonomously determine the status of employees under the Law on the Prevention of Conflict of Interest in Civil Servant Activities.

**Public Employment Management Body:** Since 2003, the drafting of public administrative policies has been assigned to the State Chancellery of Latvia. This function was transferred by the Secretariat of the Ministry for Special Affairs for State Reform. There is also a Division for state reform which is responsible for the coordination of administrative policies although coordination with local governments was assigned to the Ministry for Regional Development and local governments.

Therefore, Civil Service Management is decentralised between the Central Government and Local Governments.

**Statistics:** Population: 2.3 million inhabitants. Number of Civil servants: 241,500; State Administration (52%) and Local Government (48%).

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Their rights are similar to other Member States although special mention should be given to some of them:

**Non-Discrimination:** Labour Law states that differential treatment based on the gender of an employee is prohibited when establishing legal employment relationships. Furthermore, a job interview may not include questions from the employer that do not apply to the position as well as questions which are discriminatory, in particular questions concerning pregnancy, family or marital status, a previous conviction, except in cases where this may be of vital importance to the work to be performed, religious conviction, affiliation with a political party or trade union and national or ethnic origin.

**Right to Strike:** Civil servants have the right to strike, which is set out in a special regulation.

#### 4. CAREER-BASED SYSTEM. TRAINING

**Recruitment and Training:** The 2001 Civil Service Act stipulates that all civil service posts must be advertised and filled in accordance with an open competition. Job offers are the responsibility of the Prime Minister, the Minister or Head of the Institution involved. Candidates are generally recruited based on their curriculum vitae, letter of presentation and interview.

Senior Civil Servant appointment must be approved by the Government (Council of Ministers).

**Recruitment Methods:** Recruitment procedures are regulated by the State Civil Service Act. Recruitment is the responsibility of each Ministry and Institution and can be reviewed by the Administration responsible for the assessment of candidates and civil servants.

Recruitment Methods:

- Open competition: An open competition for candidates is published in the official gazette of the Government of Latvia. The Commissions that evaluate candidates for the position of head of an institution are appointed by the Ministry. The Commission selects one or more candidates who best meet the requirements set out in the job description of the vacancy.
- Transfer to another position in the interests of the State (obligatory transfer).

**Training:** Civil servants have a duty to “improve their skills according to the needs of their job” and their on-going training is the responsibility of the School of Public Administration. This school establishes programmes according to the training needs defined by the State Chancellery and conducts research on employee training. Courses in specific areas are the responsibility of other institutions, whereby access to these courses is selective. The Local Government Training Centre is in charge of training local government employees, including teachers, social workers, etc.

**Career:** Career development and promotion depends on appraisals and the level of complexity of the position performed.

#### 5. REMUNERATION

The current general principles that determine remuneration for public sector employees is set out in the Employment Legislation or in the Civil Service Act. The wage system is applied equally to civil servants and public employees.

Wage criteria include: complexity of the post (67%); performance appraisal (23%) and seniority (10%). This unified payment system for all Public Sector employees in the

State Administration was adopted by the Government in December 2005 and came into force in 2006 and has been fully applied since July 2007. The public sectors of the Administration are classified into position categories and into 16 wage groups. Wage groups are re-evaluated each year based on private sector salaries and the state of the budget.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

**Rights and Obligations:** The rights and obligations of State Civil Servants are laid out in the State Civil Service Act. They have duties of loyalty to the Constitution and neutrality in the performance of their functions. They are also responsible for their actions when exercising their functions. Civil servants have the right to receive remuneration, to permanent employment, training, join a union and to strike.

**Social Dialogue:** In Latvia, there is no obligation to carry out collective bargaining. Negotiations take place between agencies and ministries and the Free Trade Union Confederation of Latvia.

The **subjects** addressed include working conditions, salaries, social security, training, protection of workers, etc. The unionisation rate is around 15%. However, trade unions are regularly consulted and integrated into working groups related to Civil Service issues. The results of negotiations can take the form of legal texts, political declarations or simple agreements which are legally binding. There are general rules that regulate general collective bargaining and sectorial regulations such as education, health, internal affairs, etc. The main differences in this regulation lie in how aspects related to working conditions are negotiated.

## 7. SENIOR CIVIL SERVANTS

The *Senior Civil Service* is a staff management system for senior management positions in the Civil Service, recognised by an authority or by the organization of this Service. The posts assigned to them are advisory in terms of public policy, operational management or services, etc.

The Senior Civil Servant **status** has special conditions regarding recruitment, entry, appointment and pay, unlike the rest of the civil servants although there is no formal recognition. Therefore, these positions are considered to be exceptional and have huge social recognition.

As for the **Employment System**, Latvia has a mixed system which is combines elements of both the position-based and career-based systems. It may be considered as a hybrid system because there is evidence of both systems in the configuration of positions.

### POSITIONS TO BE OCCUPIED BY SCS (SUMMARY TABLE)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	State Secretary	Yes	No
	Head of Institution	Yes	No
2nd Level	Deputy State Secretary	Yes	No
	Deputy Head of Institution	Yes	No
	Head of Department	No	No
3rd Level	Head of Unit/Sector	No	No
4th Level	Senior Specialist / Experts	No	No
5th Level	Technical Specialist	No	No

**Appointment:** The relevant official appoints a candidate to the position of State Secretary of a Ministry, Head of the Secretariat of a Minister for Special Assignments, Head of the Secretariat of a Deputy Prime Minister, Director of the State Chancellery and Head of an Institution under the supervision and approval of the Cabinet. Six months prior to the expiry of the term, the Minister or the Prime Minister respectively takes a decision to extend the term for five years or to dismiss the person in question from his or her position, informing the State Civil Service Administration and the person concerned of this.

**Management:** There is no special institution responsible for managing Senior Civil Servants. They shall be accountable to the relevant ministries.

**Performance Appraisal:** The performance appraisal of the head of an institution should be carried out at least once every two years by a Ministry Commission in accordance with procedures defined by the Cabinet. The Head of an Institution assesses his/her senior officials by means of a Commission set up for this purpose.

**Phases:** The performance appraisal can be divided into 1) Preparation and Discussion and 2) Agreement.

1. Preparation and Discussion: The members of the Commission and the SCS fill in an Assessment form divided into 3 main parts: analysis of target achievement and task accomplishment; measurement of competencies (behaviour and attitude); determination of development needs (training, mentoring, literature, conferences and exchanges of experience).
2. Agreement: After the Commission and the SCS meet to agree on the issues for the next appraisal period, changes in the job description (if necessary); training

needs and career development are also set during this meeting. The performance appraisal is related to salary (representing 23% of SCS monthly salary).

**Training** including leadership programmes. The School of Public Administration provides training courses for Senior Civil Servants although they are not obligatory.

**Remuneration:** The salary of senior civil servants depends on:

- 1) The level of position classification (there are 16 wage groups). SCS levels will range from 12–16.
- 2) The length of service in the civil service and performance appraisal.

Senior civil servants can get additional pay according to management contracts. The amount of agreements will be restricted from 2009 (after which they may not exceed 50% of the monthly salary) and from 2010 this limit will be reduced to 40%.

**Diversity Policies:** There is a special policy on diversity for civil servants in general, but not specifically for SCS. There are no special criteria for diversity policy.

**Overtime:** Work exceeding the daily working time of 8 hours is considered to be overtime. Overtime may not exceed 144 hours within a four-month period. Overtime payment for SCS is usually set out by contract.

### **Work-Life Balance**

**Flexi-working time, tele-working and part-time work:** Working at home or tele-working can be used during missions abroad. Part-time work (also for SCS) is also allowed by legislation, but there is no such practice. Flexi-working time is also theoretically possible for SCS, but is not used in practice due to the amount of responsibilities they have.

**Maternity Leave:** Remuneration for maternity leave is 100% of normal earnings, which is payable for 112 days (56 days prior to childbirth and 56 days after childbirth).

**Paternity Leave:** The father of a child is entitled to paternity leave of 10 days within a two month period as of the birth of a child. Every employee has an individual right to parental leave in connection with the birth or adoption of a child for a period of up to one and a half years until the child reaches the age of eight. Leave is considered as time in active service and the employee reserves the right to retain his/her job. Remuneration during parental leave is 100% of salary (the first year). In the case of the birth of a child, a civil servant shall receive an allowance of six times the monthly salary. If both parents of the child are civil servants, the right to the allowance is allocated to one of them.

**Mobility:** There are no special mobility programmes, but there is a procedure for civil servant transfer.

**Statistics:** There are approximately 341 Senior Civil Servants (including State Secretaries, Deputy State Secretaries, Heads and Deputy Heads of Institutions), of which approximately 112 are First Level SCS and the rest are Second Level. 73% of all civil servants are female and 27% are male. 47% of First Level SCS are female compared with 56% at Second Level.

## **8. RECENT REFORMS AND PROSPECTS**

The State Chancellery has been working on a vast development programme for the management of human resources since 2003, which includes different initiatives aimed at improving staff management procedures and improving the effectiveness of employees.

The State Chancellery and the Ministry for Finance are currently preparing a unified remuneration scheme for all Public Employees. This reform will lead to a fair and transparent remuneration system.

A staff management system based on competencies is being set up to handle staff recruitment, assessment and training.

# LITHUANIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The main characteristics of the Lithuanian State are set out in the current Constitution:

- The State of Lithuania is an independent democratic Republic. Its territory is integral and can not be divided.
- Property is inviolable. The right of ownership is protected by law. However, property may be taken over only for the needs of society according to the procedure established by law and shall be justly compensated for.
- It is a market economy.
- The State supports economic efforts and initiatives that are useful to society. The State regulates economic activity so that it serves the general welfare of the Nation. The law prohibits monopolisation of production and the market and shall protect freedom of fair competition.
- Each human being may freely choose a job or business, and has the right to proper, safe and healthy conditions at work.

### System of government

The Constitution establishes that the State of Lithuania is an independent Republic. **State power** shall be executed by: the Seimas (Parliament), the President of the Republic and the Judiciary. These institutions exercise the powers derived from National Sovereignty. The system reflects the principle of separation of powers.

**Local Self-Government** is based on the independence of the municipalities and is guaranteed by the following Constitutional precept: “The State supports the municipalities”. The Lithuanian Constitutional Court defends the principle of coordination between the State and the municipalities. The Constitution sets out the functions of the municipalities.

## Regional organization

The current administrative division was established in 1994 and modified in 2000 to adapt it to EU legislation. This division is made up of three levels: 10 counties, subdivided into 60 municipalities, made up of 500 “seniūnijos”.

**Regional Level of the Political System:** Regional Level Bodies: The highest territorial units in Lithuania are called counties. The functions of the Counties are set out in the Constitution. **Local Level of the Political System:** The 1994 Law on Local Self-Government governs the institutions of the Municipalities. The Municipal Council is made up of members elected for a 4-year mandate and is accountable to voters for their activities by means of surveys, meetings, assemblies, hearings and other forms of civic initiatives in the management of the municipality’s public affairs. The people or their representatives have the right to be informed about the decisions adopted by local authorities and to receive responses to work carried out by local authorities. The activities of the local authorities may only be confidential in the cases set out in the Law.



## Public Administration

Lithuania is a Parliamentary Republic. In turn, it is a unitary State made up of 10 counties and 60 municipalities. The counties (*apskritis*) are created by the Law of 15th December 1994, as administrative districts led by a governor appointed and released by the Government on the proposal of the Prime Minister.

Local administration applies the policies of the State in education, urban planning and agriculture in particular. Municipalities are administrative units of the State with the right to self-government guaranteed by the Constitution. Apart from being

administrative districts, they act in accordance with the Law on Local Self-Government, have freedom in decision-making and their competencies are divided into devolved independent and state powers.

The Lithuanian Administration is made up of various Ministries grouped by area of activity. Along with these Ministries, there are other bodies for certain specific issues that are not incorporated in to the ministerial structure.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulations:** The Constitution and the Civil Service Law (2002). These specific regulations are not extended to 50% of public employees, as many of them are governed by private regulations.

**Employee Categories:** The Civil Service Law encompasses the legal relations arising after the acquisition of the status of civil servant as well as those resulting from the public administrative activities.

**Definition:** Civil servants are those people that carry out public administration activities in the implementation of public policies in a particular sphere of state government, coordinating this implementation, activities of the institutions, managing financial resources, municipal institutions or agencies, preparing or coordinating legal drafts, agreements and programmes and providing conclusions, managing human resources and exercising their powers with subordinate staff.

### **Status and Category of Civil Servants:**

Around 27,000 civil servants with the legal status governed by the Civil Service Law are career civil servants, civil servants of political confidence and heads of institutions. **The Civil Service Law** (2002) has created favourable conditions to develop an open civil service that can reach an optimum size. Around 25,000 employees are governed by its statutes (diplomats, police officers, customs officials). Civil servants are regulated by the Civil Service Law.

**Statistics:** Lithuania has a population of 3,370,000 inhabitants, an active population of 1,614,300 and approximately 78,000 civil servants and other employees serving the state, municipal institutions and agencies under the employment contract system.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Rights and General Obligations:** Civil servants must abide by the Constitution and the laws of the Republic. They must serve the public interest and have a duty of discretion.

Civil servants have the right to a career in the administrations well as the right to strike (except for certain civil servants' categories) and to belong to political parties and unions.

**Working Day:** In accordance with the Employment Code and a Government resolution, working hours are 40 hours a week, 5 days a week, with 2 days rest in the State Administration, Municipal Institutions and Agencies. Public employees may reach agreements in this question and different working hours may be established.

**Holiday Leave:** Civil servants are entitled to annual holiday leave of 28 days. This period of 28 days may be extended to 35 if: the civil servant is single with a dependent child under the age of 14 or under the age of 18 if the child is disabled; if the civil servant is disabled.

A civil servant that has served for more than 5 years may enjoy an additional 3 days of annual holiday leave, and 2 more for each 3 year period.

**Leave:** Along with the right to holiday leave, civil servants are entitled to other types of leave regulated by public employment legislation, among which leave for civil servant training and to facilitate mobility can be highlighted.

**Recruitment and Training:** Entry conditions to the civil service concern citizenship, age (between 18 and 65), education (level depends on the position sought) and command of languages.

The recruitment procedure depends on the position being recruited. Each department or institution organises its recruitment processes in accordance with the provisions of the Civil Service Law and the *procedure for organising civil service competitive exams*.

Notification of a competition for heads of institutions or career civil servants must be published in the Official Journal and on the Civil Service Department's website. The examination consists of two parts: a written exam and an interview. Their goal is to control the candidates' ability to fulfil the functions required as part of the position applied for.

The recruitment procedure for civil servants of political confidence is not regulated.

**Training:** Training is organized in accordance with the Civil Service Law and the *Training Strategy*, defined by the Government for 2007-2010. It is a decentralised training system: 133 training centres have been accredited by the Ministry of the Interior to provide training courses to civil servants.

The Lithuanian Public Administration Institute is one such centre and provides training in issues related to human resources management, European Integration for civil servants of the highest grades (Grades 18-20).

#### **4. CAREER-BASED SYSTEM**

Career development outlines for civil servants are set out in the Civil Service Law. Therefore, there are elements that allow both horizontal and vertical mobility. Career development is governed by the following regulations:

1. A civil servant may apply for a vacancy of the same or a lower category.
2. Voluntary job swapping is allowed between civil servants.
3. A senior civil servant may be voluntarily moved (except positions of trust) to another vacancy of the same or a lower category.
4. A career based civil servant or a senior civil servant may be transferred in cases 1, 2 and 3 if he/she fulfils the requirements in the job description.

The Civil Service Law regulates **voluntary vertical mobility**, whereby an employee may occupy a vacancy within the same or another institution in a higher position or category.

A competition is not always necessary for civil servant career promotion. In these cases, a performance appraisal should be carried out. An Assessment Commission will be set up in each institution to carry out the performance appraisals and to make recommendations to the managers responsible for appointment.

Vertical promotion via competitive systems: These processes are open to internal and external candidates. The candidate must fulfil the requirements set out in the job description.

**Performance Appraisals:** The Civil Service Law provides for an assessment of civil servant performance. All civil servants, including heads, are assessed annually, except civil servants of political confidence.

The assessment interview with the direct supervisor includes an analysis of the results obtained by the civil servant according to each approved criterion, and the performance level achieved is defined (excellent, good, satisfactory, and unsatisfactory) Proposals regarding training required are made. After the interview, the civil servant must read and sign the assessment conclusions. An Assessment Commission then meets to analyse the conclusions and depending on the appraisal, the Assessment Commission can propose developments in terms of career and pay (promotion, qualification, bonus and training).

## 5. REMUNERATION

The unified pay scheme is defined in the Civil Service Law and has been effective since 2002. Remuneration consists of: **basic salary**, determined on the category and position of the civil servant and is the same for all positions in the same category (the category depends on the group and institution to which a civil servant is assigned), **and additional pay and bonuses**. The annual assessment appraises the performance of the civil servants. An excellent assessment can accelerate promotion and an unsatisfactory one may lead to the civil servant being downgraded or even dismissed (after two unsatisfactory assessments).

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

There is no obligation to collective bargaining. Social dialogue is carried out on 3 levels (national, sectorial and company level). The latter is the most developed whilst the former are quite weak, with the exception of some professions (teaching).

Collective bargaining between government representatives, employers' organizations and trade unions take place within the Tripartite Council, composed of permanent members from the three main unions and representatives of the ministries concerned. Negotiations mainly concern **pay and working conditions**, etc. Less than 15% of civil servants belong to a trade union. State representation is centred on the government and civil servant representation lies mainly in: Lithuanian Trade Union Confederation; Lithuanian "Solidarumas" Trade Union and the Lithuanian Workers Federation. The agreements signed are legally binding on the parties.

## 7. SENIOR CIVIL SERVANTS

There is no specific status for SCS. However, there are some special regulations for heads of institutions and Grade 18 – 20 civil servants. These civil servants are recruited by means of a competition and according to special political confidence. Specialised training is available for them. They must complete the training programmes within two years of their appointment to office. Civil servants holding the post of Head of Department in a state or municipal institution do not have the right to strike. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Head of Institution	No	Yes
2nd Level	Top Level Civil Servants (Grades 18 to 20)	Yes	Yes

## 8. RECENT REFORMS AND PROSPECTS

On 28th April 2004, the Government approved the **Strategy for the Development of the Public Administration 2004-2010** in which the main objectives are to strengthen administrative capacities and improve the image of the civil service.

# LUXEMBOURG



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The **Grand Duchy of Luxembourg** has a surface area of 2,600 km<sup>2</sup> and a population of 476,000.

Its Constitution was reviewed in 1948 and the country's neutrality was revoked. It is one of the founders of the United Nations and has been a member of NATO since 1949; in 1951, it was one of the signatory countries of the Treaty of Paris (ECSC) and the Treaty of Rome in 1957 (EEC) and EURATOM.

### System of government

It has been a sovereign and independent State since the Treaty of London was signed in 1839. It is now a parliamentary democracy with a constitutional monarchy characterised by the fact that it is the only Grand Duchy that exists in the world.

**Legislative Power:** Legislative power is vested in the joint action of the Parliament (House of Deputies), Government and Council of State. Each entity serves a wholly separate function. Parliament is made up of 60 Members of Parliament (MPs) elected for a 5-year term. The Parliamentary Committee for controlling budget implementation, the Audit Office and the Ombudsman are all bodies assisting Parliament in the exercise of its right to inspect the administration of the State.

**The Council of State** is composed of 21 Councillors who are formally appointed and dismissed by the Grand Duke on the recommendation of the Government, Parliament or the Council of State. It reports on all items of legislation and is a consultative body.

**Executive Power:** The Grand Duke is the Head of State. The Grand Duke enjoys complete political immunity and political responsibility lies with ministers. Formally, the Constitution grants the Grand Duke the right to freely organise his Government. The number of ministerial departments generally exceeds the number of Members of the Government called upon to serve in office, so a single Minister normally holds more than one portfolio.



## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** Law of 1st April 1979 lays out the general functions of public employees, the role of public servants and the protection of civil servants. The employment relation for state employees and contractual relations is set-out in the law of 27th January 1972. This law was modified in 1989 to include a trial period before recruitment.

**Employee Categories:** The Minister for the Public Service and Administrative Reform is responsible for the general policy for personnel and management of all State personnel.

### Categories and Statistics:

1. General Administration has 5,405 civil servants: the status of state civil servants is regulated by the Laws of 16th April 1979 and 22nd June 1963.
2. Justice Administration: 462.
3. Police: 2,041.
4. Education: 7,884.
5. Religion: 283.

In 2009 there were a total of 16,076 civil servants.

The status of local government employees is regulated by the Law of 24th December 1985.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Rights:** Employees benefit from rights as part of their functions (such as pay, leave, etc.). They also have freedom to join a union, freedom of speech, and the right to strike, except for some personnel categories due to the nature of their functions.

**Obligations:** Employees must be permanently available for the performance of their functions. They also have the duty of presence, appropriate conduct and loyalty.

## 4. CAREER-BASED SYSTEM. TRAINING

**Mobility:** Promotion is automatic and based on seniority. The 2003 law introduces the principle of annual interviews, but performance assessment cannot be applied, as it is not stipulated in the status.

**Training:** Prior to appointment as career civil servants and their swearing in before the Minister, civil servants must complete a training period of two to three years.

Although the right to on-going training is not expressly recognised, the National Institute of Public Administration, created by the 1999 law, ensures the professional training of State and municipal staff during their training period, and also provides on-going training.

## 5. REMUNERATION

The **base salary** varies according to grade and level is set by law, in accordance with the consumer price index. Employees also receive additional remuneration (allowances, end-of-year bonus).

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

**Specific Rules:** The Public Employee Statute of 16th April 1979 and the Law of 22nd June 1963 regulate the pay system for public employees. These rules are applied to 50% of the employees.

**Right to Collective Bargaining:** In theory, pay and working conditions are stipulated by law, but in practice, social dialogue plays an important role in decision-making processes in the public sector. The Administration is represented in negotiations by the Minister of the Civil Service and Administrative Reform. The most representative trade unions are integrated in the General Civil Service Confederation, which heads all negotiations and comprises of around sixty trade unions and affiliated federations, such as the National Union of Teachers, the State Federation of Office and Secretarial Staff and the General Association Managers, etc. The level of union membership is extremely high although exact figures are not available.

**Issues** subject to collective bargaining: pay, pensions and other questions related to the status of public employees.

Agreements reached through collective bargaining shall be signed by the Minister of the Civil Service and Administrative Reform, and are binding for the government and valid for all public employees. They have the right to strike although with some limitations, such as a special mechanism for the resolution of disputes and prohibitions for some civil servants.

## 7. SENIOR CIVIL SERVANTS

**Status and Positions:** In Luxembourg there is no formal Senior Civil Servant status, although some special conditions do apply to high-level positions. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	General Administrator or similar (Grade 18)	Yes	Yes
2nd Level	First Adviser of the Government or similar (Grade 17)	Yes	Yes
3rd Level	Adviser of Government 1st class	Yes	Yes
	Adviser of the Directorate 1st class or similar (Grade 16)	Yes	No
4th Level	Government Adviser	Yes	Yes
	Directorate Adviser or similar (Grade 15)	Yes	No

**Recruitment and Appointment:** The civil service a career-based system. Recruitment is mostly from the private sector. Civil servants are either recruited by the Ministry of Public Administration or directly by each Ministry and reach Senior Civil Servant grades through career progression. Political appointments can be made at any stage of the career.

The average age for civil servants to enter the senior civil service group is 34-40 years old for grades 15-16 and 40-50 years old for grades 16-17. All civil servants are appointed for life. Within the civil service, there are high-level positions to which civil servants may be appointed for a renewable period of seven years. If this is not renewed, the civil servant is reinstated in the highest position of the academic career in his/her original administration.

**Management:** Civil servants are managed by the Ministry of Public Administration.

**Assessment:** Assessment takes place on an annual basis between the Head of Administration and the senior civil servants.

**Training:** All training courses and programmes are organised by the National Institute of Public Administration (INAP) in cooperation with the Public Administrations. In order to advance to the Senior Civil Service, a certificate of public management issued by the INAP is required. No specific leadership training is given at the moment.

**Remuneration:** The base salary is set according to the hierarchical position of the civil servant.

**Equality or Diversity Policy:** There are no specific policies on diversity. However, a delegate is appointed in each ministerial department who is in charge of overseeing the equal treatment of men and women in recruitment, training, promotion and working conditions.

**Working Conditions and Hours:** a) *Overtime:* unpaid. b) *Tele-working:* Civil servants may be allowed to perform some of their work from home by means of tele-working, provided that it is authorised by the hierarchical head of the Unit. c) *Part-Time Work:* Civil servants may work for 25%, 50% or 75% of their working day. d) *Parental Leave:* All civil servants (including senior civil servants) have the right to part-time employment (50%), following parental leave in order to cover the education of one or more children. This can also be granted to care for other relatives. e) *Maternity Leave:* 16 weeks in total (8 weeks prenatal and 8 weeks postnatal). Post-natal leave may be prolonged by up to 12 weeks.

**Mobility:** Mobility either results from the senior civil servant's own initiative or is obligatory. In the first case, the objective is to offer the civil servant the possibility of professional reorientation or a new professional opportunity. In the second case, it is based on public interest.

**Statistics:** As of June 2008 there are 501 Senior Civil Servants distributed as follows:

- Grade 18: 37
- Grade 17B: 9
- Grade 17: 43
- Grade 16B: 80
- Grade 16: 193
- Grade 15B: 11
- Grade 15: 128

The percentage of women among civil servants is 30%. For the Senior Civil Service, it stands at 18.6%.

There are currently 408 men and 93 women in Senior Civil Service positions.

## 8. RECENT REFORMS AND PROSPECTS

An e-governance master plan has been in the process of implementation since 2005. It aims to create an efficient administration by setting up effective tools and raising the quality of services offered to citizens (web-sites, electronic portals, guidance in organisational reforms, etc.).

The Coordination Committee for State Modernisation coordinates and monitors the various ministerial activities in terms of e-governance.

The 1979 general civil servant statute was reformed in 2003, introducing tele-working into State administrations. Pilot projects are currently being tested in some administrations, but these are limited to a period of one year. The system should be extended once new regulations have been approved.



# MALTA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Republic of Malta is an insular country with a surface area of 316km<sup>2</sup> made up of three islands: Malta, Gozo and Comino, and a population of 410,000 inhabitants. It gained independence from the United Kingdom in 1964 and became a Republic on 13<sup>th</sup> December 1974, whilst retaining membership of the Commonwealth. It joined the EU in 2004 and the Euro zone on 1<sup>st</sup> January 2008.

### System of government

The Constitution of Malta, approved in 1964, stipulates that Malta is a democratic Republic founded on work and on respect for the fundamental rights and freedoms of the individual. From a political point of view, the Maltese **Parliament** is made up of a House of Representatives, whose 65 seats are elected by direct universal suffrage every five years, and a President, elected by this Chamber.

**The Maltese Government** is made up of the following bodies: the Office of the Prime Minister and eight Ministerial Departments.

**Judiciary System:** This is a system based on two levels: a Court of First Instance, presided by a judge or magistrate, and a Court of Appeal. There are also various courts with powers in specialised areas. In 1964, when Malta gained independence, the Constitutional Court was created, as a Court of Appeal in this area.

### Regional organization

From an administrative point of view, Malta is a unitary state with **three regions** that are in turn, subdivided into **68 localities** or local councils, which are the only sub-national administrative entity, as there is no other intermediary entity between this and the national Government. These local councils are competent in areas such as health, administration and education. A Local Reinforcement System has been approved recently, which involves a significant devolution of power to Local Councils and which will lead to improved local services. An Association of Local Councils was

created in 1994, whose aim is to represent all local councils on the archipelago and promote their common interest.



## Public Administration

**Values:** The Public Service Act was enacted in order to affirm that Public Service values are a tool to satisfy common interest, and must be applied for the functioning of the public and private sector. The values are as follows:

- Exercise the powers invested in them by Law and provide public services in a courteous, professional and impartial manner.
- Provide objective and precise information on issues within their competence.
- Implement government policies effectively and efficiently.
- Contribute towards the coordination of government policy among its departments, agencies and other government entities and with Local Councils.
- Contribute, through its own conduct, to make their workplace recognise talent, develop capacities and skills, reward good practice, eliminate discrimination and offer a safe environment.

In this Act, **“Public administration”** is defined as the organizational body that encompasses the Government of Malta, including its Ministries and Departments, and agencies, governmental entities, and other commissions that are established in this

Act. It also indicates that “**Public Employee**” includes civil servants and employees of government agencies and other governmental entities. For certain benefits, public employees shall also be considered to be those who have retired or resigned during the first three years. Judges, magistrates, the ombudsman, commissions for the protection of data or the members of the Electoral Administration, among others, are excluded from this condition.

**Agencies:** Government Agencies are created by Law or on the Prime Minister’s order. This order should indicate:

- Functions and obligations of the agency;
- Assigned Ministry;
- Financial resources available;
- Special agreements adopted in relation to the agency.

All state agencies have their own legal status different to the entity that created them and to which they are accountable. They also have full capacity to enter into contract, recruit personnel, bring legal action or be sued, as well as any other function entrusted to them.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** The Maltese Constitution includes some definitions related to public employment:

- “Public Office”: all positions paid from the state budgets and part of the public service.
- “Public Officer”: The holder of any public office.
- “Public Service”: all functions exercised by the Government of Malta in a civil capacity.

Public service includes the functions of employees in the Superior Courts of Justice, General Auditor’s and Deputy Auditor’s Office, magistrates of the Inferior Courts and members of the Police Force.

It does not include functions performed by the Prime Minister, Ministers, Parliamentary Secretary, Speaker, Members of Parliament, Ambassadors, High Commissioners or other similar corps set out by law.

The **Members of Parliament Act** (also known as Public Service Act) was approved in 2004. It defines public officers under the same terms as the Constitution. In this regulation, a public employee’s function in the civil services shall not exceed a salary scale, Level 6, or any other salary that is determined at a specific moment by means of a House of Representatives resolution.

## Public Service Model

**Organization.** The Minister is the Head of Department and manages and controls its structure, agencies and entities. Cabinet members, ministers and advisers occupy positions of trust under an employment contract, even though they are civil servants. The Prime Minister approves the principles, functions and establishment of the Cabinets, as well as the legal status of their staff. These are managed by a Cabinet Head, who is responsible for reporting to the Minister. The Ministerial Department is an organization with its own powers and consists of the following bodies:

- Cabinet of Ministers and Cabinets for each parliamentary secretary, responsible for assisting the Minister.
- Permanent Secretary's Office.
- Divisions, boards, sections, offices and other units within the public sector that support the Prime Minister in a specific Ministry.

**Leadership:** There is a Principal Permanent Secretary who heads the Civil Service under the instructions of the Prime Minister. His/her main duties are:

1. Support leadership in the Civil Service and promote the public administration values, as well as compliance with the Ethical Code.
2. Adopt measures to enhance the provision of public services and assume responsibility for human resource management within the Department.
3. Adopt coordination measures between Departments, agencies, entities and local councils, so that the Basic lines of the government are followed; manage and supervise permanent secretaries and set their performance objectives.
4. Advise the Prime Minister on matters related to the public service and sector in general, as well as any other function assigned by law.
5. There should be a **Permanent Secretaries Committee**, presided by the Principal Permanent Secretary and comprising of all the Permanent Secretaries. Meetings of this Committee shall be called by the Principal Permanent Secretary at least once every three months. There should also be a **Higher Executive Service**, headed by the Principal Permanent Secretary, comprising of:
  - Permanent Secretaries and Heads of Departments;
  - Senior Civil Servants in each Ministry responsible for the management of corporate services, the application of efficiency indicators, coordination of European Union issues, among others.

The Merit Protection Committee has the following functions:

- Control the recruitment of employees in the Government Agencies and other governmental entities to verify their lawfulness.

- Suggest reforms to directives and guidelines related to the public employment of the Principal Permanent Secretary as well as promoting their application.

**Statistics:** In Malta, 41,000 people are employed in the public sector, of which 70% work for the **central administration**. Their status is regulated by a collective bargaining agreement which sets the salary level and employment conditions. Other aspects of the job in each category are established in specific agreements.

Around 30% of public sector employees work for government agencies or other public law entities. Each entity defines the employment conditions of its staff based on a collective bargaining agreement. Efforts are being made to harmonise conditions at central level to avoid excessive disparities between the status of employees in these entities. Each public sector employee shall be assigned to a position in a Civil Service Department, to perform duties corresponding to his/her grade or position.

The number of **senior civil servants** in Malta is 302 (Data: November 2008). The number of senior civil servants at each functional level: 1 Principal Permanent Secretary, 11 Permanent Secretaries, 31 Director-Generals, 108 Directors and 151 Assistant Directors.

The number of men and women in senior positions is 239 males and 63 females. The percentage of women amongst civil servants in general is 41%. The percentage of women amongst senior positions is 21%

### 3. RIGHTS OBLIGATIONS, PRINCIPLES AND VALUES

**The Public Service Management Code** lists the duties of public sector employees. A *Code of Ethics*, which applies to public sector employees and to most agency employees, also defines other duties. Public sector employees can join unions. Most employees have the right to strike, except for some personnel categories mainly in the healthcare field. Freedom of speech for *Senior Civil Servants* is subject to certain limitations and it aims to allow continuity in office regardless of the changes of government that may occur.

**Code of Ethics:** Within the framework of a set of key principles, it is worth mentioning public trust, service to the public sector, responsibility, productivity and flexibility and competence, serving citizens fairly and justly. They must provide impartial and accurate advice to the Government and implement its policies promptly, efficiently and effectively. They must also innovate, improve productivity and simplify procedures and contribute to the growth of the national economy. For this, they will make use of information and communication technologies as an essential tool for the improvement of the public administration and the provision of services and they must ensure that they obtain the necessary skills.

**Conflict of Interests:** A conflict of interest may be defined as a situation in which a public employee has sufficient private or personal interest to influence the objective performance of his/her public duties. Therefore, public employees must avoid any financial or other interest or undertaking that may directly or indirectly compromise

the performance of their duties. Public employees must notify the head of his/her organization in writing within a week of any conflict of interest that may arise. For example:

- A. *Acceptance of Gifts or Benefits:* No public employee may accept gifts or services that may create an obligation or dependence.
- B. *Personal or Professional Behaviour:* Public employees must perform the duties associated to their position diligently, impartially and to the best of their ability. In the performance of these duties, they must:
  - a) Keep up to date with advances and changes in their area of expertise and comply with all of the legislative requirements.
  - b) Treat members of the public and other members of staff with courtesy and sensitiveness to their rights; provide all possible assistance to members of the public; maintain adequate documentation to support decisions adopted.
  - c) Not to indulge in favouritism or nepotism and not to take advantage of official information gained in the performance of their duties.
- C. *Fairness and Equity:* issues being considered by public employees should be dealt with consistently, promptly and fairly. This means acting in accordance with the legally established procedures. When using any discretionary powers, public employees should ensure that they take all relevant facts into consideration and have regard for the particular circumstances of each case.
- D. *Use of Official Information:* A public employee should only disclose official information or documents acquired in the course of his/her employment when required to do so by law. They may not accept a job in the private sector if the tasks to be performed are related to information acquired during the course of a public position.
- E. *Use of Official Facilities and Equipment:* Public employees should be scrupulous in their use of public property and services, and not allow their abuse by others. Official facilities and equipment should not be used for private purposes unless expressly authorised to do so.
- F. *Political Participation:* Public employees must ensure that their participation in political activities does not bring about a conflict with their primary duty in the civil service. This is important to maintain public confidence in the impartiality of the administrative actions.
- G. *Sanctions:* Sanctions will be applied to public employees if this Code of Ethics is breached. The sanctions applied will depend on the seriousness and nature of the breach and shall entail disciplinary or criminal action as applicable.

#### 4. CAREER-BASED SYSTEM. TRAINING

There is the possibility of civil servant **mobility** between ministerial departments. These transfers shall be approved by the Principal Permanent Secretary or the person to whom this function is delegated. The Minister for Public Administration shall be responsible for defining the entry requirements to each category, as well as the rules for promotion.

**Promotion** is possible via two mechanisms:

- Passing internal competitive exams (written exam and interview).
- On a selection basis.

#### 5. REMUNERATION

Public sector employees have a grade with a **salary scale** defined by collective bargaining agreements. The salary of certain categories of public employees is established by law:

- President of Malta: 50,906.13 €, effective from 1st January 2009. 53,456.79 €, effective from 1st January 2010.
- General Lawyer: 36,361.52 €, in 2009. 38,183.09€, in 2010.
- Director of the Public Service Commission: 12,611.23€.
- Deputy-President: 9,522.48€ and other members: 8,525.51€.

#### 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The trade unions, grouped together within the Confederation of Malta Trade Unions, play a major role in collective bargaining negotiations, which govern the working conditions and pay scale of public sector employees and agency personnel. The employer is represented by the Minister of Finance (Principal Permanent Secretary), the Prime Minister's Office (Permanent Secretary), a mixed negotiation team, the collective bargaining unit and the Maltese Association of Entrepreneurs. Public employees will be represented by the main union organizations:

Issues subject to collective bargaining include:

- Working conditions (working hours, holidays, leave, etc).
- Human resource related measures.
- Equal opportunities and non-discrimination.

In Malta, the main characteristics of social dialogue are inspired on the British model. Social dialogue is centralised up to the point that there is a special body, the Council of Malta for Economic and Social Development, which serves as a forum for social dialogue. Furthermore, the civil servants' right to strike is regulated, but with some restrictions for judges, members of the armed forces, police, fire-fighters and others.

## 7. SENIOR CIVIL SERVANTS

**Status and Positions:** The Directives and Guidelines on Performance Agreements define the term “senior manager” as: those holding senior management appointments within the top 5 salary scale. This definition will be superseded by the Public Administration Bill, which will formally establish a “Senior Executive Service” within the public service. There are some special conditions established for the SCS group. (Summary Table):

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Principal Permanent Secretary	Yes	No
2nd Level	Permanent Secretary	Yes	No
3rd Level	Director-General	Yes	No
4th Level	Director	Yes	No
5th Level	Assistant Director	Yes	No

**Recruitment and Appointment:** The Recruitment system for senior civil servants is used to attract personnel with special skills to certain qualified posts. This type of staff may be recruited from the public or private sectors. Appointments to senior management posts are mainly selected from Senior Public Officers in the Maltese public service. Under the Constitution, the President appoints the Permanent Secretaries (the top civil servants in each ministry), on the advice of the Prime Minister, and after consultation with the Public Service Commission. Directors-General and Directors are appointed by the Prime Minister after consultation with the Commission. Assistant Directors are appointed by the Prime Minister on the recommendation of the Public Service Commission.

**Management:** The Principal Permanent Secretary (head of the Public Service) has general responsibility for the management of top civil servants, subject to direction by the Prime Minister. The Public Service Commission, an autonomous constitutional organ, gives advice or makes recommendations for the appointment of top civil servants. However, the management of top civil servants lies within the competence of the Administration. There is a Permanent Secretary in each ministry. The Heads of Departments (Directors-General and Directors) report to the Permanent Secretary of the respective ministry.

**Assessment:** Malta operates a performance management system, in which the work of civil servants is measured on the basis of meeting annual targets.

**Training:** The Staff Development Organisation within the Office of the Prime Minister uses a number of training strategies to address the various needs arising from its role. This centre organises training classes, participative workshops, private classes and tutorials; subsidises Master degrees and, in collaboration with the Institute for Public Administration and Management at the University of Malta, it organises a Diploma in Public Administration. Future plans to enhance senior management development include initiatives such as e-learning and blended learning with other countries of the European Union. Furthermore, with the establishment of the new Centre for Policy Research and Training, senior management training will be aligned even more with government policy and vision.

**Remuneration:** Salaries are pegged to the salary scales in the financial estimates according to the position held. The performance appraisal for each civil servant then gives up to a maximum of 15% of his/her salary.

**Diversity Policy:** Recruitment procedures are aimed at identifying the best person for the job, regardless of gender, age or any other characteristics that are not relevant to the job. The current recruitment criteria are intended to be age and gender-neutral.

**Work-Family Life Balance:** In Malta, all civil servants have access to work and family life conciliation measures. However, senior civil servants are not allowed to reduce their working hours or take extended periods of unpaid leave. Women are entitled to maternity leave for absence from work for a period of not more than 14 weeks. Men, on the other hand, are only entitled to two working days of leave.

**Mobility:** Senior public officers can apply for promotion to higher-level management positions in any Ministry or Department. At this level, career management is considered primarily the responsibility of each civil servant.

## 8. RECENT REFORMS AND PROSPECTS

The training centres and procedures are currently undergoing a period of change and consolidation. The Centre for Policy and Training will be managed in conjunction with the University of Malta. The goal is to create a tailored structure for training public sector employees and propose training courses at local level. The first draft of the Civil Service Law was drawn up in 2008, offering solid foundations for the civil service, defining a clear ethical framework for the development of an effective public service.

The Maltese government has been investing massively in new technology since the beginning of the nineties. E-government (on-line access to administrative documents) and M-government (access to documents via mobile phones) programs have been developed. Over 95% of administrative documents are now accessible on-line and the government has signed partnership agreements with Microsoft and Hewlett Packard. On the other hand, the Government is also developing services accessible from mobile phones. Citizens can already consult summons before the courts, exam results, renewal of permits and licences, etc. It should soon be possible to inform citizens by text message on issues such as whether their children are at school or not, whether there is an urgent need for blood donors or on bus timetables.



# THE NETHERLANDS



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Netherlands are located in the North-West of Europe and consist of the Kingdom of the Netherlands, the Netherlands Antilles and Aruba. It has a surface area of 41,900 km<sup>2</sup> and a population of 16.4 million inhabitants.

It has been a member of the European Community since the Constitutional Treaties of 1951 and 1957. It is one of the founding countries of the UNO, NATO, IMF, World Bank and the EU. It is also the headquarters of the International Court of Justice.

It is governed according to the 1954 Statute of the Kingdom and the 1815 Constitution, which has been modified several times. Male universal suffrage was implemented in 1917 whilst women obtained the right to vote in 1919.

### System of government

The Netherlands is defined as a constitutional monarchy, with a parliamentary system. **Legislative Power** is made up of the General States or Staten Generaal (Parliament) consisting of two Houses of legislative representation: Senate (Eerste Kamer), which is made up of 75 senators, who are indirectly elected. They have the right to reject the legislative process and the House of Representatives (Tweede Kamer) with 150 members directly elected by popular vote. **The Executive Power** is exercised by the Government and the Administration. The Government includes Ministers, Secretaries of State and the Monarch. The Queen exercises Executive Power, ratifies the free election of the Prime Minister and is Head of State. **Judiciary Power** is exercised by the directly elected Provisional Assemblies.

### Regional organization

The Netherlands has a Central Government, as well as provincial and municipal governments and water boards. Central government concerns itself with issues of national interest. The twelve provinces are responsible for social work, cultural affairs, environmental management, spatial planning, energy supply and sport. Municipal

authorities are responsible for traffic, housing, social services, health, sport, culture, water supply, state schools, and recreation. They are financed with funds from the government and local taxes.



## 2. PUBLIC EMPLOYMENT STRUCTURE

This is a departmental system in which a great deal of power is conferred in separate departmental organizations.

**Staff Categories:** There are two categories of public sector employees:

- A. **Civil servants** with a public-law status. Their employment conditions are very similar to those of private the sector. They are not appointed for life.
- B. **Contractual employees** with a private contract. This type of contract was stopped in 1993 so this category of employee will eventually disappear.

**Statistics:** There are 1 million public employees (12% in State Administration).

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Rights:** Civil servants have the same social and political rights as private-sector employees. They can carry out administrative functions in local or regional governments at the same time as functions for which they have been elected representative in another local or regional government. However, they may not carry out administrative functions and hold a position in national government at the same time. Legal texts do not recognise civil servants' right to strike but the directly applicable European Social Charter grants this right with some restrictions for some categories of employees (armed forces, police and railway personnel). Civil servants may join unions and political parties.

**Duties:** Public sector employees are bound by a duty of neutrality, loyalty, discretion and professional secrecy.

#### 4. CAREER-BASED SYSTEM - TRAINING

**Mobility:** Dutch public employment is an open position-based system so employees can only achieve promotion by applying to another post.

Job vacancies are in theory offered to all Dutch citizens in accordance with their competencies.

**Training:** There is no initial training system for civil servants but there is a highly developed on-going education system via the Local Government Training Institute and the EIPA provides training in European matters in Maastricht.

**Human Resource Management** is highly decentralised. The Provinces and Municipalities also have the power and responsibility to adopt their own regulations within limits set by the Civil Service Law.

#### 5. REMUNERATION

Remuneration is mainly based on the position occupied and the performance appraisal. There is a salary scale for each grade. Each employee receives an annual salary increase after a year in the position. A merit-related allowance may be granted for exceptional work.

#### 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

The Constitution, Civil Service Law and other laws regulate the social dialogue. There are few differences between the public and private sector. The Administration is represented by the Minister of the Interior and employees are represented by the leading trade unions. They must be consulted on employment conditions but never in relation to political matters or administrative organization.

Working conditions are subject to collective bargaining carried out at a decentralised sectorial level. Agreements set out the new employment conditions and are administratively coded, as these collective agreements are legally binding. Negotiations affecting the whole state are centralised in the Sectorial Consultation Committee for Public Employees, which comprises the Minister of the Interior and the trade unions.

#### 7. SENIOR CIVIL SERVANTS

**Status and Positions:** The Senior Civil Service was created in 1995. At the same time, the ABD Office, a centralised SCS office, was created to manage the senior civil service system. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Secretary-General	YES	NO
2nd Level	Director-General	YES	NO
3rd Level	Director	YES	NO
4th Level	Head of Department	NO	NO
5th Level	Policy Maker	NO	NO

**Recruitment and Appointment:** The public employment system is position-based. Senior executive positions are open to internal and external candidates. Recruitment is based on past performance. The ABD Office plays major role in recruitment, career development, training and SCS mobility. The most important criteria are: education, previous work experience and motivation. Recruitment for SCS positions is centralised, and appointment is to a specific post. Vacancies are published on the ABD website and are open. The average age upon entering the senior civil service group is 30-50 years old.

Members of the Top Management Group are appointed for 5 years with the two possibilities of extending this period for one more year, although there are appointments for an indefinite period. The final appointment decision lies with the Minister.

**Management:** Senior civil servants are managed by the centralised ABD office. The tasks of the ABD office are to organise the recruitment process for top management positions, offer career advice to senior civil servants and organise training courses.

**Assessment:** The objectives of senior civil servants are set out in working agreements, which were introduced in 2000 to ensure that officials in senior positions have regular meetings with their line managers (Minister and Secretary-General).

**Training:** Specific programmes have been set up by the ABD Office to develop leadership and other competencies in grade 15 or lower. There is also a Senior Civil Service Candidate's Programme which takes competencies and skills as the starting point for training future leaders. The key objective of this Programme is personal development in positions in scales below the senior civil service.

**Remuneration:** Pay for senior civil servants is decided by the Government. Approval by Parliament is not required, but is sought informally. Senior Civil Servants only receive base Salary. There is no merit increase or variable income. The Top Management Group may receive a bonus of one-month's salary.

**Diversity Policy:** There is a special policy on gender diversity applicable to civil servants in general and to senior civil servants. In terms of female representation, the target is for 25% of senior civil servant positions to be held by women by the end of 2011.

**Work-Life Balance:** It is possible for Senior Civil Servants to work at home (teleworking), work part-time and have flexi-working time.

**Mobility:** There is a system for seconding senior civil servants for up to two years. Hence, temporary vacancies are filled, while fostering mobility among senior civil servants.

## 8. RECENT REFORMS AND PROSPECTS

There is a consensus in Dutch political circles that bureaucracy needs to be lightened. After the major reforms carried out by the State in the 1990s (significant cuts in the work force, systematic assessment of public policy development), the government has now put the emphasis on reducing administrative costs (“better regulation”) and the number of civil servants.

The Dutch government will ease and promote the mobility of civil servants. Civil servants whose job is destined to disappear will be assisted by the “Civil Servants’ Mobility Organisation”, which is made up of civil servants from various ministry human resource departments. The aim of this organisation is to find them another position either inside or outside government services.

A new campaign called “Working for Central Government” was launched in 2007 to attract new employees, with a special focus on young graduates.



# POLAND



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Republic of Poland (*Rzeczpospolita Polska*) has been a member of NATO since 1999 and of the *European Union* since 2004. It has a population of 38 million people and a surface area of 312,700 km<sup>2</sup>. In 1989, the first in the post-war history free elections to Parliament were held and in 1997 the new Constitution was approved by the National Assembly. It is a unitary state based on the principle of the division of powers. The Constitution defines Poland as a parliamentary republic.

### System of government

**Executive Power:** The executive power is vested in the President of the Republic of Poland and the Council of Ministers.

The President is the Head of State. The President is elected by direct popular vote for a period of five years; heads the executive authority and represents Poland abroad; is guarantor of the continuity of the Government, ensures the Constitution is respected and is responsible for state security. The President may veto bills of law.

The Council of Ministers is led by the Prime Minister who is appointed by the President of the Republic, who also appoints the members of the Council of Ministers, on the recommendation of the Prime Minister. Its duties encompass managing the current policy of state, ensuring the execution of the law, coordinating and controlling the work of government administrative bodies, ensuring public order and the internal and external security of the state, protecting the interests of the State Treasury, approving the draft of the budget, and supervising its execution. The Council of Ministers also signs international agreements which require ratification, and can revoke other international agreements.

**Legislative Power:** The legislative power is vested in Parliament which consists of two houses: the Sejm, the Lower House with 460 members, and the Senate, the Upper House, consisting of 100 senators. The Sejm and the Senate make up the National Assembly (*Zgromadzenie Narodowe*).

**Judicial Power:** The judicial power is vested in courts and tribunals which are independent of other branches of power.. Its major institutions include the Supreme Court (*Sąd Najwyższy*); the Supreme Administrative Court (*Naczelny Sąd Administracyjny*); the Constitutional Tribunal (*Trybunał Konstytucyjny*); and the Tribunal of State (*Trybunał Stanu*).

## Territorial Division

The territorial division encompasses three levels: regional (voivodship), supra-local (county - *powiat*) and local (commune - *gmina*).

The territorial entities have their own statutes adapted to their social, economic and cultural characteristics. State institutions except for national (central) level have powers in two tiers of territorial division: voivodship and *powiat* while self-government executes its powers at regional, supra-local and local level.

The three-level division was introduced by means of administrative reforms in 1998 which main aim was to enforce the decentralisation and reinforce the territorial entities.

Poland:territorial division



## Public Administration

The structure of public administration in a broad sense encompasses state administration and self-government administration.

The state administration covers organs and institutions that by virtue of law provisions perform functions of the state.

Civil Service in Poland is a concept of a narrow scope of government administration existing in ministries and central offices at national (central) level and voivodship offices at regional level as well as also strictly defined by law services, guards and inspections that act on regional and supra-local level.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** The civil service is regulated by a series of law provisions, including the Constitution and Act on civil service (the latest one of 21 November 2008). The Labour Code and other like the Act on limitation of economic activities of persons performing public functions cover only these areas that are not the subject to the act on civil service.

There are also other acts referring to other categories of public employees not included in the civil service corps (like self-government, health, armed forces, education, jurisdiction etc.)

**Staff Structure and Categories:** The model of Polish civil service differentiates between a civil service employee and a civil servant. Both categories create a civil service corps. **A civil service employee** stands for an individual employed on the basis of employment contract in accordance with principles set forth in the relevant statutory provisions. **A civil servant** stands for an individual employed on the basis of appointment in accordance with principles set forth in the relevant statutory provisions. The aforementioned act on Civil Service distinguishes senior positions in civil service to which detailed statutory provisions apply (e.g. on recruitment requirements and procedure, rights and duties, mobility).

**Statistics:** The number of civil service corps members as of June 2009 was 121,004, including 5,348 civil servants, representing accordingly 0.8% and 0.03% of all employees in the national economy.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Obligations and principles:** Civil service corps members are particularly obliged to obey the Constitution of the Republic of Poland and other provisions of law, protect the interests of the State and human and civil rights, manage public resources reasonably, perform their duties conscientiously, impartially, efficiently and timely, preserve statutory confidential information, develop professional knowledge, behave in a dignified manner in and outside the service and undergo periodical performance evaluation.

In addition civil service corps members cannot be guided in executing their duties neither by their particular nor any group interests nor they are allowed to publicly manifest their political beliefs.

Moreover civil service corps members shall not be allowed to combine employment in the Civil Service with a councillor's mandate.

Civil servants and civil service employees holding a senior position in civil service are not allowed to establish or participate in political parties.

Some restrictions on undertaking additional employment or other income generating activities also apply to civil service corps members.

**Individual Rights:** The individual rights regarding civil service corps members refer to composition of remuneration and a range of bonuses, allowances and awards of financial character. General provisions foresee that remuneration of a civil service employee is comprised of a basic salary specific to a given position, a special bonus resulting from specific nature of performed tasks and a bonus for long-term employment with the civil service. Civil servants are entitled additionally to a civil service bonus based on the service rank held.

As for the working time it cannot exceed eight hours per day and on average forty hours per week. A civil service employee is entitled to such a number of free hours as the number of overtime hours worked upon the order of his/her superior while a civil servant is entitled for this kind of compensation only for overtime hours worked at night - time. Civil service employees are also entitled to a day off for the work performed on Sunday or a festive day.

The right to paid annual recreation leave is provided by general provisions of Labour Code, nevertheless civil servants are entitled to additional one day of annual recreation leave after five years of employment in public administration. The annual recreation leave increases by one day each year of employment until it reaches the length of twelve days.

**Collective Rights:** Civil service corps members do not have the right to strike or to participate in actions of protest which might interfere with the regular functioning of an office. The right to union membership is recognised but the restriction of not being allowed to hold a position within a trade union applies to civil service corps members holding a senior position in Civil Service.

#### **4. CAREER-BASED SYSTEM**

Career-based system is regulated in the aforementioned Act. The recruitment procedures and requirements differ depending on positions that are applied for ("regular" or senior ones). Recruitment is carried out in accordance with the principles set out in the Act.

The employment relationship of a civil service employee is established on the basis of the employment contract for an indefinite period of time or for a definite period of time. In the case of individuals taking up employment with the civil service for the first time, employment contract is concluded for a definite period of 12 months with the option of earlier termination of the employment relationship upon two-weeks' notice.

The contract for an indefinite period of time applies generally to civil service employees who have previously had a contract a definite period of time and received a positive result of her/his performance evaluation.

After fulfilling certain conditions stated in the Act on civil service a civil service employee can become a civil servant. In this case the existing employment relationship is transformed into employment relationship on the basis of appointment.

In case of re-employment of a civil servant the employment relationship is established on the basis of her/his appointment (with some exceptions foreseen by the law).

Candidates for senior managers (directors general, directors or equivalent levels) and their deputies have to fulfill among others the following conditions:

- to have master degree (or equivalent),
- to have managerial skills,
- to have at least 6 years of professional experience including at least 3 years of professional experience at the managerial post in organizations of public finance sector (in case of directors general),
- to have at least 3 years of professional experience including at least 1 year of professional experience at the managerial post or at least 2 years at independent posts in organizations of public finance sector (in case of directors (or equivalent and their deputies).

Candidates from both public and private sector can apply for senior positions in the civil service. The contracts are set for indefinite period of time.

An open competition is organised for senior manager's posts however some exceptions are foreseen by the law. Director deputies' posts can be filled by civil servants (or other persons under separate law provisions) by way of transfer.

Another aspect of the administrative career is mobility. However mobility is voluntary as an element of natural staff flow there are also three types of transfers stated by the act on civil service:

- by decision of the Head of Civil Service (refers only to civil servants);
- by consent of civil service corps member within civil service;
- by consent of civil service corps member outside civil service.

## **5. REMUNERATION**

Pay rises for civil service corps members are determined by the Government by means of annual budgetary act. Remuneration on an individual level is set by each employer

(director general) and must be consistent with legal provisions regarding civil service and may take into account results of the periodical performance evaluation.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

**Joint Representation and Social Dialogue:** On the basis of the resolution no 34 of the Tripartite Commission for Social and Economic Affairs (a main body of social dialogue), passed on the 16th February 2009, the special Sub-group on self-government administration employees and civil service was called into being. Its main goal is to work out and agree different solutions concerning self-government administration employees and civil service related to remuneration system, performance appraisal, job evaluation in particular as well as special rules concerning a labour law and funds for functioning (the presidium of the Commission has the right to charge the Sub-group with other tasks when necessary). In the Sub-group there are 14 members: 4 representatives of the government, 2 representatives of self-government administrations, 6 members of the representative trade unions organisations (Independent Self-Governed Trade Union “Solidarność” (NSZZ “Solidarność”) – 2 representatives, All-Polish Trade Union Alliance (OPZZ) – 2 representatives and Trade Union Forum (FZZ) – 2 representatives), 1 member of one of four representative employers organizations in Poland (Business Centre Club – Employers’ Union (BCC – ZP)). The Sub-group is chaired by the representatives of Government appointed by the Chair of the Tripartite Commission - the Head of the Civil Service in the Chancellery of the Prime Minister. The functioning of the Sub-group is foreseen till the end of 2011. The results of the discussions, although they are not binding for the Government, they are usually taken into account that is reflected in drawing a draft bill of law or in modifying an existing law.

**Right of Civil Servants to Conclude Collective Agreements:** According to the Polish legal system, especially under labour code (art 239 § 3), collective bargaining doesn't exist in the civil service (which contains governmental administration), self-government administration (workers employed by appointment), prosecutors, judges. The wages in this professional groups are regulated by acts and decrees. The collective bargaining taking place in the public sector in another professional groups especially in education system and healthcare system, then negotiations are taking place on a agency level or in a workplace. There is no binding agreements for central government in Poland in civil service.

## 7. RECENT REFORMS AND PROSPECTS

The Act on civil service of 21<sup>st</sup> of November 2008 entered into force on 23<sup>rd</sup> March 2009 as one of the actions taken on the basis of resolution of the Council of Ministers of 2008 on the finalisation of public administration reform. The year 2009 was devoted to implementation of the provisions of the new act and to legislative work on executive acts. These regulations and ordinances refer mainly to remuneration issues, disciplinary procedures, performance evaluation, qualification procedures and procedures of cooperation between directors general and the Head of Civil Service.

Another new action taken up under the act of civil service provisions is the elaboration and implementation of strategy on human resources management in civil service. The strategy should contain diagnosis of the civil service, definition of strategic aims, implementation system and financial framework. The works on the strategy are currently being conducted.



# PORTUGAL



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Portuguese Republic has been a member of the EU since 1986. Its territory includes the Azores and Madeira archipelagos. According to the Constitution, which dates back to 1976, the Portuguese Republic shall be a democratic state based on the rule of law, the sovereignty of the people, plural democratic expression and organization, respect for and the guarantee of the effective implementation of fundamental rights and freedoms, and the separation and interdependence of powers, all with a view to achieving economic, social and cultural democracy and deepening participatory democracy.

### System of government

The **President of the Republic** is the Head of State elected by popular vote for a 5-year period. The **Prime Minister** heads the Government and submits the Government Programme to the Assembly for its approval.

The **Government** is the body that conducts the country's general policy and the supreme authority in the Public Administration. It is composed of the Prime Minister, Ministers, State Secretaries and Under State Secretaries, and one or more Deputy Prime Ministers may also be included. The Prime Minister is appointed by the President of the Republic after consulting the parties with seats in the Assembly of the Republic in the light of the electoral results. The remaining members of the Government are appointed by the President of the Republic upon a proposal from the Prime Minister. The **Assembly of the Republic** is a single-chamber Parliament made up of a minimum of 180 and a maximum of 230 members, elected by popular vote for a four-year term. Members of Parliament represent the whole of the country and not just the constituency for which they were elected. The **Judiciary Power** consists of the Courts. In addition to the Constitutional Court, there shall be the Supreme Court of Justice and the courts of law of first and second instance; the Supreme Administrative Court and the remaining administrative and tax courts and the Audit Court. There may be maritime courts, arbitration courts and courts of peace as well.

## Regional organization

Portugal is a unitary State that respects the autonomous islands system of self-government and the principles of subsidiarity, the autonomy of local authorities and the democratic decentralization of the Public Administration.

The archipelagos of the Azores and Madeira have been Autonomous Regions since 1976 and have their own political and administrative statutes. The State is represented in each of the Autonomous Regions by a Representative of the Republic appointed by the President of the Republic. The Regional Legislative Assembly and the Regional Government are self-Government bodies in each region. Legislative Assemblies shall be elected by universal, direct and secret suffrage in accordance with the principle of proportional representation. Each Regional Government shall be politically responsible to the Legislative Assembly of its autonomous region, and the Representative of the Republic shall appoint its president in the light of the results of the regional elections. The Constitution establishes a series of limitations to their powers.

The territorial division in the Continent is made up of 18 Districts (Civil Governments), and local authorities consisting of Municipalities (Assembly and Municipal Executive), and parishes (Assembly and parish executive body).



## Public Administration

According to the Constitution, the Public Administration shall seek to pursue the public interest and shall respect all such citizens' rights and interests as are protected by law. Administrative bodies and agents shall be subject to the Constitution, and in the performance of their functions shall act with respect for the principles of equality, proportionality, justice, impartiality and good faith. The Public administration is based on administrative decentralization, without detriment to the unit of action and the government's powers of management and supervision.

Public Administration in Portugal is regarded in an organic and material sense. In the organic sense, public administration is the system of bodies, services and State personnel and of other public bodies that regularly and constantly meet public needs. In the material sense, public administration is the work carried out by these bodies, services and State personnel.

Taking into consideration the organic sense, the Public Administration bodies are included in the following three administration levels:

1. **Direct State Administration** - Direct State administration includes all the bodies, services and agents that are part of the legal entity “State”, which, directly and immediately and under the hierarchical dependence of the Government, conduct an activity that responds to public needs. It has the following categories:
  - a) **Central services** - have competency at a national level, such as the General Directorates organized in Ministries;
  - b) **Outlying services** - have limited territorial competency that is the case of Regional Directorates (for Education and Agriculture, for example) or Civil Governments, whose competency is circumscribed to the geographical area in which they act. Outlying services include also those services responsible for external representation of the State (embassies and consulates).
2. **Indirect State Administration** - includes public entities, distinct from legal entity “State”. These entities have legal personality and administrative and financial autonomy, and it develops administrative activity that pursues State’s aims.
3. **Autonomous Administration** - is composed of bodies that pursue the interests of their members and act autonomously and independently. They include the Regional Administration, Local Administration and Public Associations.

## 2. RECENT REFORMS

Portugal has undergone a wide Public Administration (PA) reform process that started in the second semester of 2005 and in 2009 achieved its final stage as the last pieces of legislation have entered into force.

The modernization of the PA is assumed by the government as an essential piece of the strategy of growth of the country. It aims to achieve an Administration that better serves citizens and companies. In this context, it has been focusing particularly on the: Structural Reorganization of State Central Administration; Reform of the Civil Service Regime; Modernization and Administrative Simplification; Modernization of Public Management, as well as the Development of e-Administration.

The reform of the civil service regime presents the following features:

- Progressive convergence of the Civil Service Social Protection Scheme with the General Social Security Scheme;
- Abolishment of the former general mobility mechanisms and their replacement by two new mechanisms: assignment of public interest and internal mobility. Establishment of the special mobility regime;
- Reform of the attachment, careers and remuneration scheme of staff fulfilling public functions, from which should be highlighted the following:
  - Alignment with the private sector with regard to the legal employment relationship;
  - The status of “civil servant” is assigned to a few, special functions related to the exercise of powers conferred by public law that safeguard the general interests of the state: Military, Foreign Affairs, State Security, Criminal Investigation, Public Protection and Inspection Activities;
  - Reduction in the number of general and special regime careers. Establishment of only 3 general regime careers;
  - Establishment of a single pay scale made of 115 pay-steps to be used in setting workers’ basic remuneration, replacing the 22 existing pay scales with a total of 522 pay-steps.
  - Replacement of a “career system” by a “position system”;
  - Progressions are no longer based on seniority and career advancement and change of pay step is based on performance assessment according to available budget appropriations;
  - Introduction of performance bonuses related to assessment;
- Establishment of the employment contract in public functions scheme aiming at bringing the labour legislation of PA closer to the labour regime of the private sector, highlighting collective bargaining (signing of the first two collective agreements in PA);
- Together with this new employment contract scheme a new disciplinary statute has entered into force;
- Establishment of an Integrated Public Administration Management and Assessment System (SIADAP) that, for the first time, is applicable to the assessment of services of respective managers and remaining staff. A percentage system (quotas) was set up for the differentiation of performance, including managers: 25% for relevant performance and, within this percentage, 5% for excellent performance. In case of the service itself obtaining the classification of excellent, the percentages for workers increase respectively to 35% and 10%.

### 3. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** Scope of Application: 1) Public Administration regulations are centrally defined and applicable to all workers performing public functions in bodies and services of Direct and Indirect State Administrations 2) Public employment laws defined centrally are also applicable, with the necessary legally determined adaptations to staff performing public functions in regional and local authorities' administrative services.

**Staff Recruitment:** Recruitment and selection of human resources relies on three fundamental pillars: equal conditions and opportunities for all applicants, neutrality of Selection Boards and the use of methodologies based on technical research.

**Employee Categories:** There are currently three forms of public employment legal relationship in the public administration, as defined in *law 12-A/2008, of 27<sup>th</sup> February*.

#### 1. **Appointment:**

- Lifetime tenure (permanent post);
- Transitional appointment (fixed term post).

Appointment is only effective for positions in a few well defined services: The Military (generic and specific missions of Armed Forces in permanent establishment plans); The Foreign Office; State Security Information; Criminal Investigation; Public Security; and Inspection Activities.

#### 2. **Employment contract in public functions:**

- For an indefinite period of time;
- Contract for a fixed or unfixed term.

3. **Limited executive tenure** - performance of posts not integrated into careers, namely, managers<sup>1</sup> and other situations such as attendance at a specific training course). Managers fill a temporary post (three year period with the possibility of renewal for equal periods of time, however top managers may not exceed 12 consecutive years in the same position). They carry out management, coordination and control tasks of public services and bodies. They need to attend specific training courses for entry.

**Managers: see point 13 (Management Positions – Senior Civil Servants)**

### Public employment managing body

**Ministry of Finance and Public Administration:** is the government department whose mission is to define and conduct the financial policy of the state and the Public

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1 Regulated by law 2/2004 of 15th January, amended by law 51/2005 of 30th August.

Administration policies. Regarding the latter it shall define, coordinate and evaluate the human resources policies in the Civil Service, in particular with regard to the regimes of public employment and professional qualification and development; define, coordinate and apply policies relative to the Civil Service, in particular in the areas related to the organization and management of services, with a view to increasing effectiveness and efficiency, the rationalization of the administrative activity and the promotion of quality in the public sectors; manage the health subsystem of the Civil Service and assure complementary social actions for Civil Service employees.

The **Directorate General for Administration and Public Employment**, a Direct State Administration body inside the Ministry of Finance and Public Administration, is a cross-sectional service responsible for providing study, design, coordination and technical assistance to the government in its work of defining policies relating to Public Administration.

**Ministry of the Presidency:** The State Secretary for Administrative Modernization is responsible for e-government policies, the fostering of Public Administration modernization and for the monitoring and evaluating of the results achieved from the actions undertaken in this field.

The **Agency for Administrative Modernization** is directly responsible for administrative simplification and modernization.

**CEGER:** Management Centre for the Electronic Government Network, is the organization responsible for the management of the Government's electronic network, and aims to support it in the areas of information and communication technology and information systems. It reports directly to the Secretary of State of the Presidency of the Council of Ministers, by Prime Ministerial decree.

**Statistics:** Portugal has a population of 10.6 million people, of which 747 880 were public employees, in 2005 (77.3% in the Central Government and 22.7% in Local Government), in accordance with the following evolution:

1979	1983	1986	1988	1991	1996 (*)	1999	2005
372 086	435 795	464 321	485 368	509 732	639 044	716 418	747 880

Source: DGAEP/OBSEP

(\*) Including Autonomous Region of Madeira

In 2005, the number of public employees per thousand inhabitants in the Portuguese Administration (70,8) was above the community average (62,4 per thousand inhabitants). Public employment represented 13,5% of the active population, 0,5 percentage points higher than the community average.

## 4. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Principles:** The pursuit of public interest without prejudice to citizens' legitimate rights and interests is the fundamental guideline framing administrative activity.

Ten ethical principles governing administrative activity can be mentioned: the Principle of Public Service; the Principle of Legality; the Principle of Justice and Impartiality; the Principle of Equality; the Principle of Proportionality; the Principle of Collaboration and Good Faith; the Principle of Information and Quality; the Principle of Loyalty; the Principle of Integrity and the Principle of Competency and Responsibility.

Managers shall steer their work towards quality, responsibility and efficiency, as well as accountability for results.

**Obligations:** The general duties of state employees<sup>2</sup> consist on the duty to pursue the public interest; the duty of neutrality; the duty of impartiality; the duty of information; the duty of zeal; the duty of obedience; the duty of loyalty; the duty of courteousness; the duty of assiduity and the duty of punctuality. Infringement of these duties gives rise to disciplinary proceedings.

**Rights:** The rights of workers performing public functions are not currently compiled in a single piece of legislation. As any Portuguese citizen they hold the general rights stipulated in the Constitution of the Portuguese Republic (right to life, liberty and security, freedom of speech and information, freedom of conscience, religion and cult, participation in public life, association, economic, social and cultural rights...).

In particular, the following rights shall be highlighted:

- Right of access to public service – under equal conditions and freedom, as a rule by means of open competition;
- Right of access to public positions – under equal conditions and freedom;
- Right to information – be informed, whenever so requested, about the progress of proceedings in which one is directly interested, and to know the final decisions that are taken; and access to administrative records and files, subject to the legal provisions with regard to matters pertaining to internal and external security, criminal investigation and personal privacy;
- Right to justification of acts – administrative acts must be justified expressly and in an accessible way whenever they affect legally protected rights or interests;
- Right to appeal – judicial appeal against administrative acts deemed unfavourable, harming legally protected rights or interests.

In the scope of the fulfilment of duties there are a considerable number of rights. Yet the following are to be stressed:

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2 Stated in law n.º 58/2008, of 9th September.

#### Rights of collective exercise

- Right to collective negotiation – negotiation between trade union associations and Public Administration on matters relating to public employment status, with a view to reaching an agreement;
- Right to trade union activity;
- Right to strike – in accordance with the decision of the trade union associations being however compulsory that the provision of the necessary minimum services in the services intended to meet the essential social needs be ensured (Armed Forces and Security Forces do not have the right to strike).

#### Rights connected to effective provision of work

- Right to a salary and other pecuniary benefits;
- Right to periodical remunerated holidays – this right is acquired with the constitution of the public employment legal relationship, referring, as a rule, to the service performed in the preceding calendar year (by twelve months of work, the civil servant is entitled to a period of holidays ranging between 25 to 28 working days);
- Right to vocational training – aimed at modernizing and promoting effectiveness, efficiency and quality of services, as well as developing and qualifying the human resources;
- Right to admission to an open competition – for recruitment and personnel selection for the Public Administration;
- Right to assessment – annual performance assessment for career advancement purposes;
- Right to social protection – by way of the Convergent Social Protection scheme or the General Social Security Scheme, in case of illness, maternity, paternity and adoption, unemployment, accidents at work and occupational diseases, old age (retirement), disability and death;
- Right to social benefits – complementary social action (benefits granted by the Public Administration Social Services) and health subsystems (complementary benefits to the right of protection in health ensured by the National Health Service).

## 5. SOCIAL PROTECTION

Social Protection for staff performing public functions.

Social protection for workers performing public functions is effected by their integration in the General Social Security Scheme or in the Convergent Social Protection Scheme, pursuant to the *Law no. 4/2009*, of 29<sup>th</sup> January.

Integration in one or other of these schemes depends upon the worker having been covered by the prior “Civil Service Social Protection Scheme” or by General Social Security Scheme. All workers admitted to public employer entities after 1<sup>st</sup> January 2006 are compulsorily framed in this latter scheme.

The social protection of workers performing public functions provides, in any of the schemes, cash benefits to substitute work incomes lost as a result of sickness; maternity, paternity and adoption; unemployment; accidents at work and occupational diseases; invalidity; old-age and death (survivor’s pension and death allowance). It also provides benefits within the scope of family protection (family related expenses; invalidity related expenses and dependence related expenses).

In the convergent Social Protection Scheme is of direct responsibility of public employers, to grant benefits relating to immediate contingencies: sickness; maternity, paternity and adoption (parenthood); unemployment; accidents at work and occupational diseases and death (relating to death allowance).

Caixa Geral de Aposentações - CGA (Civil Servants Special Pension Scheme) grants benefits relating to non immediate contingencies: invalidity; old-age; death (survivor’s pension) and benefits by virtue of permanent disabilities and death resulting from accidents at work and occupational diseases. Death allowance of the pensioner is also paid by CGA.

The payment of benefits regarding the General Social Security Scheme is incumbent upon the competent social security institutions.

Nevertheless, in case of unemployment of workers, on an appointment basis and of workers on a public function employment contract basis, who were previously civil servants, unemployment benefits are granted by social security institutions, but the respective allowances are paid by the ultimate service in which they performed functions.

## **6. PERFORMANCE ASSESSMENT SYSTEM**

The assessment of the performance in Public Administration (SIADAP) applies to the performance of public services, their respective managers and all other staff. It is an integrated approach to management and assessment systems allowing for consistently aligning the performances of services and of those who work in them.

There are three components to the system:

- Subsystem for the Performance Assessment of Public Administration services (SIADAP 1);
- Subsystem for the Performance Assessment of managers in Public Administration (SIADAP 2);

- Subsystem for the Performance Assessment of Public Administration Employees (SIADAP 3).

SIADAP is designed for universal application throughout State, regional and local administration, foreseeing wide reaching mechanisms for flexibility and adaptation to be able to cover the specific nature of the different types of administration, public services, careers and functional areas of their staff and management needs.

The system is based on a management design for Public Administration services centred upon objectives. To this end, in assessing services, managers and all other staff, the results achieved from previously determined objectives play a key role. The results should be measured through pre-established indicators that, among other things, allow for transparency, impartiality and avoidance of discrimination.

The assessment is done annually and refers to the performance of one calendar year. This process begins with the contracting of the assessment parameters (Results and Competencies) in February. Said assessment must be made during the months of January and February of the following year.

## 7. MOBILITY

The mobility regime currently in force and effect includes two patterns, General Mobility and Special Mobility.

### A) **General Mobility**

It consists of transitional modification of functional situation of the worker, within the same body or service, or between different bodies or services, based on grounds of public interest, targeting to increase effectiveness of services by way of a rational use and valuing of Public Administration human resources.

General mobility instruments are applicable to all workers with a public employment legal relationship formed for indefinite period of time – appointment or employment contract in public functions.

It may assume the form of assignment of public interest or of internal mobility:

1. Assignment of Public Interest – is applicable when a worker of a public employer entity covered by the objective scope of application of *Law 12-A/2008*, that lays down the regimes of job attachment, careers and remunerations (LVCR), shall fulfil transitional functions in a public or private entity excluded from the objective scope of application of the LVCR, and vice-versa.
2. Internal Mobility – it is applied when a worker fulfils provisionally functions within the same body or service or between public employer entities covered by the objective scope of application of the LVCR.

It assumes the forms of mobility in the category (in the same activity or in different activity), mobility inter categories in the same career (higher or lower category) and mobility inter careers, for a degree of complexity equal, higher or lower.

## B) **Special Mobility Regime**

The *Special Mobility Regime* has been defined to frame processes for the abolishment, merger and restructuring of public services. Likewise, a general regime for the staff rationalization process has been laid down in situations where human resources assigned to some services are mismatched with regard to permanent needs and the pursuit of the objectives.

The process is developed in three phases:

1. The transition phase runs for 60 days and is intended to enable civil servants or contractual staff to resume functions without the need to attend vocational training courses;
2. The re-qualification phase has a 10 month time limit, after completed the preceding phase and is intended to strengthen professional abilities of civil servants or contractual staff by creating better conditions for employability;
3. The compensation phase runs for an indefinite period after the re-qualification phase and is intended to support civil servants or contractual staff resuming functions though they have not taken part in preceding phases. In this phase there is the possibility for employees to perform other remunerated activities (in this case receiving both public and private remuneration), although the duty of accepting the resuming of public service functions is maintained.

Graphically they can be represented as follows:



Workers in special mobility situation have precedence in all recruitments procedures (for temporary or permanent positions) and can also be assigned to functions outside public administration (public corporate entities and welfare institutions), by means of a special provision in the law.

Legislation in force created also an Extraordinary Leave that confers the right to a monthly subvention. Staff placed under special mobility situation benefiting from this leave are allowed to perform, for a fixed period, any remunerated professional activity outside the Public Administration, without obligation to resume public functions.

## 8. EMPLOYMENT SYSTEM.

As a result of the recent reform process, the employment system is position-based with integration of staff appointed and contracted for an indefinite period of time in general and special regime careers.

General regime careers are deemed those which legal job description characterizes work posts that organs or services generally need for the development of the respective activities. Law establishes three general regime careers: Senior Officials (uni-category career); Specialist Assistant (multi-category career); Operational Assistant (multi-category career).

Special regime careers are governed according to specific contents and functional duties and are dependent upon training for at least 6 months as to normal general training.

Regarding promotion, the former rules apply to appointed staff until the entering into force of a new regulation of such careers. Therefore, in order to be promoted it is compulsory to be approved in a specific internal open competition and the promotion takes place to the next grade of the corresponding career.

As regards contracted staff, career advancement is made through open competition procedures, whose scope of recruitment privileges the workers who have already job attachment to public administration.

The concept of promotion is not applied: advancement in the career is made through the change in the remuneration pay step, either through open competition procedures, with the possibility to negotiate the pay step, or through means of performance assessment, generally dependent upon budgetary availability.

Each year public workers are assessed regarding the parameters results and competences. The final assessment is expressed in qualitative ratings (excellent, relevant and adequate performance) corresponding to quantitative references.

A change of remuneration pay step may occur by managerial option taking into consideration the budget appropriations that are defined each year for this purpose. Top managers opt to promote these changes in a well defined career/categories universe<sup>3</sup> of workers that have achieved in two consecutive years the maximum rating (excellent performance) or in three consecutive years the rate below the maximum one, as well as those who in five consecutive years achieve the rating of adequate performance that substantiate positive consecutive performances.

However, in this matter, the law lays down an exception that allows the top manager of a public organ or service, after having heard the Assessing Coordinating Council, to promote the change to the remuneration pay step immediately following that one held by the public employee if the last performance assessment achieved by him/her

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3 The criteria used to define this universe are chosen by the top manager.

is the maximum rating or the immediately lower, even if he/she is not included in the universe of aforementioned workers. Likewise, the top manager may determine that the change of the remuneration pay step occurs to any other remuneration pay step following that one in which the employee is placed, but in this case, it is mandatory that the worker fulfills the requirements mentioned in the above paragraph.

In order to guarantee a change in the pay step, even if the service's budget appropriation is, that year, limited, a point system was created: to excellent performances are granted 3 points, to relevant performance are granted 2 points, to adequate performances is granted 1 point and to inadequate performance a negative score (-1 point) is granted. A compulsory change for the remuneration pay step immediately following that in which he/she is placed occurs when the worker achieves 10 points.

## **9. TRAINING**

Workers are entitled to and have the duty of attend every year training and further training actions in the activity in which they perform functions.

Annually a diagnosis of training needs is carried out by PA services and bodies. This diagnosis aims at determining gaps of performance, the failures of competences or the lack of knowledge, necessary to the carrying out of a professional activity, with a view to planning and executing projects and training programmes and personal development.

Based upon the referred to diagnosis annual training programmes are drawn up.

Training courses destined to workers performing public functions are provided by duly certified entities.

The need for training in specific areas may result from the performance assessment procedure.

## **10. REMUNERATION**

Remuneration scheme of workers fulfilling public functions is made of three components: basic remuneration; remuneration supplements and performance bonuses.

### **a) Basic Remuneration**

The monthly basic remuneration is the pecuniary amount corresponding to the remuneration level of the remuneration pay step in which the public employee is placed in the category/career of which is holder or of the position fulfilled under a limited executive tenure.

The identification of the remuneration levels corresponding to the remuneration pay steps of categories, as well as the pay steps of the position fulfilled under a limited executive tenure is made by regulatory decree.

A joint order from the Presidency of the Council of Ministers and the Ministry of Finance and Public Administration established the single pay scale (made up of 115 pay steps) to be applied to all workers fulfilling functions under the public employment legal relationships, the number of remuneration levels and the pecuniary amount corresponding to each one.

#### b) Remuneration Supplements

Remuneration supplements consist of pay increases resulting from the fulfilment of jobs that require more demanding conditions in relation to other jobs characterized by identical post or career and category. Its value is defined, as a rule, as a fixed pecuniary amount and only exceptionally corresponds to a percentage of the monthly basic remuneration of the worker.

Remuneration supplements are broken down in provisional and permanent supplements.

1. Provisional supplements – granted in situations of extraordinary work; night work; work on weekly rest days, complementary rest day and official holidays and work performed outside the normal workplace.
2. Permanent supplements – granted when workers perform functions in workplaces characterised by conditions of higher demand, due to reasons of a permanent nature, namely: risk, hard or hazardous work; shift work; work performed in outlying areas; exemption from clock in and out; management secretariat and amounts due to officers in charge of finances and collection areas involving responsibility inherent in the handling and surveillance of values, cash, securities, bonds documents etc.

#### c) Performance Bonuses

Workers who cumulatively fulfil functions in a body or service and have achieved in the last performance assessment, the maximum rating or the immediately lower to this one and integrate universes previously defined by order of the top manager of the service, are entitled to the grant of a performance bonus, equal to a monthly basic remuneration, provided that the available amount to bear this type of charges has not been spent.

In predicted budget limits, other performance rewarding systems may be created and regulated, namely according to results accomplished in team or of performance of workers who are integrated in the last pay step of the respective category.

The creation of these rewarding systems is made by law (regarding the appointees) or by collective labour regulation instrument, in case of public employment legal relationships formed by contract.

## 11. WORK TIME

Different rules and working conditions are applicable to each of the public employment legal relationships.

### Working Hours

According to the nature of their activities, services may adopt, with regard to **workers on an appointment regime**, the following patterns of working hours:

- a) **Fixed working hours** – are those which are divided by two daily periods, with beginning and end fixed hour, separated by a rest break.
- b) **Flexitimes** - are those enabling workers to manage their working hours, by choosing the beginning and end working hours, complying with the previously established fixed core morning and afternoon working hours.
- c) **Staggered working hours** – are those enabling establish, service by service or by groups of workers, different fixed beginning and end working hours, while maintaining unchanged the daily work period.
- d) **Shift working hours**- are those in which, for need of regular and normal operation of the service, there is the performance of work in , at least, two daily and successive periods, being each one of them of duration not lower than the daily average work duration.
- e) **Specific working hours** – are those which are envisaged to adjust to workers' needs or of his/her members of the family (continuous working day, student-worker, etc...)
- f) **Non subjection to working hours** – performance of work not subject to a working hour pattern nor to the observance of the general duty of assiduity and of compliance with the weekly work duration, but does not release regular contact of the worker with the service.
- g) **Exemption from clocking in and out** – it consists of non subjection to maximum limits of normal work periods. However, it does not release the observance of the general duty of assiduity, nor the compliance with the weekly work duration legally established.

The daily normal work period is interrupted by a rest break of duration not lower than one hour nor higher than two hours, except in duly grounded exceptional cases, so as workers do not perform more than five hours of consecutive work, save in case of continuous work day.

In **Employment contract in public functions regime** a typification of working hours was not adopted. Such definition was left to public employer entities upon consultation of the workers' representative entities and works councils or in the default of these

ones the inter-trade union commissions, trade union commissions or trade union representatives.

The law maker set the limits of duration of the daily normal work period (7 hours) and weekly (35 hours), as well as the interruption for the rest break so as to ensure a performance of work not higher than 5 consecutive work hours.

These issues may be the subject of change by collective labour regulation instrument, enabling, for example, reduction of the rest break and reduction or increase of the work period.

In the scope of the employment contract in public functions, the Adaptability regime may also be established. Such regime consists of the possibility of, by collective labour regulation instrument, the normal work period be defined in average terms, having as a reference, periods of time that shall not exceed 12 months (maximum).

## Vacations

Holidays constitute a right that cannot be waived by the worker and its enjoyment shall not be replaced by any economic compensation whatsoever.

The right to holidays is obtained on the 1<sup>st</sup> January of each calendar year and is related to, as a rule, the service performed in the preceding calendar year.

Each worker is entitled to a minimum holiday period of 25 remunerated working days, without meal allowance.

The annual holiday period has, according to the age of the worker, the following duration:

- 25 working days until the worker complete 39 years of age;
- 26 working days until the worker complete 49 years of age;
- 27 working days until the worker complete 59 years of age;
- 28 working days as from 59 years of age.

The relevant age is the one in which the worker complete it until 31<sup>st</sup> December of the year in which holidays are fallen due.

One day for each ten years of length of service actually performed is added to the previously mentioned holiday period.

The minimum holiday period may still be increased in the framework of performance rewarding systems, without prejudice to increases granted to each job attachment.

Each worker is entitled to a holiday allowance to be paid, as a rule, in June of each calendar year. The aforementioned increases shall not give right to increase in the amount of the holiday allowance.

Regarding the enjoyment of holidays in the first year of performance of functions, the accumulation of holidays and their booking different rules apply with regard to job attachments, appointments and employment contracts in public functions:

## **Appointment**

In the appointing year the worker is entitled, after a 60 day actual performance of service, to 2 working days of holidays for each full month of service until 31<sup>st</sup> December of that year.

The law also permits the appointees an increase of five working days of holidays whenever the worker enjoys his/her holidays in winter periods, that is to say, outside the months of July, August and September.

The holidays not enjoyed may be accumulated with those of the following year, due to suitability of service or by agreement between the worker and the public employer entity.

Holidays shall, as a rule, be enjoyed in the course of the calendar year in which they fall due, followed or interpolated, but one of the periods shall not be lower than the half of holidays to which the worker is entitled.

Holidays shall be booked until 30<sup>th</sup> April of each year, in accordance with the interest of the parties. In default of this agreement they shall be set by the competent manager taking into account criteria set in the law.

## **Employment contract in public functions**

In the contracting year the worker is entitled, after six full months of fulfilment of the contract, to enjoy 2 working days holidays for each month of duration of the contract up to the maximum limit of 20 working days.

In contracts with duration lower than six months the worker is entitled to enjoy 2 working days holidays for each full month of duration of the contract, and such holidays shall be enjoyed at the time immediately prior to the termination of the contract, save agreement between the parties.

The worker may partially renounce to the right to holidays receiving the respective remuneration and allowance, provided that the actual enjoyment of 20 working days holidays is ensured.

The right to holidays is obtained with the conclusion of the employment contract in public functions, is fallen due on 1<sup>st</sup> January of each year, observing, as a rule, to the service performed in the preceding calendar year.

The right to holidays is not conditioned to assiduity or to the actual presence of the service.

The holidays may be enjoyed in the first quarter of the following calendar year, in accumulation or not with the holidays fallen due at the beginning of this one, by agreement between the public employer entity and the worker or whenever this one intends to enjoy the holidays with members of the family resident abroad. It may also, occur accumulation of half of the holiday period fallen due in the preceding year with the fallen due at the beginning of such year, by agreement between the parties.

The holidays shall, as a rule, be enjoyed in the course of the calendar year in which they fall due, followed or interpolated, provided that in one of the periods are enjoyed, at most, 11 working days.

The holidays shall be booked until 15<sup>th</sup> April of each year, in accordance with the interest of the parties. Should there is no agreement it is incumbent upon the public employer entity to book and draw up the respective holiday chart by observing criteria set in the law, by hearing workers' representatives for this purpose.

## Leave

Typology and respective regulation governing leaves also differ according to job attachment.

Therefore, in the scope of the **appointment** regime six types of leave are listed: Leave up to 90 days; Leave for one year; Extended leave; Leave for accompanying spouse placed abroad; Leave for performing functions in international organisations; Leave for the performance of functions in trade union association.

The **Employment Contract in Public Functions** regime provided for 4 types of leave: Non typified leave; Leave for attendance of training courses; Leave for accompanying spouse placed abroad and Leave for performance of functions in international organisations.

In all types of leave total loss of remunerations is verified.

The protection in the parenthood presents several types of leave that establish fundamental rights and are the major means of conciliating family life with professional life. In this scope the legislation also underwent changes in 2009. Likewise, the new regime is applicable to public and private sectors (common regime) being inserted in a logics of convergence between the two sectors recommended for social protection issues.

Therefore the following types of leave are granted to support parents in the care of their sons/daughters: Leave in a situation of clinical risk during pregnancy; Interruption of pregnancy leave ; Parental leave; Initial parental leave; Initial parental leave exclusive of the mother; Initial parental leave to be enjoyed by a progenitor in case of impossibility of the other one; Parental leave exclusive of the father ;Leave for adoption; Complementary parental leave; Leave for assistance to a son/daughter e Leave for assistance to a son/daughter with disability or chronic disease.

These types of leave imply loss of remuneration and corresponding compensation through existent mechanisms for each case in the social protection scope.

## Time Off

In the scope of protection to parenthood releases are also granted to cope with the need of absence of parents in following situations:

- Prenatal consultations;
- Breastfeeding and nursing;
- Release for assessment for adoption;
- Release from performance of work in the night period;
- Release from performance of work by pregnant worker, worker who has recently given birth or breastfeeding worker, on grounds of protection of her safety and health;
- Regarding releases other pattern is provided for in the Portuguese Public Administration. It consists of granting workers release from appearing in the service, that, in a determined working day are bound to the duty of assiduity. It is not regarded as holiday, it does not suspend holidays and workers who are enjoying holidays are not entitled to an extra day of holiday for compensation.

## 12. SOCIAL DIALOGUE AND REPRESENTATION SYSTEMS

In Portugal there are two types of social dialogue, the first is collective negotiation; the second is collective bargaining.

- a) In **collective negotiation** what is in question is collective negotiation within the scope of normative Government activity – it deals with the negotiation of pieces of legislation or matters that are set out therein – in which trade unions give their opinion concerning the content of the measures, making demands that are deemed fair and just; however, it is always incumbent upon the Government to make the final decision should there be lack of agreement, unilaterally imposing the position that is deemed more suitable.

This first type of social dialogue has two levels, one that covers general matters applicable to all public administration (salaries, allowances/supplements, questions related to the status of civil servants) and other one that deals with the sectoral level (salaries, training, health and safety, recruitment, etc.).

In negotiations of a general nature, employers are represented by the member of the government responsible for Finance and for Public Administration. At sectoral level, the representation is assumed by the member of the government responsible for the sector which coordinates and by the Minister of Finance and Public Administration.

- b) **Collective bargaining** is the negotiation carried out by employer entities with trade union associations representing workers affiliated therein; its purpose is to conclude any collective labour agreement in which the various aspects of the labour relationship are regulated.

In collective bargaining the parties concerned are on an equal footing, and neither can impose its wishes in relation to the other.

The coming into force of a collective labour agreement, necessarily, presupposes the agreement of both parties with regard to the wording of its contents.

Collective bargaining presents two types of collective agreements: agreements applicable to careers (general careers or special careers), irrespective of the bodies or services in which staff are integrated and carry out functions; or collective agreements of the public employer entity, applicable to a public employer entity with or without legal personality.

In the former case, competence for bringing agreements to a conclusion is the duty of those members of the government responsible for the areas of finance and public administration. In the latter case, the aforementioned members of the government may approve agreements along with the member of the government who supervises the respective public employer entity as well as the public employer entity itself.

As regards collective bargaining, negotiation of statutory aspects of the labour system is excluded, for example: remuneration, career structures and professional advancement.

Among other matters, the following may be the object of collective labour agreements: creation of pay supplements, forecast of performance rewarding systems, creation of systems adapted and specific to performance appraisal and, in general, all issues covered in the Public Functions Employment Contract Regime, provided that the norms do not have a contrary result and that the agreement stipulates more favourable conditions for the worker.

With regard to collective agreements of a public employer entity, it should be noted that in the absence of a career collective agreement that indicates the matters that may be regulated by such an entity, matters of the duration and organization of working time only, may be debated, matters related to pay supplements, and health and safety at work are excluded.

In both types of social dialogue, employees are usually represented by the following trade union organizations:

- The *Frente Comum*, (The Common Front), National Federation of Civil Service Trade Unions, *FESAP*, Trade Union Front of Public Administration and *STE*<sup>4</sup>, Senior Staff Trade Union (Sindicato dos Quadros Técnicos do Estado).

At the sectoral level, there is, for each sector, a greater number of trade union organizations, which represent different sectors/professions such as doctors, nurses, teachers, prison warders, forest and fireguards, etc.

### 13. MANAGEMENT POSITIONS (SENIOR CIVIL SERVANTS)

Law 2/2004 of 15 January with introduced changes of law 51/2005 of 30 August stipulates manager's statute of state central, regional and local administration services and bodies. The implementation of this law at regional and local level requires adaptation by means of Decree-Law.

Senior management staff is in charge of directing, managing, coordinating and controlling public services and bodies. The management positions are ranked as top and middle management, sub-divided respectively into two levels, according to the hierarchical level, competencies and assigned accountabilities.

#### Categories of Public Managers:

1. **Top management positions** – Top managers are recruited by choice among holders of a university degree, either with job attachment or not to Public Administration, and suitable technical skills, ability, professional experience and training for holding the job.
  - a) **1<sup>st</sup> level top management positions include:**
    - Director-General;
    - Secretary-General;
    - Inspector-General;
    - President<sup>5</sup>.
  - b) **2<sup>nd</sup> level top management positions include:**
    - Deputy Director-General;
    - Deputy Secretary-General;

4 In 2009 a new trade union organization led by STE was set up to negotiate the General Career Regime Collective Agreement.

5 Regarding Public Institutes (Indirect State Administration) legislation lays down that for some of them management is incumbent upon board of directors to whom is applicable the public company managers' statute.

- Deputy Inspector-General;
- Vice-President.

2. **Middle management positions** - Middle managers are recruited by means of open competition among workers performing public functions holders of a university degree with technical skills and capabilities with 6 or 4 years of professional experience in functions, positions, careers or categories for the performance or appointment of which a university degree is required, respectively to middle management positions of grade 1 or grade 2.

a) **1st level:** Head of Department.

b) **2nd level:** Head of Division.

<b>(SUMMARY TABLE)</b>				
<b>FUNCTIONAL LEVEL</b>		<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
Top Managers	1st level	2nd level		
	Director-General	Deputy Director-General	Yes	Yes
	President	Vice-President		
	Secretary-General	Deputy Secretary-General		
	Inspector-General	Deputy Inspector-General	Yes	No
Middle Managers	1st level	2nd level		
	Head of Department	Head of Division	Yes	No

## Recruitment

Top managers are recruited by choice among holders of a university degree, either with job attachment or not in Public Administration, and appropriate technical skills, ability, professional experience and training for holding the job.

In the case of secretariats-general or equivalent services or organizations, holders of top management positions are recruited among:

- Advisers and senior advisers of senior technical career;
- Holders of top categories of the remaining careers of Public Administration for which entrance a university degree is legally required;

c) Among those who hold a suitable specific course (specific vocational training courses).

Middle managers are recruited by means of a decentralized open competition, among civil servants holders of a university degree with technical skills and capabilities, with 6 or 4 years of professional experience in functions, positions, careers or categories for the performance or appointment of which a university degree is required, respectively for middle management positions of grade 1 (head of departments) and grade 2 (head of division) as the case may be.

In cases where no applicants apply for the open competition or no applicants meet requirements to be appointed, holders of middle management positions may equally be recruited in a subsequent open competition among holders of an university degree without employment attachment to Public Administration who meets the requirements if:

- a) The service or organization interested so has required it on a duly justified proposal to the Minister of Finance;
- b) The recruitment is included within the quota annually set for the purpose for said Minister;
- c) The Minister of Finance so has authorized it.

The open competition procedure applied to middle management positions is publicized in the Public Employment Pool during 10 days, stating formal requirements for nomination, profile needed, composition of the Selection Board and selection methods that necessarily include the holding of a final stage of public interviews. The publicizing is preceded of a notice published in a newspaper with nation-wide circulation and in the Official Gazette in a place specially intended to open competitions for management positions to be filled, with indication of the position to be filled and the day of said publicizing.

The Selection Board is composed of: a) the holder of senior directing position of grade one of the service or organization in whose establishment plan the position to be filled is found or by another person designated by him/her; b) by a manager of level and grade equal or above to the position to be filled performing functions in a different service or organization, designated by the respective top manager; c) by a person of acknowledged competence in the respective functional area, designated by an educational establishment of university level or by a representative public association of corresponding profession.

Top managers are appointed by a joint order from the Prime Minister and the supervising Minister. Top management positions of grade 2 are appointed by an order from the supervising member of Government.

At the moment of the appointment, the member of the Government concerned and the holder of first level top management position sign a mission charter. This charter constitutes a commitment of management where, in an explicit way, the objectives

duly quantified and scheduled to be achieved in the course of the performance of functions are defined.

Top managers are appointed on a limited executive tenure basis for a 3 year period, renewable for the same time spans. Nevertheless, it may not exceed 12 consecutive years as a whole, and the top manager shall not be appointed for the same position in his service before expiration of the three-year time span.

Middle managers are appointed, after termination of the open competition procedure, by an order of the top manager of the service or body, on a limited executive basis for a 3 year period, renewable for the same time span.

## Assessment

The assessment of **top managers** is based on mission charters undertaken and relies on the degree of accomplishment of objectives and on the assessment of competence, leadership, strategic vision, external representation and management shown. This assessment occurs at the end of the limited executive tenure period.

Still regarding the assessment of top managers, three objectives are defined, namely:

1. Improving economy of resources assigned to the functioning of the service;
2. Compliance with deadlines in paying suppliers;
3. The 100% application of the assessment system to workers in the service, ensuring the quality of the application process.

Assessment of **intermediate managers** is based on the results achieved by the organic unit and the competences shown at the end of the limited executive tenure period.

Besides this general assessment top and middle managers shall be subject to annual performance appraisals (calendar year), presupposing the fulfilment of management positions in a period of not less than six following or interpolated months.

## Training

The fulfilment of management functions, both top level and middle level management positions demands successful attendance at specific vocational training courses that should be ensured, in the scope of Public Administration, by the National Institute of Administration (INA), as well as by high education institutions or other training bodies with which INA has concluded agreements.

There are several types of courses, depending on the level, grade and job content of each management position, as for example, the High Management on Public Administration Course (CADAP), the Advanced Course on Public Management (CAGEP),

only for top managers, and the Public Management Training Programme (FORGEP) for middle managers.

The aim of these training courses is to develop technical and horizontal competencies of managers.

## Remuneration

Currently, the remuneration scheme applied to top managers is made of two components (basic remuneration and pay supplements. Management bonuses are foreseen but not yet implemented): Middle managers remuneration is made of three components (basic remuneration, pay supplements and performance bonuses). The right to social benefits, including meal allowance, will continue to be paid in the scope of social benefits.

Regarding basic salary laws in force stipulate for management positions a specific index scale and the percentages of the reference index 100 for each management position.

Regarding supplements<sup>6</sup> the entitlement of managers to representation expenses, the amount of which corresponds to a fixed amount set by a joint order of the Prime Minister, Minister of Finance and the member of Government responsible for Public Administration.

**Diversity Policy:** In Portugal there is a special policy on diversity for civil servants in general.

## Work-Life Balance

Managers are exempted from working schedules in the performance of their duties. However, they have to comply with the legally established weekly working time (35 hours) and are not exempted from the general duty of assiduity, moreover, public functions are performed on an exclusivity basis (with same exceptions) and in the compliance with incompatibilities, hindrances and inhibitions rules.

**Mobility:** In Portugal mobility programmes exist, but these are not tailored to managers.

## 14. PROSPECTS

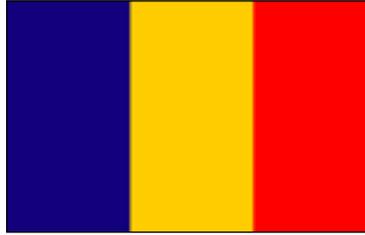
The consolidation of the new regime of Public Administration and the supervision of its application, the promotion of employment of young graduates in the Central and Local Administration and the extension of the vocational training to all workers performing public functions, as well as the further review of the special regime careers and categories are priorities presented to the public sector in 2010.

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6 Law 2/2004 of 15th January with introduced changes of Law 51/2005 of 30th August.



# ROMANIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The constitution approved in 1991 and reformed in 2003 sets out that Romania is a national, sovereign and independent, unitary and indivisible, democratic and multi-party republic. It has been a member of the EU since 2007.

### System of government

**The Romanian Parliament** consists of two Houses: The Senate (*Senatul*), with 137 members and the Chamber of Representatives (*Camera Deputatilor*), with 332 representatives elected by popular vote. Parliament approves the Government Programme, raises votes of confidence and censure, etc.

**The President** is directly elected by a two-round system for a five-year term. He has the right to name the Prime-Minister at his discretion after consulting the political parties in the Parliament. The Prime-Minister proposes a Government Programme to Parliament for its approval.

The **Executive Power** is made up of the President, the Prime-Minister and his Cabinet. Currently, there are 15 Ministries.

**Judiciary Power:** The judicial system is independent of the other two branches of government, and is made up of a hierarchical system of courts culminating in the High Court of Cassation and Justice, which is the supreme court of Romania. There are also Courts of Appeal, County Courts and Local Courts. The Romanian judicial system is strongly influenced by the French model as it is based on the Napoleonic Code.

The main functions of **The Constitutional Court** are to say whether or not a law confirms with the Constitution, whether international agreements are constitutional from the Romanian Constitution point of view, whether the Parliament's acts are according to the Constitution, it watches over the elections and confirm the result, decides whether a political party is or is not constitutional. The Constitutional Court is made up of nine judges, three named by the President, three by the Chamber of

Deputies and three by the Senate, all for a term of nine years. The Court's decisions may not be overruled by any majority in Parliament.

## Regional organization

Romania is divided into **41 Counties and the Municipality of Bucharest**, which has equal rank. Each County is administered by a County Council, whose President has been directly elected by the people since 2008, and a Prefect, who is appointed by the Central Government. The Prefect can not belong to any political party and is responsible for the administration of national affairs at the county level. His main attribution is to watch out that local authorities decisions are according to Romanian laws.

Each County is further divided into Town and Communes, the former being urban and the latter being rural localities. There are a total of 319 Towns and 2,893 Communes in Romania, each with its own Mayor and Local Council. The 103 most urbanised and largest towns have the status of Municipality, which gives them greater administrative power in local affairs. Bucharest elects its General Mayor and a General City Council. Its six districts have the same system.



The 41 Counties and Bucharest are grouped in 8 Development Regions, corresponding to the EU NUTS-2 Division.

## Public administration

The administrative system in Romania has three levels:

1. The State
2. The County
3. The locality (towns and communes)

At central level there is the Government, with Ministries and Agencies. These are represented at the County level by decentralised public institutions.

Local authorities organise public services at their level on the basis of the population needs.

## 2. PUBLIC EMPLOYMENT STRUCTURE

EMPLOYEE CATEGORIES	LEGAL BASIS
Civil Servants	Law 188/1999 on the Civil Servants' Statute and Law 7/2004 on the Code of Behaviour for Civil Servants
Special Status Civil Servants	Special laws for different categories
Contract Employees	Labour Code and Code of Contract for Contract Employees within Public Institution

## 3. CIVIL SERVICE

### Classification of public functions

- a) On the specific of activity:
  - general public functions;
  - special public functions.
- b) On the necessary level of studies to exercise the public function:
  - class I (four years or more licensed university studies);
  - class II (short term licensed university studies);
  - class III (licensed secondary school studies).
- c) On the administrative level of public institutions:
  - central public functions;
  - territorial public functions;
  - local public functions.

d) On the level of powers and attributions:

- public functions corresponding to senior (high) civil servants;
- management public functions;
- execution public functions.

Execution public functions are structured in professional grades as follow:

- superior, as maximum level;
- principal;
- assistant;
- beginner.

The three superior professional grades are structured in three levels.

## **Recruitment**

The system of recruitment is based on contest which consists in three steps:

- selection of candidates, which must fulfil the conditions asked for each public function;
- written test;
- interview.

## **Promotion**

Civil servants are entitled to level, grade or class promotion.

They are the subject to an annual evaluation. They receive marks: "very good", "good", "satisfactory", "unsatisfactory".

Level promotion is made every two year, at the recommendation of the department leader where the civil servant works if he obtained at his last annual evaluation at least the mark "good". Exceptionally, the term can be reduced at one year at the recommendation of the chief of the institution where the civil servant works.

Grade promotion is made by contest or exam and the conditions are:

- have at least four years seniority in the grade from which the civil servant promote;
- have at least two years seniority in the level from which the civil servant promote;

- have at least the mark “good” at the last two annual evaluation;
- not have in the administrative record an indelible disciplinary sanction under the Law 188/1999 on the Civil Servants’ Statute.

Class promotion is made when the civil servant obtain a new diploma necessary for the public function in which he promote.

There is a system of fast promotion and the supplementary conditions are:

- have the mark “very good” at the last annual evaluation;
- had at least one form of professional training in the last year.

**Civil Service Management Body:** The National Agency for Civil Servants acts as a specialised institution in central administration with its own legal status, managing the Civil Service and civil servants.

**Statistics:** Total Population: 21,700,000; Civil Servants: 178,000; Percentage of female civil servants: 68.93%.

## Rights, obligations, principles and values

**Liberty of Expression:** Civil servants are entitled to freely express their opinion.

**Discrimination:** Any kind of discrimination against civil servants for political, union membership, religion, nationality, sex, wealth, social origin, or any other such grounds is forbidden.

**Right to Unionization:** The right to form and join a union is guaranteed within the limits set out by law. Civil Servants may join professional or any other organizations concerned with the representation of their own interests, fostering professional training or defending their rights. Senior (high) civil servants or civil servants with the authorising officer quality are not allowed to have at the same time leadership positions in a union.

**Right to Strike:** Civil servants may exercise this right but they must ensure the continuity and efficiency of the public service.

**Obligations:** Civil servants must carry out their duties with professionalism, impartiality and according to the Law, refraining from any action that might cause damage to individuals or legal persons or to the Civil Servants Body. They must also refrain from expressing or manifesting their political beliefs while exercising their functions. They cannot hold leadership positions in political parties. Senior (high) civil servants are not allowed to be members of a political party.

Civil servants **must act under the hierarchical principle rules**. If they consider their superiors’ orders to be obviously illegal, civil servants can refuse to obey these orders. In these cases, civil servants must communicate their refusal in writing.

**Professional Confidentiality:** Civil servants must not reveal information considered as state secrets or those derived from their work in accordance with the provisions established by law. They must keep any facts or information confidential to which they have access during the performance of their duties, except the cases when the free access to information is regulated.

**Bribery:** Civil servants may not accept or ask for presents or any other benefits directly or indirectly for themselves or for other persons during the performance of their duties.

**Asset Declaration:** Civil servants must publicly declare their personal assets upon appointment and on leaving their post in accordance with the provisions set out by law. This public statement is updated annually, according to the law.

**Incompatibilities:** Public service is incompatible with other activity, except teaching, scientific research, literary and artistic creative or other areas of private sector activity, which is directly or indirectly connected with the duties performed under the job description as civil servant.

**Political Services:** All civil servants, except those employed within the Ministries concerning national defence, security and public order may be appointed to hold a political office. While exercising this new position, they are suspended from the civil service position they hold, although they maintain the class, grade and level obtained. On termination of the office, the public organization in which the civil servant previously worked must offer him/her the position held prior to his/her appointment or another equivalent position. The length of the political office is counted for seniority purposes in the civil service.

**Working Hours:** The normal working hours for civil servants are 8 hours a day and 40 hours a week. Overtime outside the normal working hours under the orders of the superior should be recovered or paid with an addition of 75% applied on basic salary. The number of overtime hours paid cannot exceed 360 a year. Overtime on legal holidays is paid with an addition of 100% applied on basic salary.

**Leave.** Civil servants are entitled to paid leave, sick leave and others stipulated by law. During sick leave, maternity, educational and childcare leave, working conditions cannot be modified unless the civil servant concerned decides otherwise.

**Safety and Hygiene:** Public institutions are obliged to provide civil servants with appropriate hygiene conditions so as to protect their health and physical integrity.

**Mobility on Health Grounds:** For health reasons, civil servants may change departments if he/she meets the requirements in order to carry out the new job, maintaining the class and level already held.

**Right to State Benefits:** Civil servants are entitled to medical care, prostheses and medications, retirement pension and other social security rights in accordance with the stipulations set out by law.

**Training:** Civil servants have the right and obligation to permanently improve their skills and training. Authorities and public institutions are obliged to provide in their annual budget the amounts to cover costs of professional training of civil servants.

Civil servants who undertake professional training, whose term is over 90 days in a calendar year, in the country or abroad, financed from the state budget or local budgets, are required to engage in writing to work in public administration from 2 to 5 years.

## Remuneration

The remuneration system is established by law, on the basis of the following principles:

- a) unity, meaning that covers all categories of staff salaries in the budgetary sector, taking into account the rights of some salaries established by special laws;
- b) supremacy of law, meaning that the salaries are established only by legal rules with the force of a law;
- c) taking into account of all salary rights legally acquired before the Law of uniform payroll of personnel paid from public funds (1<sup>st</sup> of January 2010);
- d) equity and consistency, by creating equal opportunities and equal pay for work of equal value, based on uniform principles and rules on the establishment and provision of salary and other salary rights for the personnel working in the budgetary sector;
- e) financial sustainability, by establishing salary increases based on annual special laws, so that the share of budgetary personnel's salary costs in GDP to gradually move to a sustainable level.

Remuneration is made up of a basic salary, long service allowance, bonuses and other salary rights, according to the law.

## Social dialogue and system of representation

Every year, the public authorities and institutions conclude, according to the law, agreements with the representative unions on improving working conditions, health and safety at work, working hours, professional training and other measures regarding the safety of people holding leadership positions in unions.

In the public authorities and institutions joint committees are constituted within an equal number of representatives appointed by the leader of the public authority or institution and representatives appointed by the union.

Joint committees are consulted in the following situations:

- a) at the establishment of the activity improvement measures of public authorities and institutions;
- b) at the establishment of any measures regarding professional training, if the cost of the training is covered from budgetary funds;

- c) at the establishment of working hours;
- d) other situations stipulated by the law.

Joint committees permanently monitor the fulfilment of agreements between the public authorities and institutions and the unions.

Joint committees issue advisory opinions.

For contract employees, public authorities and institutions conclude collective labour contracts.

### Senior high civil servants

There are 311 Senior (High) Civil Servants in Romania. The Senior (High) Civil Service comprises officials such as Secretary-Generals, Deputy Secretary-Generals, Prefects, Sub-prefects and Government Inspector from Central Administration and Prefectures.

Assessments take place annually for specific appraisals and biannually for a general evaluation of professional knowledge, abilities and aptitudes required to occupy a SCS position.

The special training programme is provided by the National Agency for Civil Servants (NACS). Participants may choose between two specialisations: Modern Governance and Local Development and European Public Business Management. The NACS has introduced a new Leadership specialization. (Summary Table).

<b>FUNCTIONAL LEVEL</b>	<b>CENTRAL/ REGIONAL LEVEL</b>	<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
1st Level	Central Level - Ministry	Secretary-General and Deputy Secretary-General	Yes	No
2nd Level	Central Level – Specialised Bodies	Secretary-General and Deputy Secretary-General	Yes	No
3rd Level	Territorial Level	Prefect and Sub-prefect	Yes	No
4st Level	Central, Regional or Local Level	Government Inspector	Yes	No

## 4. RECENT REFORMS AND PROSPECTS

Romania has recently reformed the pay system for civil servants and all personnel paid from budgetary funds by adopting the Law of uniform payroll of personnel paid from public funds (operating since the 1<sup>st</sup> of January 2010).

# SLOVAKIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Slovakia has been an independent parliamentary democracy since 1994, and has been a member of the European Union since 2004. It has a population of over 5 million inhabitants and a surface area of 49,000 square kilometres.

### System of government

**The President** of the Republic is elected directly by means of popular vote, with representative powers.

**The Parliament** is a single chamber (National Council of the Slovak Republic) made up of 150 members with a mandate of 4 years. True Executive Power lies with the **Prime Minister**, appointed by the President. The Government comprises the Prime Minister, the Vice-President and Ministers who may be subject to an individual vote of confidence by the Parliament, to which the Government is accountable. Main functions of the Government include: preparation of the state budget, government regulations, drafting and implementation of foreign policy, draft bills, etc.

### Regional organization

Slovakia is divided into 4 **administrative divisions**, 8 **Regions**, 79 **Districts** and 2,865 **Municipalities**. The regions and municipalities are self-government units. They have political and administrative autonomy. They are competent e. g. in matters of highways, education, hospitals and cultural facilities. They are organised by means of an Assembly and a President directly elected by popular vote. The municipalities are made up of a directly elected Assembly and Mayor, and deal with matters such as the environment, housing or water supply, etc.



However, there are two levels of the government administration at the local level:

First level is the regional level – this is e. g. the case of safety at work and labour inspection, environmental protection, road transportation, etc.

Second level is divided into two sublevels – district offices (e. g. environment, land) and county offices (an area of a county office usually covers several districts)

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** The 2009 Civil Service Act contains a specific regulation for civil servants. It affects around 36,000 **civil servants** (0.74% of the total population) of the State Administration (including both central and local level) The Police Force, Customs Officers, Armed Forces, freely appointed positions, politicians and members of the Parliament and Government fall under the scope of different legal regulations.

The second basic group of the employees carrying out the duties of the public services covers the 2003 Act on work performed in public interest. It affects over 400,000 employees (19% of the active population) including local and regional self-government.

The 2001 Labour Code applies on the two abovementioned categories of public employees differently. Due to more specific regulation in the Civil Service Act, its scope is narrower in the case of civil servants.

According to the Civil Service Act, there are two types of civil service employment – permanent or temporary.

The work of **public employees** is regulated in the aforementioned Labour Code and, more specifically in the 2003 Act on work performed in public interest, which stipulates that public employees shall be those working in institutions linked to the state budget, municipalities, state foundations, state educational and health institutions, etc. and other public institutions.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

The rights and obligations of **civil servants** are laid down by the Civil Service Act. Their rights include: working conditions that enable them to duly fulfil their duties, abilities and qualities. Their obligations include: the obligation to perform their tasks responsibly and on time, act properly and refrain from abusing their position, declare their assets and any incompatibility with another activity that provides them with economic benefits.

Performance is subject to permanent control and of a superior.

**Working hours** are a maximum of 40 hours a week (38.75 hours in a split shift and 37.5 hours in a continuous working day). There are special regulations for overtime and public holidays. Paid holidays are normally 4 weeks a year and, after 15 years of employment status (recognizing an employment different from the status of a civil servant) the holiday is 5 weeks a year. They are also entitled to a 65% food allowance for each working day. During pregnancy and the 9 months following the birth of a child, **mothers** are entitled to protection and special working conditions.

Civil servants, like all other employees, are **covered** by pension, unemployment and healthcare schemes.

To enter the civil service, a candidate must have a clean criminal record, full legal capacity and fulfil the necessary qualification. The civil service employment is based on a service contract which means that the system of an assignment based on an administrative decision has been abolished.

Civil servants are obliged to act impartially in their decisions; maintain confidentiality of all facts discovered in the course of civil service performance, refrain from accepting gifts or other types of personal benefits in relation to job performance; abstain from action that could lead to conflict of public and personal interests. They may not run a business or any other profitable activity similar to those performed as their civil service duties (the civil service act has enacted certain exceptions regarding the other profitable activities).

### 4.- CAREER-BASED SYSTEM - TRAINING

On-going **training** is both a right and an obligation for civil service employees. They must dedicate at least 5 days a year to their training, the organization of which is decentralized in each administrative unit. Each civil servant, including managers, has the obligation to enhance his/her skills and qualifications in accordance with requirements specified at the beginning of each year (a yearly plan of educational activities) in conjunction with the Human Resources Office and after consultation with the direct superior.

## 5. REMUNERATION

**Civil servants:** On appointment, the civil servant is notified of his/her salary structure. This normally comprises of two parts: a fixed part (the basic salary “tariff” and some bonuses) and a variable part (personal bonuses). The basic monthly salary “tariff” is determined in accordance with the salary class and scale. The salary class (of which there are 11) depends on the character of the tasks performed. It is originally determined by the Civil Service Act and (on the yearly basis) by a Government decree. The salary class may be raised by up to 32 percent due to the length of the service.

In case a civil servant performs tasks that are exceptionally important, he/she may be temporarily granted a specific salary. The law does not regulate the maximum of the salary, but it is naturally a matter of available financial resources.

**Public Employees:** As for workers carrying out duties in the public interest (public servants), their remuneration comprises of a fixed part (basic salary or “tariff”) and a variable part. The system is not unified. There is a particular salary class division for intellectual workers (12 salary classes) and for “blue collar” workers (7 salary classes). The basic 12 - salary class division varies according to the different types of public employees (education, health, etc). The salary category is not the same as for civil servants, there are 12 categories linked to seniority. Similarly to the civil service, the variable part may include e. g. personal bonuses, supplements for the performance of management tasks, additional payment linked to the retirement age another type of supplement such as risk, night service, overtime, or compensation for working on Saturdays, Sundays or Public Holidays. A specific salary may be granted temporarily in case of performing exceptionally important duties.

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Collective bargaining for **civil servants** and “public servants” (employees performing duties in public interest) is partially unified.

**Civil service:** The social dialog takes place on two levels. The law stipulates the scope of the collective bargaining.

Collective agreement signed yearly at the central level btw. the government and the trade unions is relevant to all civil servants who fall under the Civil Service Act. Main benefits that may result from the social dialog are as follows:

- increase of the salary tariffs,
- reduction of working hours,
- longer holiday,
- higher retirement bonus and
- higher compensation for an early termination of employment.

The law also stipulates the scope of the social dialog at the company (civil service office) level.

Besides, a civil service office is obliged to pre-discuss the measures being prepared and affecting the working conditions of the civil servants. Trade unions are authorised to control generally the status of the safety and health protection at the place where is the civil service performed.

In those offices in which there is no trade union organization, civil servants may be represented by a “Personnel Council” or a “Union Delegate”.

**Public Service:** similarly to the civil service, the collective bargaining may be carried out in a centralized or decentralized manner.. The employers’ platform is represented by those representatives that are authorised by the Government, Ministries, Regions, Municipalities, etc. The spectrum of subjects that may be negotiated in collective bargaining is wider (when compared to the civil service) due to different legal framework.. However, the top outcomes of the central social dialog are usually very similar to those granted to the civil servants. Better working conditions can be negotiated in decentralized bargaining than in centralized bargaining.

### Procedure for the Resolution of Conflicts

The regulations for the resolution of conflicts for civil servants and public employees are similar to those of the private sector. In the case of conflict in subjects under negotiation, both parties may appoint a mediator by mutual agreement. If the mediation process is not successful, a specific process in front of a arbitrator may follow (this is based on a request of the social dialog parties). An arbitrator’s decision stands for (partially or fully) the collective agreement. This decision may be a subject to an appeal to a court. Strike and lockout may follow as the most expressive consequences.

## 7. SENIOR CIVIL SERVANTS

The term Senior Civil Servant” does not have a formal status in Slovakia, but there are some special conditions for management positions. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Secretary of State or Head of Central Administration Body	No	Yes
2nd Level	Head of a Service office in the Central Government; Head of an Office in Local Government	No	Yes
3rd Level	Director-General	No	No
4th Level	Director	No	No

For permanent positions (most cases), a recruitment procedure is required, which is not necessary a rule in the case of the most of the temporary positions. Management of the civil servants is the responsibility of the immediate superior. In Slovakia, no

special training programmes for senior officers are provided at centralized level. However, it is common that civil service offices provide them the possibility to fit their education plan with their particular needs.

**The basic salary** “tariff” of senior civil servants is linked to performance appraisal, and collective bargaining agreements. The management bonus depends on the level of the management position (and ranges from 5.5% to 90% of the basic salary “tariff”).

## 8. RECENT REFORMS AND PROSPECTS

As mentioned above, the new Civil service act was put in force in 2009.

The main changes introduced by the new piece of legislations are as follows:

- abolishment of the employment based on an administrative decision – instead, there is a service contract btw. a civil servant and a civil service office;
- broader and more flexible legal framework for the professional education of the civil servants;
- stronger protection of the civil servant status (employment stability);
- broader independency for the civil service offices regarding the personal policies;
- tele-work and home office work;
- broader scope for the social dialog;
- abolishment of the system based on the yearly performance assessment connected to the financial evaluation of the civil servants.

# SLOVENIA



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Slovenia is a parliamentary democratic republic that obtained its independence in 1991. The present Constitution of the Republic of Slovenia was adopted on 23. December 1991, following the results of a plebiscite on the sovereignty and independence of Slovenia on 23. December 1990, when Slovenes overwhelmingly voted for independence. It has a total surface area of 20,300 square kilometres and a population of over 2 million inhabitants.

### State organisation

**The President of the Republic** of Slovenia The President of the Republic represents the Republic of Slovenia and is the commander-in-chief of its armed forces. The President calls general elections, promulgates laws, nominates candidates for Prime Minister to the National Assembly following talks with the leaders of deputy groups, candidates for judges of the Constitutional Court and members of the Court of Audit, appoints and recalls ambassadors, accepts the credentials of foreign diplomats, grants clemencies, etc. The President has no influence over the composition of the government, which is the task of the Prime Minister and the National Assembly. The President of the Republic is elected for a five-year term in direct general elections by secret ballot. A President may serve a maximum of two consecutive terms.

**The Parliament**, comprising of the **National Assembly** and the **National Council**, has asymmetric duality, as the Chambers do not have equal powers. The National Assembly has ninety members (one representative for each of the Hungarian and Italian minorities) elected for 4 years. The National Assembly The National Assembly of the Republic of Slovenia is the supreme representative and legislative institution, exercising legislative and electoral powers as well as control over the Executive and the Judiciary. It adopts constitutional amendments, laws, national programmes, resolutions, etc. It also creates its own internal regulations, adopts the state budget, ratifies treaties and calls referendums.

As an electoral body, **the National Assembly** appoints and dismisses the **Prime Minister** and Ministers, the President of the National Assembly and up to three

Vice-Presidents. On the recommendation of the President, it also appoints the judges of the Constitutional Court and other judges, the Governor of the Bank of Slovenia, Ombudsman, etc. In comparison with other dual-chamber systems, the power to vote in the Lower Chamber is exercised in a wide range of issues, whilst the Upper Chamber has more restricted powers. The supervisory function of the National Assembly includes the creation of parliamentary investigation committees, votes of confidence and constitutional proceedings against the President, Prime Minister or Ministers.

The composition of the **National Council** reflects the principle of corporate representation. It consists of 40 members. It is the constitutional representative of social, economic, professional and local interest groups and can be considered as the upper house of the Slovenian parliament. The council has 22 representatives of local interests, six representatives of non-commercial activities, four representatives of employers, four of employees and four representatives of farmers, crafts, trades and independent professionals. It is not elected directly by the population, but meant to represent different interest groups in the country. The councillors are elected for a five year term. It may propose laws to the National Assembly and plays a consultative role, although it reviews the decisions of the National Assembly in legislative matters (postponing veto).

**The Government** The Government of the Republic of Slovenia is a body with executive power and the highest body of the state administration. It determines, guides, and coordinates the implementation of state policies in accordance with the Constitution and with laws and other general acts passed by the National Assembly. As the highest body of the state administration, it passes regulations and adopts legal, political, economic, financial, organisational and similar measures for regulating areas within the state`s jurisdiction. Its function in the area of legislative initiatives includes proposing laws to be passed by the National Assembly, the state budget, national programmes and other acts with which political directions for individual areas within the state`s competence are determined. With regard to the EU, the Government represents the Republic of Slovenia and makes submissions to EU institutions. The Government functions as a cabinet led by a Prime Minister. It consists of the Prime Minister and ministers. The number of ministers is not determined by law, only the area of activities, and each government coalition decides on the number according to its needs and political goals. At the time there are 14 Ministers and 3 Ministers without office.

The Prime Minister-elect is nominated to the National Assembly by the President of the Republic. The Prime Minister-elect then puts forward nominations for the Government, and ministerial candidates are required to present themselves to the relevant Committees in the National Assembly, which then vote on their suitability. The National Assembly then approves the ministers by a simple majority.

## Regional organization

Slovenia has a long tradition of regionalism and self-government. Pursuant to the Law on Self-Government, the municipality (with more than 5,000 inhabitants, as urban

municipalities must have 20,000 inhabitants) is considered as the base for local self-government. New municipalities are established by law, following a prior referendum of the inhabitants. There are currently a total of 210 municipalities, 11 of which have urban status.

Among other questions, municipalities are responsible for: economic development, territorial organization, construction, local public services, infant and primary education and local roads. The municipality consists of a Mayor (directly elected by inhabitants), a Municipal Council (highest authority in the municipality) and a Supervisory Committee (controlling public expenditure and municipal assets). In 2006, the Constitution was reformed to create Provinces or Regions. This process is not complete yet and is envisaged that the regions may be the same as those considered for community statistical purposes (NUTS 3), with environmental, economic, social and cultural development and infrastructure competencies.



## Public Administration

Slovenia's system of public administration is based on the legislation in force. In Slovenia, all the employees for whom the Wage system Act defines salaries - included are teachers, doctors, employees in central and local governmental bodies, in Public Agencies, Public Institutes and Funds, which means around 158.000 employees – are employees in Public Sector (civil servants). Among them there are around 35.000 civil servants in the Central Public Administration, which consists of Ministries, Bodies within ministries, Governmental offices and Administrative units. The Civil Servants Act which entered into the force in 2003, defines civil servants in central and local governmental bodies into officials (they do the public tasks) and the professional-technical workers (they perform the supporting tasks). Also the Top Managers, Soldiers and Police force are civil servants in Slovenia. Ministries are led by a Minister, who is politically appointed, like the State Secretaries.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Legal Basis:** The main regulations on public employment are: Civil Servants Act (CSA), Employment Relationships Act, Wage System Act. The CSA represents the most important legal ground for the civil servants system in Slovenia. It regulates the common principles and other common issues related to the civil servants system; governs the civil servants' system, establishes human resource management, the annual interview, performance assessment and training and education programmes for civil servants. The first part of the CSA which regulates the common principles, is valid for all civil servants in Public Sector, the second part of CSA is, on the other hand, valid only for the civil servants in the state bodies and in local administration. According to the Constitution of Republic of Slovenia, employment in the state administration is possible only on the basis of open competition, except in cases provided by law. The system, among other principles, contains the principle of equal accessibility to ensure equal access to any work post for interested candidates under the same conditions. The chosen candidate has to have the best competences.

The Slovenian public administration respects the principles of legality and legal safety, political neutrality and professional independence, openness and user orientation, expertise and quality, compatibility, rationality and efficiency.

**Public Employment Managing Body:** The Ministry for Public Administration is responsible for the centralized management of all policies related to Central Public Administration. The Ministry of Public Administration performs tasks in the following areas: the organisation of public administration and staff; the public sector salaries system; e-government and administrative processes; investments, real estate and joint state administration services; and the coordination and guidance of local administrative units. Special attention is devoted in all the above areas to: strategic development, analysis and quality in public administration, public relations and the promotion of new solutions, and international relations.

## 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

The Civil Servants Act defines the principles, values, rights and obligations of public employees which include: principle of equal access, legality, professionalism, honourable conduct, non-acceptance of gifts, confidentiality, responsibility for results, diligence in the performance and protection of professional interests. In the year 2001 The Government of Republic of Slovenia accepted Code of conduct for civil servants, valid for the public officials and high ranking civil servants as well. Besides this Code of conduct there are also the Codes of conduct for the particular professions and fields of work (Code of conduct for nurses). CSA also provides the legal foundation for the Decree on the limitations and duties imposed upon public servants with respect to receiving gifts, adopted in 2003. CSA in Article 100 defines activities and work that is not compatible with the work of civil servants and public officials and also defines the sanctions for breaking these rules. The article 100 CSA defines that officials may not perform other activities, if the activity violates the prohibition of competition or the competition clause pursuant to the law governing employment; if the performance of activity might affect the impartiality of the performance of work; if the performance

of activity might result in the abuse of data accessible at the performance of the tasks at work, that are not accessible to the public and if the performance of activity is harmful to the reputation of the body. The restrictions under this Article shall not apply to activities relating to scientific and educational work, work in associations and organisations in the field of culture, art, sport, humanitarian activities and other similar associations and organisations, work in the area of journalism, and to membership and activities in political parties.

Officials holding the positions of director-general, secretary-general, the principal of Body within Ministry, the principal of a Government Office, the principal of Administrative Unit and the director of municipal administration (municipal secretary), may not perform any profitable activities with the exception of activities in the field of science, research, education, art, journalism and culture. Legal entities in which officials under the preceding paragraph, or their spouses, their lineal relatives or their collateral relatives three times removed, hold a share exceeding 20 per cent, may not enter business relations with bodies in which officials work. Contracts concluded contrary to the provision of this Article shall be null and void.

The working week for Slovenian civil servants is 40 hours. Paid annual holidays are minimum of 4 weeks. Maternity leave is one year. There is also special leave for parents with children between the ages of 3 and 6, to reduce their working day to between 4 and 7 hours instead of the normal 8 hours.

#### 4. CAREER-BASED SYSTEM. TRAINING

**Horizontal** and vertical **career** development is possible (promotion without changing position or with changing position), but. at least 3 years should elapse between each promotion.

**Training** of civil servants revolves around the Administration Academy, which is part of the Ministry for Public Administration, created in 1997. This educational body is responsible for organising courses related to the training of civil servants. Courses in administrative procedures, health and safety, trainings for officials and trainings for Top Managers are the most important. In 2007, the Training Programme for Top Management was redesigned (compulsory 6-day programme) and new Training Programmes for Inspectors and Middle Management were introduced. They are all offered by the Administration Academy.

#### 5. REMUNERATION

The **Public Sector** Wage System Act regulates the stipulation, calculation and payments of salaries and the amount of funds assigned to them. It also defines the procedure for altering the ratios between the wage groups and wage sub-groups in the public sector. In short, the Act sets out the common basis for the public sector wage system, such as the principle of equal pay for positions with comparable functions and rights and the transparency of the wage system and wage incentives.

**Positions** are **evaluated** using a common methodology according to the following criteria: level of difficulty of the tasks or entry requirements to the position; level of skills required (professional qualifications, additional skills and experience); competencies and responsibility of the position; physical and mental exertions related to the position; environmental impact of the position.

Following this criteria, each position is **classified** into one of 65 salary categories, which determines the basic salary. In addition to the basic salary, there are performance-related bonuses (2 months of the basic salary annually + additional bonus for extra workload agreed between civil servant and superior that shall not exceed 50% of civil servant's basic salary). On the other hand, the aforementioned Act reduced salary bonuses from 80 to 8 (position, seniority, mentorship, specialisation and academic qualifications, a bonus for bilinguality, disadvantageous working conditions, dangers and special burdens, overtime and night service).

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

Social dialogue is centralised and negotiations affect all public employees. Collective bargaining is formal and on-going (between 2 and 4 negotiations a year). The Administration is represented by the Governmental Negotiation Group, made up of representatives of all the Ministries, Agencies, some Government Offices and the Association of Municipalities. Employees are represented by many organizations in national negotiations, which normally represent the different branches of the public sector. At times, there is a great deal of diversity within the same branch (there are 6 different trade unions in the healthcare sector). The average unionisation rate is 50%.

Issues dealt with in the social dialogue are essentially the following: working conditions, labour market, modernisation of the social security system, training, reform of the civil service, quality management and public sector wage system. The outcome is not only a collective agreement, but also a proposal. The results of these negotiations are legally binding although there is the possibility of engaging in collective conflict, including the right to strike (although with prior conflict resolution mechanisms and an obligation to provide minimum services). The Economic and Social Council of the Republic of Slovenia (ESC) was established in 1994 as a highest-level body representing the social partners in the country. It was founded by the social partners – employers' organisations and trade unions – and the Government of the Republic of Slovenia. The ESC usually meets in plenary session, with meetings held either at the request of one of the groups of social partners or at least once a month.

## 7. SENIOR CIVIL SERVANTS

There is no formally defined SCS status in Slovenia, but there are some special conditions for the SCS group. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Minister and Secretary of State	No	Yes
2nd Level	Top Managers: Secretary-General and Director-General in Ministries and Public Bodies; Head of the Cabinet and Head of Administrative Unit.	Yes	No – Partially
3rd Level	Head of Sector, Head of Committee and Head of Service	No	No
4th Level	Head of Department/ Division	No	No

Senior Civil Servants – 2<sup>nd</sup> Level - are selected through open, public competition. The main role in this procedure has an independent body – the **COUNCIL OF OFFICIALS**, which has 12 members who are elected or appointed for a term of six years. The Council of officials, determines the requirements to be fulfilled by candidates to a SCS position. On completion of the tests and evaluations carried out by a Competition Commission, those directly responsible for the management position (Prime Minister, Minister and Secretary-General of the Government) make the final selection from a shortlist of candidates, made by Official Council. The Government takes the final appointment decision and senior managers are appointed for a period of 5 years. Their assessment (annual) and management are the responsibility of the immediate superior. There is the possibility of horizontal career development (change of position, but the whole selection procedure must be performed).

## 8. RECENT REFORMS AND PROSPECTS

In the year 2009 the Program of reducing administrative barriers by 25% by 2012 and better regulation was adopted.

Among the anti-crisis measures in the public sector there is a plan of the reduction of the number of employees by 1% per year. Besides this a program of several organisation measures and restriction in the HRM was adopted.



# SPAIN



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

Spain, the capital of which is Madrid, is a parliamentary monarchy and the division of powers is set out in the 1978 Spanish Constitution. It has a surface area of 505,990 km<sup>2</sup> and a population of around 46 million inhabitants. It has been a member of the EU since 1986 and is a member of the United Nations, NATO and other international organizations as well as a signatory of the Kyoto Protocol.

### System of government

The Constitution lays down the bases of democratic co-existence based on the principles of freedom, justice, equality and political pluralism.

**The King**, symbolizes the historical continuity of Spain and is a unit factor for all Spanish people. He acts as Head of State and as such, arbitrates and moderates the regular operation of the institutions and assumes the highest representation of the Spanish state in international relations.

**The General Courts** have Legislative Power, and as such, exercise the functions of legislating and controlling the actions of the Government, whereby they are made up of two Chambers elected for a period of 4 years by means of popular vote: the Congress of the Deputies (Congreso de los Diputados) (350 members) and the Senate (Senado) (264 members); the latter is the Chamber of territorial representation.

**The Government** represents the executive power, and as such, manages national and foreign policy, civil and military administration and national defence. It is led by a President, who has a vote of confidence from the General Courts, and the Ministers appointed by the President. The associated government body is the Council of Ministers.

**The General Council of the Judiciary Power** is the governing body of the Judiciary Power, which exercises its functions with full autonomy from the Government. Its main objective is to ensure the independence of the Judges and Magistrates in the exercise of jurisdictional duties.

## Regional organization

Spain is organised into **three levels** of autonomy: **State Administration**, Autonomous Communities and the Autonomous Cities of Ceuta and Melilla, and Provinces and Municipalities making up the Local Administration. Spain is currently organised territorially into 17 Autonomous Communities, 2 Autonomous Cities, 50 Provinces and 8,111 Municipalities. They are governed by the following Institutions:

### A. **Autonomous Communities:**

- A Legislative Assembly, elected by popular vote by means of a system of proportional representation.
- A President of the Community, elected by the Assembly from among its members and appointed by the King. He/she is responsible for the management of the Government Council, the supreme representation of the respective community and ordinary representation of the state in the Council.
- The Government Council, which is presided over by the President of the Community, performs executive and administrative functions and is politically accountable to the Community Assembly.

### B. **Local Administration is** made up of Provinces and Municipalities:

- Provinces. Their governing institution is the Provincial Council, comprising of a President and Members who are elected by the City Councils and their duty is to ensure cooperation of the municipalities. There are no Councils in the autonomous communities with a single province.
- Municipalities. Their governing institution is the City Council comprising of the Mayor and Councillors. The latter are directly elected by popular vote and secret ballot. The Councillors in the Municipal Plenary elect the Mayor by absolute majority. If a majority is not obtained, the leader of the most voted list is proclaimed Mayor.



## Public Administration

Public administration is defined in the Constitution as a democratic country and representative of a politically and administratively decentralized State. Therefore, there are a range of Public Administrations in Spain, each with their own legal status and autonomy to manage their own affairs and competences.

The Autonomous Communities assume the competences defined in their own Statutes of Autonomy, which are the basic institutional regulation in the Autonomous Community, applying the distribution of powers between the state and the communities as set out in the Constitution, which differentiates between three types of competences:

- Exclusive competences of the State.
- Exclusive competences of the Autonomous Communities.
- Competences that may be shared between the State and the Autonomous Communities.

The State reserves the power to draw up basic regulations that ensure the equality of all Spanish citizens throughout the state and cohesion between all regions.

## 2. PUBLIC EMPLOYMENT STRUCTURE

### Regulation

Law 7/2007, of 12th April on the Civil Service Basic Statute (EBEP): This is a law that establishes a homogeneous model for the Civil Service, whilst respecting the competences of the other regional and local administrations in order to adapt these general provisions to their specific conditions. On the other hand, it sets out the common rules applicable to the different groups of public employees.

### Public Employee Categories:

- **Civil Servants** are subject to a statutory system of Civil Service and are regulated by Administrative Law. In general, Public Administration posts are filled by civil servants.
- **Non-civil service employees** are subject to an employment contract and are regulated by Employment Law (Workers' and Collective Agreements Statute); they may only hold certain posts.

Bearing in mind this restriction, all Public Administrations (State, Regional and Local) have or may have the following **categories of public employees**:

**Professional Civil Servants:** These legally appointed employees are linked to a Public Administration by a statutory relationship regulated by Administrative Law for the performance of professional services.

**Interim Civil Servants:** On duly justified grounds of need or urgency, interim civil servants are appointed as such for the performance of professional civil servant functions in accordance with the circumstances set out in the Civil Service Basic Statute.

**Statutory Staff:** They have a functional relationship with special conditions set out in their own statutes.

**Contractual Workers:** By virtue of a formalised written contract through any of the staff recruitment methods set out in employment legislation, contractual workers provide services that are paid by the Public Administrations. Depending on the contract duration, this may be permanent, for an indefinite period of time or temporary.

**Temporary Staff:** By virtue of temporary appointment, temporary staff may only perform functions that are expressly classified to be functions of trust or expert advice, whereby they are paid from the budgetary credits set aside for this purpose.

**Management:** Their system shall be developed by the State and the Public Administrations in accordance with the principles established in the Civil Service Basic Statute and others.

## Organization of the civil service

### Recruitment

Recruitment is carried out using the following competitive procedures: competitive examination (passing tests), competition (exceptional system in which merits are verified and assessed) and competition-examination (passing tests and merit assessment), according to the constitutional principles of equality, merit and ability.

The **structure** of the public service system is **mixed**: Corps and Scales for civil servants, as well as contractual employees.

A. **Corps and Scales:** This groups civil servants by means of:

- Civil service entry requirements,
- Recruitment procedure
- Functions or positions that may be held or performed:
  - General Corps for common functions in the administrative activity.
  - Special Corps for functions of a certain career or profession.

**(SUMMARY TABLE)**

<b>GROUP</b>	<b>SUB-GROUP</b>	<b>QUALIFICATIONS</b>
A	A1 A2	University Degree
B		Higher Technical Diploma
C	C1 C2	Diploma Compulsory Secondary School Studies
Other Professional Groups		No formal qualification requirements

**B. Positions**

Positions homogenously group together the functions or activities performed in a specific administrative unit and serve to:

- Understand exactly the number and type of staff required,
- Ensure that positions are assigned to the best suitable candidates,
- Determine the pay to be received by those performing the jobs.

**Statistics:** The total number of civil servants is 2,636,900. Of these, there are 575,021 in the General State Administration, 1,332,844 in the Autonomous Communities, 629,505 in Local Administration and 99,530 in Universities.

**3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES**

**Rights and Obligations**

The Civil Service Basic Statute defines rights and obligations as well as a Code of Conduct and ethical principles. Individual **rights** include the right to privacy, immobility, administrative career and pay, the right to participate in political activities, but observing neutrality in their functions at all times, retirement, etc. and joint rights include the right to meet, association, promotion of collective conflicts, right to strike, etc.

**Obligations:** The first is to swear loyalty to the King and the Constitution; perform functions with objectivity, integrity, neutrality etc. and follow principles of conduct such as hierarchical obedience, except when the order is clearly illegal, in which case, the supervisor must be informed in order to avoid accountability, or except in cases in which action may be detrimental to citizens and the proper use of public resources, etc.

## Diversity Policies

Non discrimination on grounds of birth, race and gender originate from Article 14 of the Constitution. Based on this constitutional principle, the Spanish administration has passed laws and regulations to prevent discrimination on grounds of gender (Law 4/2005, of 18th February, for the Equality of Men and Women, Organic Law 3/2007, of 22nd March, for the Effective Equality of Men and Women) which have influenced the Civil Service and the Workers' Statute, the contents of which have been reflected in the Civil Service Basic Statute.

**Statistics:** Summary Table: June 2009: Percentage of men and women in the Public Administrations by sector.

	MALE	FEMALE
Ministries, Ministry departments and their Regional Bodies	43.30%	54.70%
Non-university Education	32.49%	67.51%
Penitentiary Institutions	76.24%	23.76%
Public Health Institutions	29.75%	70.25%
Police Forces	86.33%	13.07%
Judiciary	58.94%	41.06%

## Work-Life Balance

**Working Hours:** Types: General Maximum working hours: 37.5 hours a week (1,647 hours a year), and special dedication working hours: 40 hours a week.

**Work-Life Balance.** The Civil Service Basic Statute considers this work-life balance to be a subjective right and establishes 16 weeks uninterrupted **Maternity** leave. The 16 weeks' leave for **adoption or fostering** (pre-adoptive, permanent or simple) may be extended if the adopted child is disabled or for multiple births.

**Paternity Leave** (for birth, fostering or adoption) of 15 days may be taken by the father or other parent. **Domestic violence leave** for employees whose absences on these grounds are considered to be justified, granting the right to the reduction of working hours with the proportional reduction in pay, reorganization of the working hours, application of flexi-working times, etc.

**Tele-working:** This has been regulated but is still in the trial phase. It requires an agreement between the employer and trade union representatives provided that the tasks may be performed in this way. Tele-working usually involve alternating between working at the office and at home.

**Holiday Leave:** 22 working days a year (Saturdays are not counted and special working hours shall require adjustments) extended up to a maximum of 26 days in accordance with seniority.

**Leave** for the death, accident or serious illness of a first level blood relative: 3 working days; For moving house without changing place of residence: 1 day; To attend final examinations or definitive aptitude tests: on the days they are held, For breast-feeding of a child under 12 months: one hour's leave of absence from work (it is possible to accumulate this time into full working days); for private affairs: six days which may be extended by 2 on reaching the 6th three-year increment, etc.

Other Leave and Licenses: For marriage: 15 calendar days; for study directly related to the civil service: the time required with pay and family allowance; for illness that prevents the normal performance of duties: up to 3 months each year with full pay; for personal affairs: unpaid and its accumulated duration may not exceed 3 months every 2 years.

#### 4. CAREER-BASED SYSTEM

The Civil Service Basic Statute considers the career and promotion public employees jointly and as a right. It differentiates between:

- Horizontal Career is grade, category or step advancement without the need to change job.
- Vertical Career consists of promotion in the structure of positions through the provision of positions set out in the Statute.
- Internal Promotion, which is promotion from one Corps or Scale in a sub-group or from one group to another higher group.
- Horizontal Internal Promotion which consists of entry to Corps or Scales of the same professional sub-group.

Internal **promotion** is a system open to all civil servants of the same group of qualifications fulfilling the requirements to enter the new corps and a minimum period of two years in the current corps or scale. Competitive tests need to be passed: by the system of competitive examination or competition-examination according to the constitutional principles of equality, merit, ability and advertising.

The Civil Service Basic Statute differentiates between Professional Career and Promotion for civil servants and non-civil service employees. The career systems defined in the Statute are pending development by the State and Autonomous Communities.

**Non-civil service employees:** Their career development and promotion is in accordance with the procedures set out in the Workers' and Collective Agreements Statute.

**Performance Appraisal.** The Civil Service Basic Statute links career and pay with performance appraisal, which forces Public Administrations to establish appraisal systems for their public employees. It is conceived as a procedure that measures and evaluates professional conduct and performance or the fulfilment of results and should be carried out using criteria of transparency, objectivity, impartiality and non-discrimination, without infringing the rights of public employees.

It is currently pending development, so the previous model, based on level intervals and personal grades, remains in force during the transitory period.

- **Level intervals** are career expectations for civil servants in their corps or scale. There are 30 levels; the civil servant career begins at the lowest level of each group and may reach the maximum level at the end of the career.
- **Personal Grade** is the axis of civil servant professional promotion in accordance with their professional path. The grade is acquired through performance over two consecutive years, or 3 years with a break, of a job in the same level or a higher one than the grade to be entered.

Successive grades are obtained using the same system. If the position changes level during its performance, the higher level shall be considered for the grade. A higher grade than the maximum level in the interval corresponding to the civil servant's qualification group cannot be obtained. The personal grade is important for pay, mobility and provision of jobs.

## 5. REMUNERATION

### Civil Servants

The pay system for civil servants is established by law and the quantities of pay are public (some appear in the General Budgetary Laws of the different Public Administrations, and others in the Job Positions List). **Basic pay** is the same in all Public Administrations and, according to the Civil Service Basic Statute, consists of the salary and the three-year increment for each sub-group or group. The General State Budgetary Law establishes the annual global pay increase which is applied to all public employees.

However, until the laws to enact the Civil Service Basic Statute are passed, the previous pay system is maintained, which consists of the following concepts:

1. **Basic Pay.** This is calculated according to the qualification sub-group or group of the Corps or Scale to which the civil servant belongs. It includes:
  - **Salary.** The same amount is assigned to each group of academic qualifications. Training and knowledge accredited during recruitment are rewarded.
  - **Three-year Increments.** This is the same amount for each Group and for each three years of service. Seniority is rewarded.
  - **Extraordinary Payments.** They are calculated in accordance with the time in service during the six months in which they are received. They are paid twice a year (June and December). Each extraordinary payment consists of a month's basic pay and all of the additional payments, except those corresponding to performance or extraordinary service carried out outside working hours.

2. **Additional pay.** This pay is received in accordance with the characteristics of the position, professional career or performance of duties.

- **Position Bonus** rewards the level of the position. The maximum and minimum limits for the level of the position performed are established for each qualification group.
- **Specific Bonus**, rewards special conditions of responsibility, technical or laborious difficulty of the position. There are different scales of specific bonus.
- **Productivity Bonus** rewards better performance.
- **Bonus** awarded for extraordinary services provided.

### **Non-civil service employees**

Their pay is determined according to employment legislation, the corresponding collective agreement and the employment contract. Additional payments are usually made up of a month's basic salary, seniority, and if appropriate, the personal bonus for consolidated seniority.

## **6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION**

Civil servants are entitled to strike and union membership with the exception of the Armed Forces, Civil Guard and Judges, Magistrates and Prosecutors, (although professional associations are allowed) and limited for the National Security Forces and Corps, which affects them for independent collective bargaining. The main trade union organizations representing public employees at a state level are: The Trade Union Confederation of Workers' Commissions (CCOO), the General Workers' Union (UGT) and the Confederation of Independent Trade Unions and Trade Union Confederation of Civil Servants (CSI-CSIF). At regional level, ELA and CIG in Galicia are representative. By sector (mainly health and education) there are other important trade unions.

The main regulation in this sphere is set out in Organic Law 11/1985, of 2nd August, on Trade Union Freedom and Law 7/2007, of 12th April on the Civil Service Basic Statute, which define two different channels for representation and negotiation: unitary bodies (Staff Councils, Works Committees and Staff Delegates, which are representation bodies elected directly by the employees of each Ministry or organization, with extremely limited negotiating capacity) and trade union bodies (with extensive negotiating power, that channel institutional dialogue. Their representatives and negotiators are appointed by the trade unions).

In the public service sector, collective bargaining on working conditions is carried out via different Commissions: General Public Administration Commission, in which basic issues are negotiated, hence affecting all public employees and all Administrations and their agreements are nation-wide. It is unitary. On the one hand, there are the Public Administrations (State, which presides, Autonomous Communities, Cities of Ceuta and Melilla and Local Administration), and on the other hand, the trade union

organizations according to the results obtained in the elections to the aforementioned unitary bodies.

Another General Commission in each territorial administration is responsible for negotiating issues that are common to civil servants, non-civil service employees and statutory employees in its own region. There is another specific Commission for civil servants. Depending on these General Commissions, Sectorial Commissions may also exist for specific fields, essentially healthcare and universities.

Therefore, it is possible to talk about centralized negotiation but within the decentralization of the Spanish regional system, which means that negotiations are not carried out individually by Ministries (Departments in the case of regions) but rather centrally via the aforementioned Commissions, but only a small part of the subjects (basic issues) must be negotiated in the joint and centralized state sphere.

Potential issues for negotiation are extensive, as only specific aspects related to self-governing powers, management and hierarchical control, working conditions of senior executives, citizens' rights, etc. are excluded from the obligation to negotiate, as they are the exclusive competence of the Administration.

## **7. SENIOR CIVIL SERVANTS**

The highest levels of Central Administration are called Superior Bodies (Ministers and Secretaries of State) and do not have to be civil servants, although they are on many occasions. At a lower level, there are Management Bodies (Secretary-Generals, Under-Secretaries, Technical Secretary-Generals, Director-Generals and Deputy Director-Generals). They must all be career civil servants with the exception of Secretary-Generals and, in exceptional and duly justified circumstances, Director-Generals. The Civil Service Basic Statute considers the category of management personnel, the development of which is pending. It contemplates the possibility that they may also be non-civil service employees. Each Autonomous Community has the power to establish its own legal system and conditions, but a common requirement is that they are recruited on the grounds of merit and ability, suitability criteria, using procedures guaranteeing publication and competition. Management personnel are evaluated according to the criteria of efficiency, effectiveness, responsibility in their management and the monitoring of results.

As this figure does not exist and that of management personnel has not been developed, in order to maintain the structure of the study and its comparative purposes, the heads of the Superior and Management Bodies defined in Law 6/1997 of 14th April, on the Organization and Functioning of the General State Administration, shall be used, whereby political appointment does not necessarily need to be a civil servant.

### POSITIONS TO BE OCCUPIED BY SCS:

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Minister	NO	YES
2nd Level	State Secretary	NO	YES
3rd Level	Secretary-General	NO	SI
4th Level	Under Secretary	YES	NO
5th Level	Technical Secretary-General	YES	NO
6th Level	Director-General	YES	In Exceptional Cases
7th Level	Deputy Director-General	YES	NO

All of these positions are freely appointed and removed and are not limited to career. Ministers are appointed and removed by the President of the Government. State Secretaries, Secretary-Generals, Under-Secretaries, Technical Secretary-Generals and Director-Generals are appointed and removed by the Government on the recommendation of the corresponding Minister. Deputy Director-Generals are appointed and removed by the State Secretary. All career-based civil servants occupying these positions must belong to Sub-Group A1, except for those positions that may be carried out by non-civil servants.

## 8. RECENT REFORMS AND PROSPECTS

The need for a reform of public employment to adapt to current needs was unquestionable, and there was consensus from all social sectors, political groups, public employees and their representative bodies.

Article 103.3 of the Constitution required a specific law to be drawn up to regulate the status of civil servants and Article 149.1.18<sup>a</sup> gives the State the power in the foundations of this statutory system. The last important reform in this area was in 1984, whereby its regulations which continue transitorily, whilst the Civil Service Basic Statute (EBEP) approved by Law 7/2007, of 12th April is being developed, state that:

- The need to create common regulatory framework for all public employees (civil servants and non-civil service employees) that guarantees recruitment and career development based on common criteria and the constitutional principles of merit, ability, equality and advertisement, with a fair balance between the rights and responsibilities of public employees.
- The need for the Public Administrations to have appropriate legal mechanisms for the planning and organization of their staff.

- The gradual transfer of services to the Autonomous Communities and the need to resolve problems derived from human resource management.
- Enable each Administration to form its own human resource policy, without detriment to the necessary elements of cohesion and coordination mechanisms.

The Civil Service Basic Statute is currently in the development phase, both in the State and the Autonomous Communities, which must take place in the audience of the sectors involved and the employee representatives, which requires an in-depth study into its aims and consequences, which is why it has not yet been finalized.

# SWEDEN



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The Kingdom of Sweden is a Scandinavian country in the north of Europe. It has more than 9 million inhabitants and is a member of the European Union. It is a Democratic State, with a monarchic, parliamentary system of government and strong municipal self-government.

In addition to the 1976 Constitution, Sweden has a further three fundamental laws: the Royal Succession Act, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

### System of government

The head of state – a monarch without formal power

The King or Queen occupying the Swedish throne under the Act of Succession is the country's head of state. The Swedish head of state, since September 1973 King Carl XVI Gustaf, exercises no political power and does not participate in political life. As head of state, he or she is the representative of the country as a whole, and in that capacity performs only ceremonial duties and functions. The head of state pays official visits to other countries and acts as host to foreign heads of state on official visits to Sweden. The head of state also signs the credentials of Sweden's ambassadors to other countries and receives foreign ambassadors to Sweden. Another official duty of the head of state is to open the annual session of the Riksdag. The head of state does not participate in the deliberations of the Government and does not need to sign any Government decisions. In 1979, the Act of Succession was amended to give male and female heirs equal rights to the throne. As of 1980 this right belongs to the first-born, regardless of gender.

**The Parliament** (*Riksdag*) is the supreme representation of the people. It enacts laws, determines taxes and how state resources should be invested and supervises the Government and public agencies in Sweden. Its members are directly elected by popular vote.

**The Government** is made up of the Prime Minister (*Statsminister*) and the other members of the Council of Ministers (*Statsrad*). There is a Secretary of the Government (*Regeringskansli*) responsible for preparing Council matters. The Ministers are appointed by the Prime Minister. The public administration is divided into thirteen ministries led by a Minister, although there are also ministers who are not heads of Department. The Government takes decisions collectively.

**The Judicial System:** The Swedish Supreme Court is the third and final authority in all civil and criminal cases. It is independent from the Parliament and the Government. The Supreme Court (*Högsta Domstolen*) is the highest general jurisdiction court and the Government Council (*Regeringsrätten*) is the highest administrative court. Nobody may serve as a member of the Supreme Court or the Government Council unless he/she has been appointed a permanent magistrate.

### Regional organization

It is a unitary state, divided into twenty-one **Counties** (*Län*). Each County has an Administrative Board or *länsstyrelse*, supported by the Government (the first Administrative Board was set up by Swedish Prime Minister, Axel Oxenstierna, in 1634). Each County has a **Council** or *landsting*, directly elected by the people. These are divided into **Municipalities** or *kommuner*, and there is 290 Municipalities.

The municipal government is made up of a municipal legislative Assembly, called *kommunfullmäktige*, whose members (always an odd number) are elected by popular vote every four years. In turn, the Municipalities are divided into a total of 2,512 Parishes or *församlingar*. There are also other historical-geographical divisions, mainly twenty-five Provinces and three Large Regions, which still enjoy cultural relevance.



## Public Administration

1. **Central Administration** State Administration is organized into two levels: a) Central Government Agencies b) Government Offices
  - A) Most experts are working in the Government in Agencies, which may have central, regional and local offices. Agencies are joint entities responsible for most operational activities of the Swedish Public Administration. Each of them is managed by an executive manager and normally has a board of directors appointed by the Government. Agencies belong to a Ministry department but have a high degree of autonomy in terms of decision-making regarding their organization, resources and personnel in order to fulfil the objectives set out in their statutes or regulations. This type of organization dates back to the XVII century.
  - B) The Swedish government offices (ministries) employ only a small number of staff and, compared to other European countries (about 2000), government agencies enjoy a relatively autonomous status. Under the Swedish Constitution, individual ministers are not permitted to intervene directly in the day-to-day operations of government agencies.
2. **Regional Administration.** Regional Administration is divided into Counties or Municipalities. This sub-division dates back to the XVII century. Nowadays, the County Governors (*Landshövding*) represent regional interests, foster county development and the well-being of the population. They are responsible for state administration in the county when this function is not conferred on another authority, etc.

The County Administration Board acts as the regional authority for various central authorities. It is the leading authority in municipal decision-making. Board members are not elected, but are appointed by the competent authority.

**Municipal Self-Government:** Municipalities (*Kommuner*) have extensive powers, such as tax regulation and collection, so most citizens only pay taxes to the Municipalities. The Council (*Kommunfullmäktige*) is elected by citizens. Members, grouped into committees, are either civil servants, or technical or administrative staff. Municipal competencies are regulated in the Local Government Act.

The Swedish Constitution contains provisions defining the relationship between decision-making and executive power. The 1992 Swedish Local Government Act regulates division into municipalities and the organisation and powers of the municipalities and county councils. It also contains rules for elected representatives, municipal councils, executive boards and committees.

## 2. STRUCTURE OF PUBLIC EMPLOYMENT

**Legal Basis:** The same employment rules are applied to public sector employees as those applied to the private sector, with some special conditions, as there is no formal status for them.

The 1994 Civil Service Act stipulates the basic regulations for public employees (rights and obligations of public employees) and the 1994 Public Employment Act sets out the disciplinary measures.

**Structure:** As a general rule, employment rules in Sweden are similar for the public and private sector. Therefore, the main regulations are: the 1976 Act, the 1974 Act, and the 1978 Employment Act. Swedish laws do not regulate many areas of public employment, with the exception of public employee responsibilities. In their defect, the Swedish system is based on agreements which complement legislation in other aspects that are not specified by law.

**Public Employment Management Body.** In Sweden, the Government has delegated most public employment management responsibilities to the 250 Agencies. Each Agency recruits, manages and dismisses its own staff, except the Management bodies which are appointed by the Government. Therefore, there are few formal administrative career systems (which are limited to diplomats, police and the armed forces).

Each agency is headed by a director general appointed by the government, usually for a six-year term. Sometimes a director general is chosen from the political sphere. The board of an Agency consists of the director general as chairperson, a number of the senior officials from the agency itself and representatives of organizations or population groups with a special interest in the agency's activities, and sometimes politicians. All board members are appointed by the government, as are the most senior officials of the agencies. Other officials are hired by the agencies themselves.

A Cabinet minister or a ministry may not intervene in an agency's handling of individual administrative items of business. As a consequence of their independent status, the central government agencies are expected to submit proposals to the government on the guidelines they should follow. These often concern adjustments in the laws and ordinances that apply to the agencies' respective fields. Such agency recommendations are often referred for public comment in the same way as commission reports

The Swedish Government has given the role of coordinating the public employment policies of the Agencies and negotiating with trade unions on a national scale to Swedish Agency for Government Employers (**SAGE**), which is a membership organisation for Government agencies.

**SAGE** was established on July 1, 1994. It has 250 member agencies in the central Government sector. Other members include closely associated organisations, mostly foundations.

The supreme governing body of SAGE is the Employers' Council, which convenes once a year. The Council is made up of the 250 heads (i.g. Directors General, Rectors and County Governors) of the member agencies.

The Employers' Council determines employer policy and sets membership fees. It also appoints 15 members to the Board. The SAGE Board, which plays a central part in pay negotiations with the trade unions, is the supreme sovereign body between Council

meetings. Unlike the other directors general who are appointed by the government, the Board appoints the executive head of SAGE.

SAGE is structured into nine sectors, each represented by a sector delegation. Delegations act as advisory bodies to the Board and to the Director General.

**Staff Categories:** In Sweden, as a result of the decentralisation of public employment in recent years, Senior Civil Servants can be divided into two main groups:

1. The first group consists of Director-Generals, County Governors, Heads of Agencies directly under the Government, Vice-Chancellors of universities and other university colleges, Deputy Director-Generals, Deputy County Governors and County Directors (approximately 280 people).
2. The second group also comprises State Secretaries and Director-Generals offering administrative, legal support to members of the Government. (approximately 80 people).

**Statistics:** According to the Swedish Agency for Government Employers, in 2009, there were 240,000 people on the government payroll. The gender distribution is exactly 50/50. Senior Civil Servants comprise about 360 people in all. Moreover there is a group of managers that report directly to their Director-Generals and there are Heads of Departments and Divisions at the Agencies. These managers are recruited by their General Directorate with full-time contracts, as are employees in the Central Administration. The number of people in this group can be estimated to be around 2,600, whereby only 27%, or just over 800, are women.

### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

Swedish public sector employees have the right to union membership but do not enjoy guaranteed employment. Redundancies are possible if there is a “just cause” (for example departmental reorganisation). Since 1996 the Job Security Foundation has requalified employees who have been made redundant and guides them in their search for new employment.

Public and mass media are entitled to transparency of operations, except information designated as confidential. Public access to information provides citizens the opportunity to read documents held by agencies and, thereby, examine the organisation.

Government employees have a broad freedom of expression. This means the right to inform outsiders of the operations of agencies, as long as it does not concern information designated as confidential. This also entails the right to submit information to the mass media. This is known as the freedom to publish for civil servants and others.

The right to collective bargaining, trade union freedom and strike is recognised for public sector employees.

## **4. CAREER-BASED SYSTEM**

Career development has not required significant reform in the Swedish system as there is vast consensus in the consideration that the vertical career system is optimum, based on hierarchical positions, hence allowing the existence of models such as internal promotion.

Training: on average, Central Government sector employees receive more staff training than employees in the labour market as a whole. In 2008, 3.6 percent of the total working hours in the Central Government sector were spent on staff training, whereas the corresponding figure for the entire labour market was 2.1 percent. The number of employees who participated in training was also relatively high in the Central Government sector. About 57 percent of Central Government sector employees participated in staff training compared to 46 percent for the entire labour market. The average length of the staff training was 6 days in the Central Government sector and 4 days in the labour market as a whole. Statistics Sweden publishes this survey only every other year, measuring the first 6 months of one year. Since 2006 the share of working hours, share of employees participating in staff training and the average length of the staff training, has decreased on average for all sectors of the labour market, except for the county councils

## **5. REMUNERATION**

There is no central pay system, so each of the Agencies managing public employment is responsible for managing its own budget, assigning a part to staff salaries.

However, collective agreements are initially negotiated at central level, then within each agency and finally individually. The aim is to ensure that remuneration is similar to the private sector when performing the same activities.

Therefore, the Government decides exclusively on Senior Civil Servant salaries. The general pay agreement is determined at a central level whilst negotiations take place in each Agency at local level.

The salaries of the Heads of Central Government Agencies are decided on with regard to their qualifications and experience, whilst Senior Civil Servants have a basic salary to which bonuses may be added in accordance with dedication or productivity. Salaries are also based on the size of the workforce, budget, complexity, results obtained, annual appraisals, etc.

## **6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION**

A 1996 Agreement granted civil servants the right to negotiate salaries and working conditions. The State is represented by the Swedish Agency for Government Employers (SAGE), which is an independent national agency responsible for Agreements with employees. In the Social Security sector, the Social Insurance Federation is responsible for representing the State.

All State Agencies must be members of SAGE, which is fully funded from membership fees and only operates at an Agency level. Public sector employees are represented by the Trade Union Organizations.

The Basic Agreement and the Cooperation Agreement are established between SAGE and the unions for the central government sector, and must be approved by the Government. These agreements regulate the processes of negotiating pay levels and general conditions of employment and set out how the parties may act in the event of industrial action. The agreements also establish basic regulations to govern such action.

Within the agreed framework negotiations are first carried out at central level between SAGE and the unions. The parties conclude a central collective agreement, which sets out the framework and preconditions for local pay negotiations for the relevant period. Central agreements are also concluded covering job security, pension systems, working hours, holidays and other general employment conditions. Central agreements provide a wide scope for parties at agency level to adapt the terms to their own conditions in local collective agreements. With the signing of the central agreement, the parties undertake to refrain from industrial action.

The conclusion of the central agreement is followed by local negotiations between the employer and the local unions. No industrial action may be taken while these negotiations are underway. New pay levels for individual employees are decided in a pay-setting dialogue between employer and employee, or after negotiations between the employer and the local trade union. Furthermore, other employment conditions may be adapted to local conditions through collective agreements, e.g. working hours, health benefits, etc. Local collective agreements specifying forms of co-operation between the employer and the local unions in more detail may also be concluded.

## 7. SENIOR CIVIL SERVANTS

There is no formal SCS status in Sweden. As a result of the decentralisation of public employment, Senior Civil Servants can be divided into two groups. The first group consists of the following posts: Director-Generals, Governors and other senior positions such as Heads of Agencies or University members. The second group also comprises State Secretaries or Deputy Secretaries. (Summary Table)

<b>FUNCTIONAL LEVEL</b>	<b>TITLE</b>	<b>PART OF SCS?</b>	<b>POLITICAL APPOINTMENT</b>
1st Level	State Secretary	Yes	Yes
2nd Level	Director-General		
	Director-Generals	Yes	No
	Governors		
	Heads of Agencies		
	University Vice-Chancellors		

**Recruitment:** Recruitment takes place either internally within Government Offices, from Agencies, or from the private sector, focusing on knowledge, leadership and experience to fill a specific post. State Secretaries are politically appointed. At agency level, the Director-General is appointed by the Government and is selected on the basis of his/her skills and merit for the post. In some cases, however, politicians are appointed Director-Generals.

**Management:** In Sweden, the Government has delegated most of the employer responsibilities to the Agencies that carry out the business of the central administration. Each agency hires its own staff and has a specific budget for this purpose. The Government **SAGE** a specific role to coordinate public employment for senior positions and to negotiate with the trade unions.

**Assessment:** The Government's most recent policy on human resource management stipulates that the relationship between Ministry management and the respective agency heads should be developed by means of regular performance dialogues. The dialogue usually focuses on the analysis of each Senior Civil Servant's personal and management skills. Each Agency must carry out assessments for each staff category and define the basic parameters for these evaluations.

**Training and Leadership Programmes:** The Ministry of Finance is responsible for developing diverse leadership and training programmes. These programmes are not Compulsory for Agencies but are usually followed. The courses are developed with the aim of developing the leadership skills of senior civil servants and it is the responsibility of each Agency to provide the necessary guidelines in terms of public employment so that Agency Heads can carry them out. On-going training is organised by each employer at internal training centres or externally.

**Mobility:** Since all Senior Civil Servants are employed under fixed-term contracts, the issue of mobility is not always easy. An Agency Head, or similar post, is normally appointed for six years and may be extended for a further three years. Upon contract expiry, it is easier to move to another Agency or another employment sector.

**Diversity and Equality Policies:** In Sweden there is a diversity policy focusing on gender equality between civil servants in general and between Senior Civil Servants. The aim of these policies is to reach full equality between men and women.

**Work-Life Balance:** There is no regulated working time for Senior Civil Servants, as their working time is based on trust, providing flexibility in order to balance private life and work. The average working week shouldn't exceed more than 39h 45m.

**Tele-working:** Tele-working facilities are available for Senior Civil Servants, but in practice they have to attend a lot of meetings and conferences which reduces their ability to work from home.

**Part-time Work and Flexible Working Times:** Part-time work and flexible working times are possible due to favourable legislation and it is usual for public administration staff to make use of this possibility.

**Paternity Leave:** The general Social Security system establishes ten days' leave for childcare. There is a special regulation for fathers that are former government employees and are currently unemployed, granting them a certain allowance. Unemployed former employees in the Government sector are also compensated by collective agreements, granting them an allowance in accordance with their previous job. Furthermore, there is a legal right to take 60 days leave with financial compensation to care for a child with a serious illness. These days must be taken within sixty days of when the mother and child come home from hospital.

## **8. RECENT REFORMS AND PROSPECTS**

Sweden has based its reforms on social dialogue, promoting cooperation and transparency and reinforcing controls on civil servants. A new public pension system has been implemented in Sweden since 1999. This reform created two obligatory contribution systems, so that all public employees born after 1954 reaching the age of 61 after 2015 will come under the new system. The highlight of this system is the automatic pension revaluation mechanism, so that contributions are adapted to current requirements.



# UNITED KINGDOM



## 1. REGIONAL AND ADMINISTRATIVE ORGANIZATION

### Introduction

The United Kingdom is a unitary State made up of four constituent countries: Scotland, England, Northern Ireland and Wales. It is governed by a parliamentary system with its seat of government in London, the capital, but with three devolved national administrations in Belfast, Cardiff and Edinburgh. It is a Parliamentary Monarchy and the Queen is the Head of State.

### System of government

The British administrative system is based on the *Westminster-Whitehall system* (**House of Commons and House of Lords**). The Government is responsible for running the machinery of government. The Prime Minister is the leader of the parliamentary majority. The Government is made up of all Ministers. There are three types according to competences. The Prime Minister's Cabinet is chaired by the Cabinet Secretary with coordination powers.

The internal structure of Departments appoints a *Permanent Secretary* (*Secretary of State*), which is equivalent to the Deputy Secretary in the Spanish Administration, who acts as the Head of Staff and Internal Affairs in the Department.

**Departments** are organized into administrative units or General Directorates. These posts correspond to senior civil servants so there is a great deal of professionalism in the English administration, which has less political positions than other administrations.

**Agencies** and other public bodies are responsible for implementing the public policies entrusted to them. The Director-General manages the resources assigned to the Agency using a framework document, the guidelines of which are normally set out by the Head of the Ministry. Agencies employ approximately 72% of civil servants in the Central Administration.

**Quangos** are independent administrations, which are not controlled as strictly as Agencies (for example: BBC). Finally, private companies and organizations from the

services sector have emerged as a result of the outsourcing or privatization of British public services.

## Regional organization

There are the following levels of regional organization:

**A) Regional.** The Welsh, Scottish and Irish special characteristics have given an important boost to regional self-government, with a variety of assumptions in the following cases:

- Scotland has a Parliament and a Government. The first Scottish Parliament was elected in 1999 and it was made up of a total of 129 members. It has powers to set income tax.
- Wales: The first Assembly was elected in 1999, with 60 members. It is led by a Government which is chaired by a Prime Minister. This Assembly does not have powers in terms of funding.
- Northern Ireland: The devolution of its autonomy began in 1999, and was suspended until 2007 for political reasons. The Assembly has 108 members.
- England: It has created Regional Development Agencies in the different Regions which have to form their own Assemblies. Meanwhile, they act as Central Government Development Agencies in these Regions.

In 2000, London also re-established the Greater London Authority (abolished in 1986). The Mayor and his 25 Members are directly elected. The development of the funding system for these entities is under study.

## B) Local Levels:

**Constituencies:** They are Counties (Regions in Scotland) and Metropolitan and non-metropolitan districts (There are parishes in the latter and Neighbourhoods in the Metropolitan Areas).

Services are divided between both levels and the Government. The County is responsible for the most costly services such as education and social services. Districts have a lower budget and focus mainly on services at a local level.

The local corporation council is elected by majority vote and the Plenary is built at the same time as the executive and legislative power. As for relations between Central Government and City Councils, Local government is particularly important. Its competencies are established by law and it implements Government policies in sensitive areas such as education. There is limited financial independence as they depend on subsidies from the Ministries.



## Public Administration

The British administrative system is characterized by the complexity of the territorial political entities, as budgetary allocations and subsidies are key factors in the functioning of the English Administration. According to tradition, Municipalities are prior and independent of the State. Therefore, orders are received from Parliament and not from the Crown.

The importance of the “*Rule of law*” must be highlighted, or in other words, submission to Common Law, which means that the Crown is subject to Common Law, which gives particular importance to judges in this political-administrative system. Finally, the lack of a written Constitution means that the British system is highly characterized by tradition and custom.

## 2. PUBLIC EMPLOYMENT STRUCTURE

**Regulation:** The main regulations are: 2006 Civil Service Code and 1996 Civil Service Management Code.

**Structure:** The *Civil service* model encompasses two structures: the open structure for higher grades and the closed structure for the rest of the administrative grades. The closed *civil service* has two channels: the general, equivalent to general corps and the specialised, equivalent to the special corps. The open structure brings together *senior civil servants*, the elite of the British Civil Service, which comprises around 3,000 members.

Employee distribution, which has some special characteristics such as the little importance of employment in regional authorities, due to its recent creation, although they employ around 40% of public employees (it must be remembered

that the Local Administration implements many policies drawn up by the Central Government). The size of the Central Government public employees (around 20%, as the rest belong to the health service or nationalized industries) is concentrated in the Agencies (75% of them) as civil servants in Departments are increasingly representative.

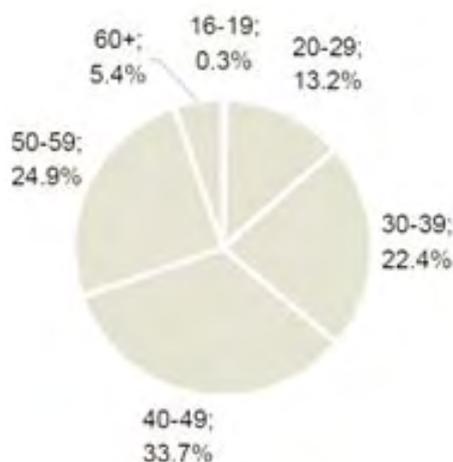
**Agencies and Employees from the Private Sector:** Management positions in Agencies fit the profile of private sector executive. The Head of the Agency usually is paid according to the evaluation of the objectives fulfilled and he is responsible for leading and managing Agency staff, with prerogatives over civil servants. This has led to the entry of many executives from private companies into these posts, although the presence of *senior civil servants* is also significant. They may return to a position in the Department if they do not wish to remain in the Agency or if they have failed to achieve the target objectives.

**Employee Categories:** Civil servants are only those working in Ministries and Agencies. They represent 9% of public employees. The majority of public employees (public servants) are regulated by their individual contracts which are subject to employment law. Employment conditions often vary between employees. Casual staff is appointed on a temporary basis in order to satisfy a short-term need. It is contracted for a maximum period of 12 months, which in special circumstances may be extended by up to 24 months.

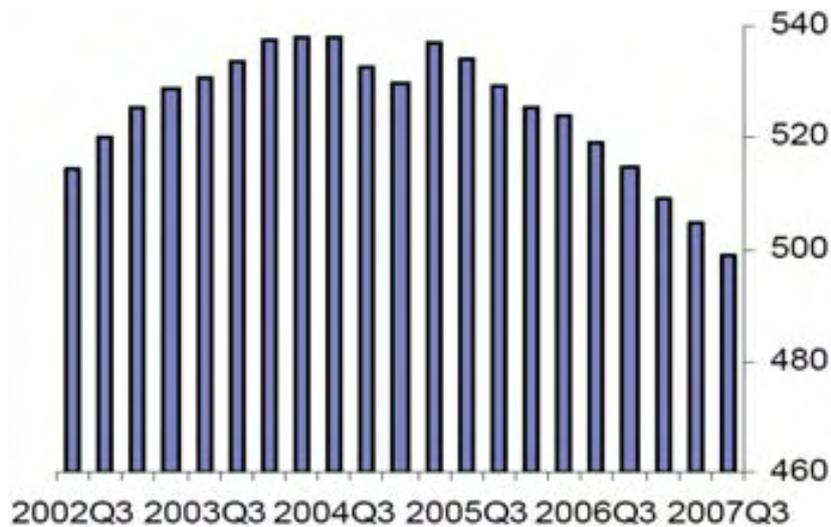
**Public Employment Management Body:** Ministry for Civil Service. The Ministries and Agencies also define the rules of conduct for their employees and should ensure their fulfilment in accordance with the Civil Service Code.

**Statistics:** The English population is 60.7 million and there are 3.4 million public employees (20% at central level). Civil servants account for around 15%. Of the public 490,000 employees, 4,212 (1%) are Senior Civil Servants, representing 1.8% of the active population.

Civil servants according to age (Data: September 2007).



Number of civil servants in full-time employment (In thousands)



### 3. RIGHTS, OBLIGATIONS, PRINCIPLES AND VALUES

**Ethical Code:** The rights and obligations of British civil servants are stipulated in the 1996 Civil Service Code. Each Ministerial Department or Agency establishes the rules of conduct for its own staff. Civil servants serve the Crown, and are considered to be employees of the Crown. They should be honest and impartial in the performance of their duties and more specifically: a) They must not disclose information acquired in the course of their official duties. b) They must not participate in any political or public activity that may compromise their impartial service to the present or future government. c) They must not misuse their civil servant status or information acquired in the course of their official duties to further their private interests. d) They must not accept gifts or any other benefits from anyone which might reasonably be seen to compromise their judgement or integrity.

The **Right to strike** is recognised in practice although it does not appear in any legal texts. On the other hand, civil servants are under the obligation not to apply a supervisory decision which is deemed to go against the code, the law or ethical considerations. Public sector employees are entitled to remuneration, a pension and compensation in the event of redundancy.

**Working Conditions:** Ministries and Agencies may agree to reduced working hours for their employees or the modification of other working conditions, provided that certain requirements are fulfilled, namely a report request from the Civil Service Pensions Division.

**Safety and Hygiene:** The 1974 Act is applicable in this field, regulating the employer's responsibility for the health, safety and well-being of its employees, in any workplace, including at home. There are safety representatives in each Department and Agency.

**Flexible Working:** There has been an increase in the proportion of Senior Civil Servants working in flexible patterns (5.5%). In April 2003, in accordance with the Employment Act 2002, parents of children under the age of six or disabled children under the age of 18 were allowed to request flexible working. Since 2007, this right has been extended to carers of adults.

**Leave:** Leave is regulated in the 2006 Work and Families Act, which is applicable to all employees and allows leave for: Maternity (26 weeks). Maternity Pay or SMP (Statutory Maternity Pay) can be paid for up to 39 weeks and is payable by the employer, although it may be partially reimbursed by the state. Paternity leave must be completed within 56 days of the actual date of birth of the child.

Employees who have completed one year's service with their employer are entitled to 13 weeks' unpaid parental leave for each child born or adopted. Parents of disabled children can take 18 months leave until the child reaches the age of 18.

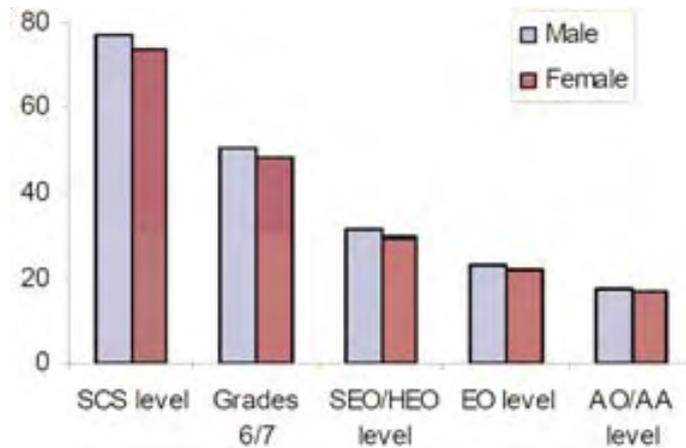
#### 4. CAREER-BASED SYSTEM. TRAINING

In relation to administrative careers, it is necessary to differentiate between *senior civil servants* and other categories. The career of the former is centralised and clearly defined, but promotion for other categories is devolved to Departments and Agencies, which are free to establish their own promotion criteria (always respecting the principles of merit and ability). Professional promotion is not linked to seniority in the Public Administration, but on the job performance appraisal, which determines promotion and pay to be received. Civil servant salaries are established according to a minimum and maximum pay band, which is normally set by each Department and is applied in accordance with the results of the performance appraisal.

**Training.** The United Kingdom began developing on-going training schemes in the 1980's. The management and financing of training is decentralised, but there is a National School of Government for this purpose and a development programme that consists of training employees with the potential to advance to Senior Civil Service positions. It comprises Central Departments (the Home Civil Service), Diplomatic Service, Science and Engineering Fast Stream, Clerkships in Parliament, DfID Technical Development Officers. They are all known as the Graduate Fast Stream.

#### 5. REMUNERATION

Pay is based on the level of responsibility and on functions performed. The Ministerial Departments and executive agencies are responsible for determining pay scales under the Civil Service Management Code, as well as the economic limitations established by the Treasury. The Senior Civil Service has had its own pay system since 1996, consisting of a salary scale which is reviewed by the Senior Salaries Review Body.



Average gross annual salary (thousands of pounds) by gender and level (Data: 2007).

## 6. SOCIAL DIALOGUE AND SYSTEM OF REPRESENTATION

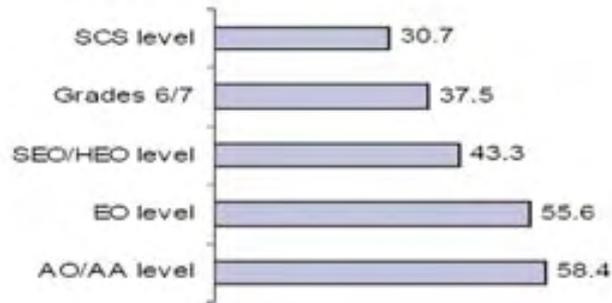
The rate of union membership in the UK is much higher in the public sector than in the private sector. The Civil Service unions are consulted by the government (Cabinet Office and Treasury) on issues which have civil service wide implications. However, there are diverse issues, such as pay, that are negotiated at departmental or agency level. Some of the most discussed questions in the trade union sphere are the modernisation of public management and Human Resources, pensions and work-life balance.

## 7. SENIOR CIVIL SERVANTS

The Senior Civil Service Model is based on four key components: Management, Skills, Results and Integrity. Pay levels are determined by the Senior Salaries Review Body, an independent body appointed by the Prime Minister which reports annually on Senior Civil Servants and every three years for political posts. Initially, pay is entirely based on productivity. In 2008, 24% of Senior Civil Servants recruited came from the private sector. (Summary Table)

FUNCTIONAL LEVEL	TITLE	PART OF SCS?	POLITICAL APPOINTMENT
1st Level	Department Director-General	Yes	No

Percentage of women according to the level of responsibility (Data: 2007).



## 8. RECENT REFORMS AND PROSPECTS

The “Promoting Equality, Valuing Diversity – A Strategy for the Civil Service” initiative was launched in July 2008, which sets out commitments on the key areas that are intended to achieve broad and deep cultural change across the Civil Service. This strategy includes targets to increase the presence of women in the Senior Civil Service.

## CONCLUSIONS

1. Due to the complex preparation of this study and the difficulties in obtaining data, in spite of the cooperation of the spokespersons of the different countries, it would be recommendable to introduce an on-going process to increase knowledge on the functioning of the Public Administrations in the Member States of the European Union, and the agenda of the European Public Administration Network (EUPAN).
2. The Civil Service in a State of Law is constituted as an essential tool of the system because it helps secure important political decisions, ensuring their adjustment to the Law, their feasibility and effectiveness. Therefore, it is contemplated as an ad intra power of State organization, which requires an objective and impartial profession that is not subject to political conditions, extending its service in general and not just to each specific government, without detriment to a certain margin of trust and service in specific posts related to public policies or clearly political decisions. In this respect, the public management function is merely one more public function.
3. The Law should be an important part of the lawfulness of administrative actions and guarantor of subjective rights, so it can be considered an essential part of the legal system and administrative efficiency.
4. The future of the European Civil Service should focus on public employee dynamism, flexibility and efficiency in order to adapt to a period of change that will affect their working methodology, highlighting the implementation of on-line administration, an issue that is pending and is absolutely necessary as a vital tool in the management of change.
5. With a view to seeking the highest possible efficiency, public employees should reinforce their training, as what will characterize the Public Administrations of the future will be the need to use knowledge management in order to fulfil their objectives.
6. Advances also need to be made to achieve gender equality in public employment (only 7% of women hold a senior position in all of the European Public Administrations) through measures that seek work-life balance for public employees in Europe, promoting new working systems such as tele-working as well as the measures required so that men cooperate to a greater extent in the family and household demands.
7. European Administrations should promote greater cooperation, coordination and knowledge sharing between them and between public employees via the transfer of knowledge and strategies in the name of promoting the global wellbeing of European citizens.

These are some of the challenges that European civil servants face to create a Public Administration that is objective, modern and fully adapted to the XXI century.