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A joint initiative of the OECD and the European Union, principally financed by the EU

The Management of the Civil Service: European Models

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Introduction

The aim of this paper is to discuss a number of common features concerning the institutionalisation of the civil service management by drawing a typology of management set ups that can be found in EU Member States. A neat distinction is to be made between consolidated civil service systems of EU-15 and the civil services of countries that acceded to the EU in 2004 and 2007. Older member states have management arrangements which include a central capacity to propose civil service policies and monitor the respect of civil service regulations across the administration. Newer member states have opted for various models by importing management set ups from older member states and from elsewhere and adapting them to their national circumstances. Almost none of these arrangements are consolidated yet and certain variations, even backslidings, have occurred after 2004. The risk of managerial fragmentation leading to the dilution of the notion of a unitary civil service of the state remains significant in most new member states. The paper also includes references to those countries currently holding an EU candidate status, namely Croatia, Macedonia and Turkey, but is not concerned by the arrangements in Cyprus and Malta.

1. *Managing and developing the civil service is a political responsibility...*

The first responsibility for the management of the civil service is a political one. Public administration is a clear responsibility of the government. By government it is necessary to understand here the set of elected bodies that shape the landscape of political power in a country. It may involve central or national government as well as regional and local government units. Every elected body in a democracy is obliged to ascertain a correct functioning of its public administration and civil service for the sake of the public interest of the country. In order to be effective, this overall political responsibility needs to be organised and made actual in a workable manner. Provisions about the type of organisation and management are a usual domain of laws on civil service.

The management of civil service should be aimed at achieving the primary political-constitutional values of equal treatment, fairness, and equal opportunity to enter the civil service and to promote within it; all that under the rule of law and by competitive procedures based on merit. Likewise the management should seek to protect the impartiality of the civil service and the principle of legality. This strongly contributes to render public actions and decisions predictable, the administration of public affairs reliable and the civil service more professional. To ascertain that these values are present in the management of the civil service is primarily a political commitment. Down in the hierarchical ladder it is also a managerial one. This is one of the reasons why a business-like management is not always the best approach to public management, including the management of the civil service.

Within this latter, there are the values of efficiency, effectiveness, and economy, which are classical managerial values. The attainment of these values needs a quite developed managerial ability. This is why

a balance has to be struck between the civil service understood as a human resource management system (managerial aspect) and as a state institution (constitutional aspect).

Consequently, managing the civil service entails a political commitment and a managerial responsibility to make sure that public administration firstly performs its duties in accordance to the rule of law and a set of accepted public law principles, and secondly, that public administration is able to effectively attain in an efficient manner the public policy objectives set forth for it by the lawfully ruling government. Guaranteeing these two dimensions is only possible within an administrative law framework, not within a labour law framework. Administrative law takes into account both the political-constitutional dimension of the civil service and the efficiency dimension of management, whereas labour law takes into account only this latter dimension.

2. ...which needs to be properly institutionalised...¹

The civil service should be regarded as a common management function within the government administration, with the selection and management of the civil servants based on common standards of professional merit and competition. Issuing such standards and monitoring the personnel management within state institutions are important tasks for a central management unit. A central unit should of course not necessarily be directly involved in the staffing and micro-management of personnel in the various government institutions. It should instead draft government regulations related to the civil service, develop common policies and standards, provide advice to and monitor career management within the various institutions. Fields of policy-making for the central unit should include recruitment, selection, career development, pay and grading, training and re-deployment. Monitoring tasks should be related to the application of regulations, implementation of policies as well as to staffing and the use of budgetary allocations for personnel.

This central capacity for the management of the civil service is needed because the civil service has to realise constitutional principles and values that need to be ascertained throughout the whole State administration and need to comply with a given standard. In a labour law relationship (or business-like management approach), even if some central unit sets general personnel policies for the whole firm, managers may still have a relatively large margin for recruiting and for the negotiation of working conditions and salaries in a more or less decentralised way. In the State, this decentralised autonomy, if large, would be inimical to the realisation of several constitutional principles (fairness, equality before law) and would undermine the sense of public service ethos.

The notion of the civil service as a state institution is diluted when each public agency or ministry performs as an independent employer without co-ordination. In this case the governance aspects connected to the civil service can be hampered. The management of the State civil service should be designed as a responsibility of the government that goes from the Council of Ministers down to line ministries and public agencies and determines an appropriate distribution of tasks and responsibilities. The establishment of a central institution with sufficient powers and resources to manage horizontally the civil service across ministries and State public institutions is a condition for a well-established civil service system. This institution may be a ministry, as in some European countries, or an Office or Agency for the Civil Service, as it is the case in other European countries, or an autonomous body dependent of a ministry. What is needed is that somebody takes full responsibility for co-ordinating the management of the civil service as a whole on behalf of the government.

¹ See Annex for some examples of how responsibilities for civil service management are allocated in some of the EU-15 Member States.

3. ...but this institutionalisation is still problematic in certain new EU Member States and Candidates

Among new EU Member States and candidate countries there are different management setups. Three approaches are roughly identifiable:

a) Independent-body based model

One group of countries decided to establish an independent authority for managing the civil service. These countries were the Czech Republic, Poland, Romania and Slovakia, and to some extent Latvia. Romania abandoned this model in 2001. Poland and Slovakia followed suit in 2006. The Czech Republic never institutionalised a model in practice. The independent-body based model propounds independence from the government of the institution in charge of managing the civil service, on the assumption that this will contribute to a clearer separation between politics and administration and consequently will better serve the goal of de-politicisation and professionalisation of the civil service. Only Poland and Slovakia created Civil Service Offices which became operational. The Czech Republic created such an office by law in 2002, but the law has not entered into force. Slovakia abolished its Civil Service Office on 1 June 2006 and some of its responsibilities were taken over by the Ministry of Labour. The Polish Office for the Civil Service was abolished on 27 October 2006 and certain of its responsibilities were taken over by the Prime Ministry Office directly.

The countries that followed this model — especially Poland and Slovakia — have confronted serious difficulties ever since they established their civil service offices because the office's independence means that the head of the civil service management capacity, usually under the name of Civil Service Office or similar, is not a minister but someone appointed by the government, the president or the prime minister. In the Council of Ministers there is no voice advocating lawful and sound civil service management, and civil service development policies do not remain high on the political agenda.

Rather the contrary happens due to the fact that the Civil Service Office is perceived as an obstacle by ministers, as it impedes them from acting as they like with regard to staffing. Most voices heard in the Council of Ministers are critical ones against the Civil Service Office, and no political voice defends it. As a result, the Civil Service Office is permanently under political attack, with little possibility to counteract these attacks as they come from higher levels in the hierarchy. This helps explain why the Civil Service Office has been abolished in Slovakia and Poland.

A variation of this model would be Croatia: Croatia established a Central State Office for Administration under the Prime Minister. The Office is legally empowered to impose homogeneous standards across the administration. However, its monitoring capacities are insufficient. The Croatian Government has contracted out some HRM functions (recruitment, salary administration) to an agency (FINA) under the Ministry of Finance. The performance of this peculiar arrangement remains to be assessed.

Another variation of this model is Macedonia, where the central Civil Servants Agency reports to the Parliament and is meant to work in coordination with the General Secretariat of the Government and the Ministry of Finance. This Macedonian arrangement creates confusion in terms of responsibilities and breaches the democratic tenet of the separation of powers between government and parliament. The parliamentary Agency's powers are insufficient and it hardly can impulse the development of a non-politicised the civil service.

b) Model based on a minister taking political responsibility for the civil service

Other countries have put the civil service policy direction and management under the responsibility of a Ministry. In Lithuania was initially the Ministry of Public Administration and Local Authorities and

currently is the Ministry of the Interior. Lithuania is nowadays regarded as having one of the best managed and developed civil services in the Central and Eastern Europe. In Romania is the Ministry of Interior and Administrative Reforms, within which the National Agency for the Civil Service is headed by a State Secretary reporting to the Minister. Improvements in the Romanian civil service are noticeable since this arrangement was adopted in 2001. In Latvia the Civil Service Administration –an independent-body based model-- was deprived in 2003 from policy-making capacity in favour of the State Chancellery and the civil service is steadily improving. In Hungary the Ministries of the Interior and Finance were initially the main responsible bodies, although its competencies are now also shared by the Prime Minister Office and the Ministry of Labour. In Slovenia a Ministry of Public Administration holding the responsibility for the civil service was created in 2004 for the first time ever (previously the responsibility was with the Ministry of the Interior) and civil service reforms are on a better track now. Bulgaria also adopted this model in 2005 by the Ministry of State Administration taking over crucial responsibilities concerning civil service development.

c) Model with no central capacity empowered to manage the civil service

Other countries such as Estonia and Turkey do not have any particular ministry or institution in charge of centrally managing the civil service. In Estonia certain management functions (training) are the responsibility of the State Chancellery and other responsibilities are scattered among the Ministry of Finance (salaries) and Justice. In Turkey the State Personnel Presidency (SPP) holds certain personnel responsibilities. However, none of these Estonian or Turkish institutions can impose common management standards across the administration. These countries face problems derived from a civil service fragmented management. Their constitutionally recognised principle of equal access to the civil service is problematic in actual practice.

4. ...and some conclusions

A general overview of the situation of EU new Member States and candidate countries shows that the direct management of civil servants was, in most cases, decentralised with each ministry being more or less independent and responsible for managing its resources, including staff. This is rooted in the traditions created by the preceding political regime. This approach slowly changed during the EU accession years towards more centralised civil service management schemes, perhaps under pressure from the EU. This change has been plagued with considerable difficulties stemming mainly from the fact that this change was against the stream of a well established tradition. Temptations still linger of going back to the “good old days” where ministers managed their staff as they saw fit. This would represent an obvious relapse into politicisation and patronage and would be gravely detrimental to the professionalism of the administration and the civil service. This has seemingly happened already in certain countries.

Unlike in pre-2004 Member States, in new Member States and candidate countries civil service management units usually have still insufficient powers and resources to ensure a development of the public service coherent and matching the necessities associated to EU Membership. Weak central mechanisms have serious implications for co-ordinating policy development, managing cross-cutting issues, and ensuring consistency in implementing rules and regulations. They are critical also for the co-ordinated management of reform programmes.

It is necessary in a civil service to have a central unit responsible for preparing secondary legislation, developing personnel policies and issuing management standards, for keeping a personnel information system and for monitoring staffing and personnel management within ministries and other state institutions.