



Public officials

Duties and rights of public officials, responsibility of public officials

Lecture #3

DUTIES OF PUBLIC OFFICIALS

- Duties of public officials mostly responds to main principles of public administration. Concrete duties are expressed by national legislations.
- For European countries there are relevant principles expressed in:
 - Recommendation of Committee of Ministers of Council of Europe, CM/Rec.(2007)7, on good administration
- For public officials of European unions' bodies, there are principles and duties in:
 - Public service principles for the EU civil service
 - The European Code of Good Administrative Behaviour



DUTIES OF PUBLIC OFFICIALS

- Administrative science deals with these general duties of public officials:
 - **Lawfulness.** Requires knowledge of the law
 - **Obedience.** Response to organizational structure. Official is obligated by orders from his superior.
 - **Impeccability.** Official is obligated to keep his impeccability
 - **Impartiality.** Premise that official is neutral and isn't involved in case or biased.
 - **Loyalty.** Official can't questions public administration
 - **Seriousness.** That means seriousness of official's professional and private life
 - **Confidentiality.** Official can't disseminate information which he knows from his service
 - **Prohibition on receiving gifts.** Purpose of this duty is to avoid corruption.



DUTIES OF PUBLIC OFFICIALS

COUNCIL OF EUROPE RECOMMENDATION ON GOOD ADMINISTRATION

- Public officials should act according to these articles:
 - Art 2) **Lawfulness:** Public officials can't act against law or take arbitrary measures.
 - Art 3) **Equality:** Public officials *„shall treat private persons who are in the same situation in the same way.“*
 - Art 4) **Impartiality:** Public officials must act objectively.
 - Art 5) **Proportionality:** Public officials *„shall impose measures affecting the rights or interests of private persons only where necessary and to the extent required to achieve the aim pursued“*
 - Art 6) **Legal certainty:** *„Public authorities shall act in accordance with the principle of legal certainty“*



DUTIES OF PUBLIC OFFICIALS

COUNCIL OF EUROPE RECOMMENDATION ON GOOD ADMINISTRATION

- Public officials should act according to these articles:
 - Art 7) **Act in adequate term:** „Public authorities shall act and perform their duties within a reasonable time.“
 - Art 8) **Participation:** „Public authorities shall provide private persons with the opportunity through appropriate means to participate in the preparation and implementation of administrative decisions“
 - Art 9) **Respect to privacy:** „Public authorities shall have respect for privacy, particularly when processing personal data.““
 - Art 10) **Transparency:** Public authorities should ensure that, private persons are informed about their activities.



DUTIES OF PUBLIC OFFICIALS

EUROPEAN UNION

- **Art 41 of the Charter of Fundamental Rights**, states right to good administration. This Article is elaborated by the [European Code of Good Administrative Behavior](#).
- Public service principles for the EU civil service states this principles:
 - **Commitment to the European Union and its citizens:** *„Civil servants should be conscious that the Union’s institutions exist in order to serve the interests of the Union and of its citizens in fulfilling the objectives of the Treaties.“*
 - **Integrity:** *„Civil servants should be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny“*
 - **Objectivity:** *„Civil servants should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.“*
 - **Respect for others:** *„Civil servants should act respectfully to each other and to citizens. They should be polite, helpful, timely, and co-operative.“*
 - **Transparency:** *„Civil servants should be willing to explain their activities and to give reasons for their actions.“*



STAFF REGULATIONS 1870

JUST FOR ILLUSTRATION

- Public officials should sweep the office, clean up ashes from the stove and wipe the dust daily
 - Public officials are responsible for heating up of the office. They procure fuel at their own expenses
 - Private conversations are undesirable
 - Regular working hours are twelve hours a day. In the cases of need, every official have to work overtime
 - Any political activity of official is a reason for immediate dismissal
 - Public officials should be restraint in the matters of smoking and consumption of alcoholic beverages
 - Public officials should be polite to ladies and persons with higher status
 - Recommended reading is only Bible and morally unobjectionable books
 - Every public official is obliged to take care for his own health. In the case of illness, there is no claim on salary.
- Every official should save appropriate amount of money for the case of illness or unpredictable needs
- Public officials can't be wrong. Who is often wrong, will be discharged
 - Public official who resist to his superior has no respect for him. This fact will lead to appropriate consequences
 - Female officials should by pious and modest
 - Ask for vacation is possible only in urgent family matters. This is unpaid leave.
 - Officials should keep on their minds that there are hundreds of other people who are ready to get on their work positions
 - Public officials can't ever forget to be grateful to their superior, because he is their breadwinner



RIGHTS OF PUBLIC OFFICIALS

- Administrative science deals with these general rights of public officials:
 - Right on salary
 - Right on service succession
 - Right on official titles
- Disadvantages of public service should be compensated by:
 - Longer vacation
 - Free uniform
 - Certainty of service progress
 - Free fare
 - Quality of social and personal care



RESPONSIBILITY OF PUBLIC OFFICIALS

- General labour-law responsibility.
- In connection with public administration, there are **specific kinds** of responsibility:
 - for illegal decision and incorrect conduct (compensation for damages caused to citizens, in limited extent).
 - specific kind of public law responsibility is **disciplinary responsibility**.



RESPONSIBILITY OF PUBLIC OFFICIALS

- *Service discipline means proper performance of any duties of public servants according to this Act, another specific Acts, staff regulations or orders, including service oath.*
- Culpable violation of service discipline, is a disciplinary offense, which could be penalized by:
 - *Written reprimand*
 - *Pay cut*
 - *Withdrawal from superior position*
 - *Discharge from public service*
- Disciplinary offences should be proceeded by disciplinary commissions (inside public administration).

