

GOVERNMENT OF SEYCHELLES



PUBLIC SERVICE CODE OF ETHICS AND CONDUCT

July 2003

FOREWORD

DELIVERING BETTER FOR SEYCHELLES

As part of my Government's new undertaking to the people of Seychelles and the action plan agreed during the visioning exercise that began in 2001, one of the main priorities was stated as:

"The Government should formulate and promote a new code of ethics which will be enforced without discrimination across the board, and with sanctions for non-adherence."

We have given an undertaking to the Seychellois people to deliver better for them, to provide them with a better service and be more responsible in the way in which we attend to the people's needs.

Being in the service of Government, and in that of a nation, requires special strengths and qualities. We are expected to be professional in our behaviour, diligent in the execution of our duties and to conduct ourselves in a manner appropriate to our public service ethos. We are also called upon to serve the public in a very fair and responsible way, irrespective of our personal opinions or beliefs.

The people of Seychelles should expect no less.

The people of Seychelles expect Ministries, Departments and Parastatals to comply with the letter and the spirit of the law. They expect official decisions to be made fairly and impartially, public money to be spent wisely, and public assets to be used and cared for responsibly. They expect the conduct of officials to be above reasonable reproach, and official duties to be performed conscientiously and competently at all times.

The Public Service Code of Ethics and Conduct has two particular purposes:

- to provide guidance to public sector employees on the standards of behaviour required of them;
- to provide a basis for more detailed codes that are required to meet the particular circumstances of individual public sector Organisations.

The continuing review and revision of the Code, and the development of associated supporting material, are part of the Ministry of Administration & Manpower Development's stewardship of the integrity and values of the Public Service. The Code of Ethics & Conduct deals with the way we go about our business.

I count on each and every public sector employee to endorse the principles contained in this document and to follow the guidance given in the discharge of their duties and responsibilities.



France Albert René
PRESIDENT

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1. General Guiding Principles

The Code of Ethics & Conduct covers the basic rules of conduct all public servants are expected to observe using the following guiding principles:

- (a) Public servants should fulfil their lawful obligations to the Government with professionalism and integrity;
- (b) Public servants should perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues;
- (c) Public servants should not bring the Public Service into disrepute through their private activities.

The guiding principles have been expanded to produce the “**Principles of Public Service in Seychelles**” shown on the back cover of this document. All public servants will be provided with a copy of the Code and are expected to subscribe to these principles by signing where indicated.

2. Obligations to the Government

Public servants should fulfil their lawful obligations to

- (a) In broad terms, the first priority for public servants is to carry out Government policy. In doing so, they are expected to act in a manner that will bear the closest public scrutiny.
- (b) Public servants are obliged to serve the aims and objectives set by the Minister to whom they are ultimately responsible. Public servants should ensure that their personal interests or activities do not interfere with, or appear to interfere with, this obligation.
- (c) The Public Service Orders set out the principal responsibilities of Ministries and Departments and their Chief Executives. One of the main responsibilities of Chief Executives is the general conduct of the Ministry or Department. Other responsibilities include assisting in the formulation and the implementation of Government policy. The focus of these responsibilities is the Minister. Public servants are therefore obliged to serve their Ministers within the law, with integrity, and to the best of their ability.

3. Political Neutrality

- (a) Public servants are required to serve the elected Government of the day through their appointed Minister. They must act to ensure not only that their Ministry or Department maintains the confidence of its Minister, but also to ensure that it is able to establish the same professional and impartial relationship with future Ministers. This convention of political neutrality is designed to ensure the Public Service can provide strong support for uninterrupted, consistent and good governance of Seychelles over the long term.
- (b) Public servants have a long-established role in assisting with development as well as implementation of policy. This role may be performed in different ways and at different levels from Ministry to Ministry. Public servants are responsible for providing honest, impartial, and comprehensive advice to Ministers, and for alerting Ministers to the possible consequences of following particular policies, whether or not such advice accords with Ministers’ views.

- (c) However, final decisions on policy are the prerogative of Ministers, and public servants may not withhold relevant information from Ministers, nor seek to obstruct or delay a decision, nor attempt to undermine or improperly influence Government policy (for example, by the unauthorised release of official information).
- (d) Occasionally dilemmas can arise where public servants have strong personal beliefs on issues that conflict with their official duties. In such circumstances, public servants must, regardless of their personal views, implement Government policies to the best of their abilities. Ministers bear political responsibility for Government policies. Once the Minister has made a decision, it is the duty of public servants to implement that decision within the law, whether or not they agree with it.
- (e) If public servants find themselves in a situation where their conscience constrains them from carrying out a lawful instruction, they should discuss their circumstances and options with their immediate supervisor. They must not do anything to circumvent or undermine the Government's policies.

4. Political Participation

- (a) Public servants, as citizens of Seychelles, are free to participate in political activities outside their normal working hours and may become office bearers of any political party. However, public servants need to ensure that their participation in political matters does not bring them into conflict, or the appearance of conflict, with their duty as public servants to act in a politically neutral manner. This is important to maintain Ministerial and public confidence in the impartiality of the advice given, and actions taken, by public servants.
- (b) A public servant should not use the position they occupy for the advancement of their political views, those of a particular political party or those any particular person. They should not use their office for political purposes or the promotion of political propaganda. Disciplinary action will be taken against public servants who use their office for political activities.

5. Public Comment on Government Policy

- (a) Ministries and Departments may authorise certain employees to respond to media requests for comment about aspects of Government policy, or its implementation or administration by the Ministry or Department. Official comment on behalf of the Ministry or Department should be made only by those employees authorised to do so.
- (b) Generally, public servants have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, they also have a duty not to compromise their employer or their Minister by public criticism of, or comment on, Government policy. Public servants should ensure that their contribution to any public debate or discussion on such matters is appropriate to the position they hold, and is compatible with the need to maintain a politically neutral Public Service. Public servants occupying senior positions or working closely with Ministers need to exercise particular care in this regard.

6. Release of Official Information

- (a) The disclosure of official information is subject to the requirements of the State Security Act, 1977 and the Official Secrets Declaration which must be signed on appointment by all public servants. It should be noted that the provisions contained in the Declaration apply not only during the period of employment but also after the appointment has ceased.
- (b) Ministries and Departments may establish specific procedures for dealing with the release of information provided they do not conflict with those of the Act. Official information should be released only in accordance with those procedures and by public servants authorised to deal with requests for information. In all other circumstances, information is to be used by public servants only for official purposes and treated as confidential to the department.
- (c) Public servants authorised by their department to respond to requests for official information should exercise proper care and discretion in the application of departmental procedures. In cases of doubt, public servants should seek guidance from the Attorney General's Office.
- (d) It is unacceptable for public servants to make unauthorised use or disclosure of information to which they have had official access, even to working colleagues within the public service who are not entitled to know such information. Whatever their motives, such employees betray the trust put in them, and undermine the relationship that should exist between Ministers and the Public Service. Depending on the circumstances of the case, the unauthorised disclosure of information may lead to disciplinary action, including dismissal.
- (e) Ministries and Departments should ensure that employees are aware of the appropriate procedures for disclosure or reporting of corrupt conduct, maladministration or waste of public resources and the protection provided to those employees by such bodies as the Auditor General or the Ombudsman.

7. Reporting Serious Wrongdoing

- (a) Chief executives must put in place internal procedures for employees, and members of the public in general, who have become aware of actual or possible serious wrongdoing and who wish to disclose that information.
- (b) Serious wrongdoing includes unlawful, corrupt, or irregular use of public funds or resources; conduct that poses a serious risk to public health or safety, the environment, or maintenance of the law (including the prevention, investigation and detection of offences and the right to a fair trial); conduct constituting an offence; or conduct by public officials which is grossly improper.

8. Performance of Duties

- (a) Public servants should carry out their duties in an efficient and competent manner, and avoid behaviour that might impair their effectiveness. There is an obligation on all employees, including public servants, to properly perform their duties.
- (b) This obligation includes the following duties:
 - (i) to obey the law;

- (ii) to obey all lawful and reasonable employer instructions and to work as directed;
- (iii) to be competent and efficient in the performance of assigned duties;
- (iv) to refrain from conduct (such as the use of intoxicants) which might impair work performance;
- (v) to receive the approval of the employer before undertaking secondary employment, and not to undertake secondary employment which, in the opinion of the employer, might conflict with official duties;
- (vi) to show reasonable care, and neither use, nor allow the use of, departmental property, resources, or funds for anything other than authorised purposes;
- (vii) to incur no liability on the part of the employer without proper authorisation;
- (viii) to be present at the workplace unless otherwise authorised;
- (ix) to report any instances of serious wrongdoing to the appropriate authority;
- (x) to observe all health and safety regulations

9. Respect for the Rights of Others

- (a) In performing their duties, public servants should respect the rights of their colleagues and the public.
- (b) As well as being responsible for their own performance, public servants also have a duty to contribute to the smooth functioning of the workplace by treating their colleagues and the public with courtesy and respect. This means public servants are expected:
 - (i) to avoid behaviour, which might endanger or cause distress to their colleagues, or otherwise contribute to disruption of the workplace;
 - (ii) to refrain from allowing workplace relationships to adversely affect the performance of official duties;
 - (iii) to respect the privacy of individuals when dealing with personal information;
 - (iv) not to discriminate against any person because of their gender, marital status, colour, race, ethnic or national origins, age, political opinion, employment status, family status, sexual orientation, ethnicity, disability or religious or ethical beliefs;
 - (v) not to harass, bully or otherwise intimidate clients or colleagues;
 - (vi) to respect the cultural background of colleagues and clients in all official dealings; and
 - (vii) to have due regard for the safety of others in the use of departmental property and resources.

10. Integrity and Avoidance of Conflicts of Interest

- (a) Public servants should perform their duties honestly and impartially, and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.
- (b) The impartiality and integrity of public servants is central to the maintenance of public trust and confidence in the Public Service. Public servants should always act with personal integrity and their actions should be able to bear the closest public scrutiny.
- (c) Public servants should not only avoid circumstances in which their personal interests conflict with the interests of the Ministry or Department, but should also avoid those circumstances in which there could be the appearance of such conflict.
- (d) The public must have no basis on which to believe that decisions are made or policies are applied unevenly. Public servants must observe the principles of fairness and impartiality in all aspects of their work.
- (e) Public servants should avoid any interest or undertaking that could directly or indirectly compromise the performance of their duties, or the standing of their Ministry or Department or the Public Service in its relationships with the public, clients or Ministers. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by an individual's private interests (e.g. company directorships, shareholdings, offers of outside employment).
- (f) The public must have confidence that public money is spent without regard to any personal interest, and public servants should ensure that work-related purchasing decisions are based solely on sound financial judgement.

11. Offers of Gifts, Rewards or Benefits

- (a) Public servants must not abuse their official position for personal gain. They must not solicit or accept gifts, rewards or benefits that might compromise, or be seen to compromise, their integrity and the integrity of their Ministry or Department and the Public Service.
- (b) As a general rule, a public servant should not accept a gift (whatever its nature or value) if the gift could be seen by others as either an inducement or a reward which might place the employee under an obligation to a third party.

12. Personal Behaviour

- (a) Public servants should avoid any activities, whether connected with their official duties or otherwise, which might bring their Ministry, Department and the Public Service into disrepute, or jeopardise relationships with Ministers, clients or the general public.
- (b) As a general principle, a public servant's personal behaviour that does not interfere with the performance of his/her official duties or negatively reflect on the integrity or standing of the Public Service is of no concern to their employing Ministry or Department.
- (c) However, the Ministry or Department has a legitimate interest where the private activities of a public servant reflect to the discredit of the Ministry or Department and the Public Service in general. Standards of personal behaviour expected of public servants may be set by Chief Executives to reflect the particular environment in which their organisations operate.

13. Disciplinary Authorities

- (a) In accordance with the provisions of Article 66 of the Constitution, the powers of disciplinary control of persons appointed to offices in the Public Service are vested in the President as the executive authority.
- (b) The President has delegated the powers of disciplinary control in respect of holders of all offices in the Public Service below the Senior Executive level to the Principal Secretary or Head of Department concerned. The delegated powers shall not be exercised by those to whom they have been delegated without the consent of the Minister responsible for that Ministry or Department obtained in each case after consultation with the Minister. This provision does not apply to the Chief Justice, Auditor General, Attorney General, Ombudsman and Electoral Commissioner.
- (c) Disciplinary control in respect of holders of all officers in the Public Service at Senior and Chief Executive levels has been delegated by the President to the Minister for Administration & Manpower Development. The delegated powers shall not be exercised without the consent of the President.
- (d) The maintenance of good order, discipline and efficiency is a major management responsibility and the President, Minister of Administration & Manpower and all Principal Secretaries / Heads of Departments should take prompt disciplinary action when this is necessary.
- (e) Public Service Orders provide detailed definitions, the procedures to be followed and the sanctions that may be applied in the event of the commission of a disciplinary offence. The following two sections provide a general overview of disciplinary offences and the sanctions available to disciplinary authorities.

14. Disciplinary Offences

An employee commits a disciplinary offence wherever the employee fails, without a valid reason, to comply with the obligations connected with the work of the employee, and more particularly, inter alia, where the employee:

- (a) within a period of 12 months fails to observe working hours on one or not more than two occasions;
- (b) within a period of 12 months fails to report for work on one or not more than two occasions;
- (c) is absent without permission from the normal place of work or from the location of a posting of the employee during working hours;
- (d) fails to obey reasonable orders or instructions given by the employer or representative of the employer;
- (e) makes any illicit or unauthorised use of the property or equipment of the employer;
- (f) negligently causes minor damage to the property of the employer;
- (g) fails to keep a secret connected with the work of the employee, the production of goods or the provision of services, where required by law or by the rules of the employer to keep it;
- (h) fails to comply with the rules and regulations of the employer;

- (i) appears at work while under the influence of alcohol or dangerous drugs or consumes alcohol or dangerous drugs while at work or within the undertaking;
- (j) knowingly make false statements during investigation of accidents at work or of breaches of discipline;
- (k) commits an offence other than a Serious Disciplinary Offence listed below.

15. Serious Disciplinary Offences

An employee commits a disciplinary offence wherever, without a valid reason, the employee causes serious prejudice to the employer's undertaking and more particularly, inter alia, where the employee -

- (a) fails repeatedly to observe working hours or is absent from work without authorisation on 3 or more occasions within a period of 12 months;
- (b) is absent from work without justification for a whole day on 3 or more occasions within a period of 12 months;
- (c) fails repeatedly to obey reasonable orders or instructions given by the employer or representative of the employer including orders or instruction relating to the use or care of protective equipment, and
- (d) fails to keep a secret connected with the work of the worker, the production of goods or the provision of services, where the failure results in serious prejudice to the undertaking or the general interests of the Republic;
- (e) willfully or intentionally damages the property of the undertaking thereby causing a reduction or stoppage of production or serious prejudice to the undertaking;
- (f) is unable to carry out duties due to the effect of alcohol or dangerous drugs or refuses to comply with a requirement of the employer to take a breath, urine or blood test;
- (g) commits any offence involving dishonesty, robbery, breach of trust, deception or other fraudulent practice within the undertaking or during the performance of the work of the worker;
- (h) in the course of the employment of the worker assaults, or inflicts bodily injury upon a client of the employer or another worker;
- (i) commits any active or passive bribery or corruption;
- (j) commits an offence under this Act whereby the worker causes serious prejudice to the employer or employer's undertaking;
- (k) does any act, not necessarily duty-related, which reflects seriously upon the loyalty or integrity of the worker and causes serious prejudice to the employer's undertaking;
- (l) shows a lack of respect to, insults or threatens a client of the employer or another worker whether it is a superior, a subordinate or a colleague;
- (m) commits any act of sexual harassment towards a client of the employer or another employee;

- (n) willfully, repeatedly and without justification fails to achieve a normal output as fixed in accordance with standards applicable to the employee's work.

16. Disciplinary Measures

In the event of the commission of a disciplinary offence any one or more of the following disciplinary measures may be taken, following the procedures set out in the relevant Public Service Orders:

- (a) Verbal reprimand or warning - this may be issued by a supervisor in respect of a minor case or unsatisfactory work or conduct by an employee under his/her control.
- (b) a written warning;
- (c) recovery of cost for any damage done to or loss of, the property of the employer;
- (d) non-payment of wages for any unauthorised absence from work; provided that an employer may deduct the equivalent of 3 days wages for each day of unauthorised absence from work for each second or subsequent unauthorised absence within a period of 12 months;
- (e) withholding of salary progression;
- (f) redeployment;
- (g) demotion;
- (h) suspension from work without pay for a period of up to 14 days;
- (i) termination of employment with notice or payment in lieu of notice;
- (j) termination of employment without notice i.e. instant dismissal without payment of compensation;

17. Suspected Criminal Offences

Suspected criminal offence - Where the Principal Secretary/Head of Department has reason to believe that an employee has committed a serious criminal offence, the matter should be reported immediately to the Police for their action. Where losses of public monies, stores or other assets are involved, the procedure to be followed is set out in the Financial Instructions issued by the Ministry of Finance.

PRINCIPLES OF PUBLIC SERVICE IN SEYCHELLES

Maintaining Public Confidence

Holders of public office in Seychelles should act at all times solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, or their friends.

Promoting Professional Integrity

Holders of public office in Seychelles should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Making Objective Decisions

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office in Seychelles should make objective choices based on merit and in accordance with previously agreed criteria.

Accepting Accountability

Holders of public office in Seychelles are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Transparency

Holders of public office in Seychelles should be as open as possible about all the decisions and actions that they take.

Avoiding Conflicts of Interest

Holders of public office in Seychelles have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Demonstrating Loyalty

The primary loyalty of public office holders shall be to the people of Seychelles delivered through the democratic institutions of the Government and not to individuals, political parties or any particular organisation.

I fully accept and subscribe to these principles. I will support and promote these principles at all times by leadership and example as part of my commitment to the people of Seychelles.

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Signature

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Date