



**CODE OF ETHICS
FOR EMPLOYEES
IN THE
PUBLIC SECTOR**

**CABINET OFFICE
OFFICE OF THE PRIME MINISTER
MALTA**

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PREFACE

My Government is committed to reforms in the public sector to be able to provide the best possible services to our citizens. At the same time other initiatives are being taken by Government to promote and protect the basic values which inspire trust and confidence in the integrity of public officials.

The launching of this Code of Ethics for Employees in the Public Sector, which was prepared by an ad hoc Commission and approved by Government, is an essential part of this process. This Code complements other Codes; together they provide a framework of standards for correct behaviour expected of persons engaged in different walks of public life. The Codes, however, only provide the direction; a self-imposed vigilance is required to achieve the highest standards of ethical conduct.

In the case of the public service I am confident that the long tradition of correct behaviour will serve to encourage current public officers to strive for higher ethical standards. No doubt the same efforts will also be made by the other employees in the wider public sector to whom this Code also applies.

In introducing this Code of Ethics, I therefore call upon all employees in the public sector, of whatever grade and in whichever field they serve, to set for themselves the highest possible ethical standards of which the public would be proud.

*Eddie Fenech Adami
Prime Minister
31st October 1994*

CODE OF ETHICS FOR EMPLOYEES IN THE PUBLIC SECTOR

Definition

For the purpose of this document the term “public officer” is intended to include full-time, casual and part-time male and female employees engaged directly – whether on a definite or indefinite contract – or on secondment/loan with Government and Local Councils as well as those employed with public corporations, public authorities, and with limited liability companies in which Government is the majority shareholder and which are directly involved in a public service function.

A list of organisations to which the Code applies is shown as an Appendix. Upon the creation of a new organisation, the Government will decide whether its function meets this definition and thus whether its employees should be governed by the Code.

The Code of Ethics covers all public officers irrespective of what level they occupy in their organisations. The Code is intended to complement other Codes for Ministers and Board Directors.

The words “officer” and “public officer” should be taken to apply to both the masculine and feminine gender.

A. Introduction to the Code

1. The Maltese public have a right to expect the business of the public sector to be conducted with efficiency, excellence, fairness, impartiality and integrity.
2. Public employment carries with it a unique obligation to the public interest and this demands that people working in the public sector attain standards of professional behaviour which will maintain public confidence and trust.
3. At the same time, public officers should not be subject to unnecessary restrictions in their private activities simply because they are employees of the State.
4. A Code of Ethics establishes standards of correct behaviour expected of public officers and is a guide to solving ethical issues for those who work in the public sector. While there is no set of rules capable of providing answers to all ethical questions which arise, a code provides the framework for appropriate standards of conduct in a variety of contexts.
5. A number of the obligations and standards set out in this Code are also to be found in legislation. Officers need to be aware that, in some cases, breach of standards may involve criminal offences, in others they may amount to serious breaches of discipline and the possibility of dismissal.

6. The Code complements existing legislation and regulations, and its observation by public officers should not be interpreted to exonerate them from obligations as stated in relevant existing legislation and regulations.
7. Public officers should be familiar with the responsibilities which are a part of their employment, and be aware that sanctions will be applied if the Code is breached.
8. Organisations may develop further specific standards of conduct which address their own special circumstances. Such standards must be consistent with those listed here and will extend beyond the coverage of issues in this document.
9. Organisations may find it necessary to address matters such as
 - security – particular requirements
 - conduct and dress regulations – if particular requirements exist
 - dealing with clients - specifying any behaviour which is prohibited or encouraged
 - disciplinary sanctions.

B. Values Underlying the Code

10. The Code of Ethics rests upon the assumption of a number of values which require that public officers behave with:

- integrity
- honesty
- loyalty to the public interest
- fairness
- conscientiousness
- compassion

C. Principles

11. This code of Ethics is prepared within a framework of principles which are fundamental to the ethos governing behaviour. These have been identified for the public sector as:

- Public Confidence

The public has a right to expect that public sector organisations are of the highest integrity and competence which treat all citizens fairly, reasonably, equitably and promptly.

- Responsibility to the Government of the Day

The Government of the day is entitled to expect public officers to provide impartial and accurate advice and to implement its policies promptly, efficiently and effectively.

- Public Officers' Rights

Public officers' rights are the normal rights of employees, within the provisions of legislation and regulations.

D. Conflicts of Interest

12. A conflict of interest may be defined as a situation in which a public officer has a private or personal interest sufficient to influence or appear to influence the objective exercise of his or her official duties.
13. Public officers should avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties.
14. In many cases only the individual officer will be aware of the potential for conflict. Therefore, the onus is on the officer to disclose to his or her senior officers if a potential or actual conflict of interest arises.
15. This includes the notification of all relevant personal, financial, business or other interests in particular:
 - any directorship, partnership, agency or any shareholding
 - any interest in any activity or business in which or with which the organisation is engaged
 - any interest in goods or services recommended or supplied to the organisation.
16. Public officers shall notify the head of the organisation in writing within a week whenever any of the above interests arise namely, upon assuming office, change in duties or due to a change in circumstances.

E. Acceptance of Gifts or Benefits

17. No public officer should accept a gift or benefit if considering the circumstances it could be interpreted as intended or likely to cause the official to do his or her job in a particular way, or deviate from the proper course of duty.
18. As a general rule a line may be drawn in situations where a gift could be seen by others as either an inducement or a reward which might place an official under an obligation.
19. A gift could be interpreted as an inducement or a reward simply because of its intrinsic value and therefore only token gifts may be accepted.
20. This principle applies not only to public officers but also to their families or partners.

F. Personal and Professional Behaviour

21. Public officers should perform any duties associated with their positions diligently, impartially and conscientiously, to the best of their ability.

22. In the performance of their duties, public officers should:

- keep up to date with advances and changes in their area of expertise
- comply with any relevant legislative, industrial or administrative requirements
- treat members of the public and other staff members with courtesy and sensitivity to their rights
- provide all necessary and appropriate assistance to members of the public
- maintain adequate documentation to support any decisions made
- strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources
- not take or seek to take improper advantage of any official information gained in the course of employment
- not wilfully supply incorrect or misleading information
- not indulge in favoritism or nepotism

- not attempt to carry favour with his or her Minister/Superior by not giving objective and impartial advice.
23. At all times the behaviour of a public officer shall be in such a way as not to discredit his or her position and not to reflect adversely on the public service.
 24. Public officers are expected to give full support to the Government of the day regardless of which political party or parties are in office. When implementing government policy, public officers' own values and beliefs should not take precedence over those explicit or implicit in government policy.
 25. When faced with having to implement a policy which is at variance with his or her own view, public officers should discuss the matter with an appropriate superior, depending on the nature of the matter, to resolve the issue.
 26. Public officers should not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions/allegiances when dealing with their colleagues and members of the public.
 27. Public officers have a duty to report to a senior officer any unethical behaviour or wrongdoing by any other public officer during the course of his or her duties.

G. Fairness and Equity

28. Issues or cases being considered by public officers should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, without discrimination on any grounds. There is an obligation to treat each issue reasonably and with a view to meeting the principles of natural justice.

29. When using any discretionary powers public officers should ensure that they take all relevant facts into consideration and have regard to the particular merits of each case.

H. Public Comment and the Use of Official Information

30. Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to the newspapers or in books, journals or notices or where it might be expected that the publication or circulation of the comment will spread to the community at large.

31. While public officers, as members of the community, have the right to make public comment and to enter into public debate on political, administrative and social issues, there are some circumstances in which public comment is inappropriate. These include:

- the implication that the public comment, although made in a private capacity, is in some way an official comment of the Government of the public officer's organisation.
- where public comment, regardless of the connection or lack of connection with a public officer's normal duties, amounts to criticism sufficiently strong or persistent to give rise to the public perception that the officer is not prepared to implement or administer the policies of the Government of the day as they relate to his or her duties.

32. A public officer should only disclose official information or documents acquired in the course of his or her employment when required to do so by law, in the course of duty, or when proper authority has been given.

33. In such cases, comments made by public officers should be confined to factual information and should not express opinion on official policy or practice.

I. Use of Official Facilities and Equipment

34. It is expected that public officers will be:

- efficient and economical in the use and management of public resources
- scrupulous in their use of public property and services and not permit their abuse by others.

35. Official facilities and equipment should only be used for private purposes when official permission has been given.

J. Outside Employment and Termination

36. The prior approval of the Permanent Secretary of the Ministry concerned or the Chairman/Chief Executive Officer is required before public officers may engage in any form of business or employment outside their official duties.

- 37 In all cases when outside employment is considered, public officers should give their public sector employment first consideration and avoid situations which could give rise to, or the appearance of, a conflict of interest. In particular, they must consider whether the company or organisation concerned is in, or entering into, contractual relationship with the Government, whether its primary purpose is to lobby Government organisations or members of Parliament, or whether it is in a regulatory relationship with the organisation.

- 38 Former public officers should ensure that they do not accept employment or engage in activities which may cast doubts on their own integrity or that of the organisation in which they were previously employed or of the Public Service generally.

K. Political Participation

39. Public officers need to ensure that their participation in political activities does not bring them into conflict with their primary duty to serve the government of the day. This is important in order to maintain Ministerial and public confidence in the impartiality of the advice given, and actions taken, by public officers.
40. Determining what is appropriate in any particular case will depend on the extent of the participation of the individual, the nature of the issue, the position held by the individual and existing regulations within the organisation concerned.
41. If a public officer becomes aware that a potential conflict, whether real or apparent, has arisen or is likely to arise, the public officer should immediately inform the head of his or her organisation.
42. If a conflict of interest does arise, the public officer may have to stop participating in political activity or withdraw from areas of his or her duties giving rise to the conflict of interest.

L. Sanctions

43. Sanctions may be applied if public officers are involved in breaches of this Code of Ethics.
44. The sanctions applied will depend on the seriousness and nature of the breaches and may entail formal disciplinary and/or criminal action as applicable.
45. Whenever appropriate, counselling by a supervisor or member of senior staff may also be given.

APPENDIX

List of Public Sector Organisations to whom the Code of Ethics applies

Ministries and Government Departments

Broadcasting Authority
Central Bank of Malta
Electoral Commission
Employment and Training Corporation
Employment Commission
Enemalta Corporation
Hotels and Catering Establishment Board
Housing Authority
Malta Development Corporation
Malta Export Trade Corporation Ltd
Malta Financial Services Centre
Malta Freeport Corporation Ltd
Malta Government Investments Co Ltd
Malta International Airport Co Ltd
Malta Investment Management Co Ltd
Malta Maritime Authority
Management Systems Unit Ltd
Manoel Theatre
Master Antenna Co Ltd
Mediterranean Conference Centre
Mediterranean Oilfield Services Co Ltd
National Tourism Organisation
Planning Authority
Public Broadcasting Services Co Ltd
Public Service Commission
Public Transport Authority
Telemalta Corporation
Water Services Corporation