



MINISTÈRE DU BUDGET, DES COMPTES PUBLICS
ET DE LA FONCTION PUBLIQUE

Administration and the Civil Service in the EU 27 Member States

27 country profiles

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ÉTUDES ET PERS



This document is a temporary working document from the French Presidency which has been developed thanks to the contribution and expertise of the members of the EUPAN Human Ressource Working Group.

This work will be continued under the Czech Presidency with the updates that will be provided by each country as needed. Once all the fact sheets are validated by the countries, they will be made available on line on the EUPAN website.

Generally speaking it should be constantly updated, fine-tuned and improved, in order to keep the information in line with the on-going reforms and developments of our public administrations over the time.

For the time being, the current printed version is not a complete and definite one: some fact sheets still need to be validated (Bulgaria, Estonia, Malta, Roumania) and some others are not available yet (Denmark, Spain).

We are very grateful to the HRWG members who proved to be very cooperative and we hope that this work will be helpful for everyone.

Realisation: Forward Planning and International Affairs Bureau (B2), General Directorate for Public Administration and the Civil Service

Contributions:

- Institute for Public Management and Economic Development - Research, Studies and Intelligence Watch Unit
- EUPAN Human Resources Working Group

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AUSTRIA

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 84,000 km²
Number of Länder: 9
EU entry: 1995
GDP: 258 billion euros
Population: 8.3 million
Number of public sector employees: 347,000
(38% working for the Federal Government,
40% for the "Länder" and
22% in the municipalities)



- administrative and political organisation

Austria is a **parliamentary democracy**.

Austria is a **Federal Republic** composed of **9** autonomous **Federal Provinces (Länder)**. At federal level, the Federal **Chancellery** is in charge of coordinating government policy.

The Federal Constitutional Law (1920), revised in 1929, provides a closed list of federal government competences (defence, agriculture, maintaining law and order, etc.).

The "Länder" have their own Parliament. It elects a governor, who then forms a government. Each **government** has a dual role. It holds local executive power and acts on behalf of the State in executing federal policy.

- **CIVIL SERVICE**

- statut et catégories d'agents

The Federal law foresees two different types of public employees:

- Tenured civil servants based on the public-law-system regulated by the Civil Servants Act (Beamten-Dienstrechtsgesetz 1979)
- Contract agents based on the civil-law-system regulated by the Contract Agents Act (Vertragsbedienstetengesetz 1948)

The status of civil servants in the Länder and municipalities is governed by a specific law in each state.

- rights and obligations

Public sector employees must serve public interest without bias and abide by the laws of the Republic of Austria. They must respond to all requests from citizens, unless they are bound by professional secrecy. Public sector employees must observe **hierarchical obedience**. If they deem that an order given is illegal, they must inform their supervisor thereof in writing. Finally, public sector employees **cannot, simultaneous to their functions, perform another activity** which might compromise the performance of their official duties.

Salaries of the public employees are re-assessed annually based on inflation, economic growth and salary levels in the private sector. Equal opportunities are also guaranteed.

There is no specific legislation concerning the right to strike. Strike is not explicitly regulated but considered to be part of the constitutionally guaranteed right of association and assembly.

- social dialogue

In Austria the key topics of social dialogue are: pay and reform of pay systems, the pension system and the staff regulations. Two main unions are members of the **Austrian Trade Union Federation (ÖGB)**: the **Union of Public Service (GÖD)**, which has 230,000 members (including the public employees and the retired employees of the Federal Administration and of the Federal Provinces - not including Vienna) and the **Union of Municipal Employees**, which has 150,000 members (including the independent agencies and enterprises and the retired employees).

Currently the employer is represented by a Federal Minister within the Federal Chancellery in charge of the Federal Public Administration.

The central government in Austria is member of the Austrian section of CEEP¹ which is one of the cross sectoral European social partners.

- recruitment and training

Recruitment is decentralised to the level of each ministry. As a rule, initial recruitment is based on examinations or application followed by an interview. Recruitment is often followed by training at the **Federal Administration Academy** completed by an exam.

The conditions for joining the Austrian civil service include age, language proficiency and aptitude. In 1994, the status of civil servants and contract public employees was adapted to community requirements regarding the free movement of workers. Only jobs **requiring direct involvement in the exercise of sovereign power** or handling of the essential interests of the State are reserved for **Austrian nationals**.

- remuneration and advancement

The remuneration system for civil servants is characterized by a combination of

- The **advancement-based system with functional allowances** introduced in 1994: each employee's career is divided into 19 salary steps. Advancement is automatic. A functional allowance based on post rating and seniority can be added to the base salary.

¹ European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

- An immediately effective remuneration for superior functions, both management and specialist functions (position supplement).

- special provisions for the Senior Civil Service

The Act on the Advertising of Vacancies 1989 (Ausschreibungsgesetz 1989) contains systematic and comprehensive provisions governing appointments to management-level functions and higher-level jobs. The highest-ranking civil service officials, such as director generals, are **appointed to office for a maximum of 5 years**.

To promote gender equality, a 2008 amendment to this Act aims to increase the number of female candidates for these management positions and to improve the transparency of recruitment procedures. Only 16.4% of all director-generals are women.

High-ranking civil servants are given an annual performance appraisal by their line manager.

• CURRENT REFORMS

During the last years and ongoing a central element of administrative reform has been focusing on controlling costs and cutting staff numbers across all levels of government. However, the reform programme also included restructuring of competences between different levels of government with some decentralisation and regionalisation of responsibilities. There were moves towards improving services to citizens through the setting up of "one-stop shops" at the district administrative level

An important pillar of the current Austrian budgetary reform is the introduction of performance budgeting. That means the inclusion of performance measures and indicators into the regular budgetary process. This should help to move the budgetary debate from its focus on inputs to outputs.

• FOCUS: the privatisation of some services

There has also been a reduction in civil service numbers through a process of outsourcing that has affected a growing number of institutions. This has sometimes involved full or partial privatisation or the transfer of responsibilities to an agency from direct ministerial control. The Public Employment Service, the Federal Computing Center of Austria, the Statistics Austria, the universities, the federal railways, the postal and telecommunication services, several museums and theatres and even some authorities like the Financial Market Authority have been outsourced, a process that started in the 1990's and was implemented in consultation with the public sector Trade Unions. As a consequence collective bargaining in these organisations is now taking place.. The number of federal administration employees has fallen from 300,000 in 1985 to 133,000 at present..



BELGIUM

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 30 500 km²
Number of federated entities: 6
Number of provinces: 10
EU entry: 1957
GDP: 332 billion euros
Population: 10.5 million
Number of public sector employees: 840,000
(23% at federal level)



- administrative and political organisation

The kingdom of Belgium is a **parliamentary constitutional monarchy**. It has been a **Federal State comprising 6 entities** (3 regions and 3 communities) since 1993. The country is divided administratively into two types of local government: provinces and municipalities.

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, in compliance with normative hierarchy.

- **CIVIL SERVICE**

- status and categories of public sector employees

The **status of State employees** is stipulated by the *Royal Decree of 2 October 1937* which has been revised on many occasions (principally by the *Royal Decree of 4th August 2004*).

Statutory employees have permanent tenure and a grade or a class.

Most public sector employees in Belgium are contract employees (21% of employees at federal level). **Contract employees** can only occupy positions not regulated by any specific rules.

- rights and obligations

Public sector employees can **join a political party** inasmuch as this does not conflict with the smooth running of the State. They also have the right to **join a union and to strike**.

- social dialogue

The *law of 19th December 1974* executed by a royal decree of 28th September 1984, establishes the union status of the Belgian civil service. The **negotiation and consultation procedures** in the public sector are not the same as in the private sector.

Only the representative union organisations can take part in negotiations with the public authorities. Between 40 and 55% of public sector employees are unionised.

The employer is represented by the relevant political authorities when it comes to deciding, for instance, working conditions, pay and pension schemes.

Any protocol following negotiations constitutes a political commitment, though it is not legally binding.

- recruitment and training

At **federal level**, staff are recruited by the **Federal Administration Selection Office** (SELOR). Depending on the positions, candidates may have to do tests (interviews, case studies, practical work, psycho-technical tests, etc.).

Federal entity personnel are selected by the SELOR, but the entities have a say in this.

Finally, the municipal and provincial councils recruit employees (usually via competitive exam) for **local government** positions and decide their status.

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

- remuneration and advancement

The *Royal Decree of 29 June 1973* establishes the **basic salary system** for State employees (salary calculation procedures, seniority conditions, etc.). **Allowances, bonuses or compensation** may be added to this. Note that the salary scales for local government and the federal and regional civil service are not equivalent.

Belgium has a career system for statutory employees. Grade or class advancement is achieved through **promotion and certified training achievement**.

- special provisions for the Senior Civil Service

The Copernicus Reform Plan of 2000 led to the creation of **top manager positions**. An internal and external procedure to re-recruit senior managers was organised, forcing former directors to apply for the positions created.

Those recruited must have communication, appraisal and change management skills.

The procedure for selecting candidates was carried out by outside assessment centres until 2003, but this system was stopped as it was too costly.

Top managers are in **office for 6 years**, and this can be renewed if the targets assigned in the operational plans are met.

Remuneration for top managers depends on the function and not the person.

• CURRENT REFORMS

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 February 2008, a **first series of measures to reform the State was adopted**. These measures are the outcome of an institutional 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 a strong central State.

Various competences such as legislation on rent, children's amenities and the regulation of commercial sites were transferred to the regions. A new series of negotiations was also under way in July 2008. These may lead to the transfer of more significant competences (employment, family, healthcare policies, etc.).

• FOCUS: Copernicus Plan

The Copernicus Plan was launched in 1999 by the Verhofstadt government. This program aimed to place the citizen at the heart of the administrative system and to use private sector techniques to restructure federal administration organisation and streamline its activities.

This reform is based on three points:

- **Reorganisation of federal administrations.** Ministry activities, called "federal public services" have refocused on their key missions. The structure of these federal public services has also been modified. Consequently, ministerial cabinets have disappeared and been replaced by smaller policy units.
- **Modernisation of human resources management.** The remuneration system has been modified and a new "senior civil service" has been created.

- **Establishment of new working methods.** Efforts have been made to improve data circulation between the federal departments. Online access to administrative documents has also been introduced.



BULGARIA



Not yet validated by the country

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 111,000km²
Number of provinces: 28
EU entry: 2007
GDP: 21.4 billion euros
Population: 7.7 million
Number of public sector employees: 83 943
(47.1% civil servants)



- administrative and political organisation

Bulgaria has been a **Parliamentary Republic** since 1991. Article 2 of the constitution also states that "The Republic of Bulgaria is a **unitary State with local self-government.**" The territory is divided administratively and politically into municipalities (264) and provinces (28).

The constitution states that a **municipality** is the basic administrative and territorial unit which is self-governed at local level.

A **province** is in charge of implementing State policy, defending national interests, upholding the law and public order, and has administrative control over action by local authorities. Each province is headed by a **governor** appointed by the Council of Ministers.

• CIVIL SERVICE

- status and categories of public sector employees

The Bulgarian administration has two types of personnel:

- **civil servants** (47.1%), whose status is governed by the *law of July 1999*, which has been amended several times
- **contract employees** (53.9%), under general employment law.

- rights and obligations

Public employees must, by law, fulfil a number of obligations, including: **compliance with the law, secrecy, political neutrality** and making a conscientious effort when responding to citizens' queries. Public employees must **observe hierarchical obedience**, unless the order given is evidently illegal.

The law also gives staff the right to **freedom of speech and the right to join a union**. Civil servants **do not have the right to strike**. They may only carry out symbolic protest action.

- social dialogue

A **civil servants' union** defending the rights of public sector employees was **created in 2004**. It is **involved in drawing up rules** relating to public sector employees' working conditions and pay, and the modernisation of the pension scheme. Around 25 to 40% of civil servants are unionised.

Negotiations take place within the tripartite National Council, which consists of 2 representatives of the Council of Ministers, 2 representatives of the employees' organisation and 2 representatives of the employer.

The results of collective bargaining must be implemented, and they therefore take the form of a legal text or political agreement.

- recruitment and training

Citizens of age with a blank criminal record may enter the Bulgarian civil service.

There are **no** centralised administrative **competitive exams** for recruitment purposes. About 80% of contractual hires and 35% of civil servants are recruited openly by the appointment of an applicant. Article 10 of the civil service law stipulates that a **competition procedure** must be followed for all assignments exceeding 6 months.

Professional training for public employees is carried out by the **Public Administration Department at Sofia University** or by various training bodies, such as the **Institute for Public Administration and European Integration** established in 2000.

- remuneration and advancement

An official minimum salary for each public sector employment position is given by a regulation. The basic salary may be supplemented by **bonuses** based on employees' **performance**.

As there is no real stability in the civil service, "administrative careers" do not exist, making the Bulgarian **system more position-based**.

- special provisions for the Senior Civil Service

The civil service law defines all the positions within the Senior Civil Service (Secretary-General, Director, etc.). **There are no exceptional recruitment procedures** for these positions. Senior civil servants are recruited through a competition procedure, as for other public employees. For some senior civil servants, a **recruitment committee** appointed by the Council of Ministers carries out the recruitment process.

Officials with a position in senior administration for the first time in their career must follow a **mandatory training course**.

• **CURRENT REFORMS**

In 2002, the Bulgarian Council of Ministers adopted an **e-administration strategy**. This strategy is implemented by the Civil Service Minister. It sets targets for the online accessibility of administrative documents. This reform also aims to make it easier for citizens and companies to **take part in the political decision-making process** electronically.

An **anti-corruption strategy** was set up several years ago. This strategy helps to clarify the relationships between the administration and citizens. Several laws have been passed to define clearly the rights and duties of public sector employees, **prevent conflicts of interest**, provide more efficient and more transparent recruitment procedures and develop fiscal controls. In 2002, an anti-corruption commission was created. It analyses the effects of previous measures, coordinates the anti-corruption strategy and prepares new measures.

• **FOCUS: a program to modernise the administration: the OPAC**

Bulgaria is setting up an **Operational Program on Administrative Capacity**, (OPAC) for the period 2007 – 2013 to comply with the European standards.

Co-financed by the Bulgarian State and the European Social Fund, this program aims to improve the relationship between the administration and citizens, provide an environment conducive to economic growth and enhance the performance and transparency of the administration and judiciary bodies.

Four working areas have been defined to achieve these objectives. Priorities have been defined within each area. Finally, standard initiatives specifying the administration in charge of implementing the initiative, **indicators, targets** and deadlines have been introduced. The four working areas are:

- **Sound governance:** The objective is to provide the administration with an efficient structure and ensure a transparent administrative system. To achieve this, the OPAC specifically proposes the development of public-private partnerships, and the participation of NGOs in the working groups in charge of defining and implementing public policies.
- **Human resources management:** the goal is to modernise human resources management and strengthen civil society structures. To achieve this, the OPAC proposes increasing the number of women and young people in the staff, and developing partnership agreements with universities.

- **Improving the quality of services provided to users and developing e-administration:** in particular, the OPAC proposes increasing the number of administrative documents accessible online, seeking to reduce the timeframes required to provide an administrative service and developing user satisfaction surveys.
- **Technical support:** this working area includes methods for communicating on and implementing the OPAC.



CYPRUS

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 9251km²
Number of districts: 6
EU entry: 2004
GDP 2008 at current prices: 17 billion
Population: 792,000
Number of public sector employees: 63,384



- administrative and political organisation

Cyprus is divided into six administrative districts. Each district is headed by a district officer. The district officer acts as the chief-coordinator of the activities of all ministries in the district. District officers are accountable to the Ministry of Interior. There are two types of local authorities in Cyprus, 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.

• CIVIL SERVICE

- status and categories of public sector employees

The *Public Service Law of 1990-2006* defines the notion of public service and the different categories and grades of public posts. It is noted that officers in the Judicial Service, Educational service as well as in the Service of the Armed or Security Forces, are subject to specific laws. Employees in semi-governmental organisations and local authorities also have their own status.

- rights and obligations

Cyprus public officers must be impartial, serve public interest, abide by the law and avoid conflicts of interest, respect the Constitution, comply with all legal provisions and with the

instructions of their hierarchically superiors. They should immediately inform their superiors if they deem an order given to be illegal. If their superiors, in compliance with an opinion of the Attorney General insist on the execution of the order, the officers are obliged to comply. Public officers, amongst other rights, have the **right to strike, join a union and express their opinion freely**. They are entitled to express their political opinions in public and in private, when not on duty.

- social dialogue

Unions play a key role in the Cyprus administration. The main public sector employee Union is **PASYDY** (*Pancyprian Public Servants' Trade Union*), of which **80% of Cypriot public sector employees** is a member. About 10% belong to other Unions and the remaining 10% are not unionised.

Social dialogue in the civil service takes place at the **Joint Staff Committee**. Negotiations on working conditions, remuneration and staff-related issues take place at this Committee.

The Committee always seeks to reach a consensus. If this is achieved, the Committee's conclusions are put before the **Council of Ministers** for the final decision. The Committee's conclusions are not binding for the Council of Ministers, which may reject the Committee's conclusions if deemed necessary.

Should the Committee not reach a consensus, its work and conclusions are put before the Council of Ministers for settlement.

Public officers are informed of decisions by the Council of Ministers on a civil service-related matter through a circular diffused by the Public Administration and Personnel Department.

- recruitment and training

The *Public Service Law* of 1990-2006 stipulates the **centralised recruitment** of staff. For the majority of vacant posts the **Public Service Commission** (PSC) organises recruitment over four phases:

- a general **written exam** is organised every year for vacant positions with the same requirements in terms of qualifications,
- a **list** of successful candidates is prepared on a ranking basis,
- the Commission **invites for an oral examination** three successful candidates from the list for every one vacant post,
- the final selection is made by the Commission based on the results of the written and oral examinations and the other objective criteria which are set out in the Law.

The Cyprus Academy of Public Administration, set up in 1991, was in charge of continuous training for public sector employees up until 2001. The academy has since been **helping administrative institutions to set up their own learning policy** as part of the "learning initiative". Each institution or agency has to set up a "**Learning Unit**" which will assess needs and organise the training plan. In 2008, half of the Institutions set up their own training system, under the Academy's supervision to ensure the quality of the new systems.

- remuneration and advancement

The *Law on the State Budget* sets the **salary scales** in the civil service. Pensions, remuneration and allowances received by public sector employees are set by **regulatory standards**.

The **Public Service Commission** decides on **promotion** to a higher position according to the employee's seniority, qualifications and performance. The Commission must also consider the recommendations of the recruiting Department and the content of the employee's application when making the decision.

- **CURRENT REFORMS**

A **new performance appraisal** system has been developed in close cooperation with a private consultancy firm and is currently being discussed with the civil servants' trade union aiming at reaching a common consensus regarding its parameters and provisions. The basic principles of the system as well as its objectives have, already, been agreed. The objective is to reach an agreement within the first semester of 2009 so as to proceed with 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.

A **Civil Servant Code of Conduct** will come in effect at the end of 2009. It clearly specifies the conduct expected of public sector employees and their rights and obligations, based on directives and recommendations from the European Council and the EUPAN network. This code of conduct will help to improve the credibility and transparency of the Cyprus administration.

Cyprus has been applying the **Common Assessment Framework (CAF)** in some pilot administrations since September 2004. This methodological tool aims to assist the public administration in its improvement policy based on the principles of Total Quality Management. The 2006 version was presented at the 4th Quality Conference in Tampère. In Cyprus, a committee within the Public Administration and Personnel Department is in charge of setting up the CAF in conjunction with the Cyprus Academy of Public Administration. The Heads of Departments implementing the CAF are entitled to training sessions. Implementing the CAF in the pilot Departments has led to the publication of reports and action plans to modernise them.

- **FOCUS: one-stop shops**

The Cyprus administration has been setting up "**one-stop shops**" for citizens since 2005 to respond to user needs faster and more efficiently.

Five centres have been set up in 3 years. They provide **information** and deliver over 64 **services** emanating from six different administrations. The services provided include the issuing and renewal of driver's licences, the distribution of University grant request forms, submission of applications for grants, allowances, pensions etc, and the issuing of identity cards and birth certificates. Most of these services are delivered **instantly** or very quickly as **they are provided to citizens at local level.**

It must be emphasised that these centres in no way replace the conventional Ministries and Departments.

The one-stop shops are open from Monday to Friday from 8am to 5pm. A total of **600,000** services were offered to citizens between 12 December 2005 and 15 November 2008 through the one-stop shops.



CZECH REPUBLIC

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 79,000 km²
Number of regions: 14
EU entry: 2004
GDP: 114 billion Euros
Population: 10.3 million
Number of employees in the state administration: 96 207
(19 000 employed in central government)



- administrative and political organisation

The Czech Republic is a **unitary State**.

At decentralised level, the **14 regions** (*kraje*) have competences in budget, secondary education, transport, health care system and social aid matters in particular. The **6240 municipalities** (*obec*) handle services such as agriculture, primary education, housing and public transport.

- **CIVIL SERVICE**

- status and categories of public sector employees

There are two groups of public sector employees in the Czech Republic:

- **Civil servants working in central administrations** represent 43% of public sector employees (293,000). They are governed by the *2006 Labour Code*, as the civil service law of 2002, providing the framework for the working conditions and pay of State employees, has not yet come into effect.

- **Civil servants of the territorial self-governing units** (municipalities and regions) represent 57% of public sector employees (387,000). Their status is defined in the Act No.312/2002 Coll. on civil servant in territorial self-governing units. This law stipulates employment conditions and the qualifications required for local government employees.

A **new law** defining the working conditions for all public sector employees is being prepared.

- rights and obligations

The rights and duties of all employees are indicated in the *Labour code*. **The Czech Republic is one of the few countries where State employees do not have a different status to those in the private sector.**

Additional obligations for some employee categories are stipulated in legal texts (Act No.312/2002 Coll. on civil servant in territorial self-governing units).

Civil servants must **abide by the law, strive to serve public interest and remain impartial**. Civil servants at the central level and those in territorial self-governing units must also observe **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.

- social dialogue

Social dialogue is based on tripartite meetings between the unions (including the *Czech-Moravian Confederation of Trade Unions*, CMKOS and the Association of Independent Unions, ASO) and the State, represented by the Economic and Social Council.

Negotiations deal mainly with working conditions, pay, modernisation of the social security system, equal opportunity and training.

The result of the negotiations can be a legally-binding agreement for the parties, or a simple political statement.

- recruitment and training

There are **no legislative provisions defining** public sector employee **selection methods** at present. However, the texts stipulate that all recruitment offers must be **advertised** and a call for applications opened. The law under preparation should contain more details on the future recruitment procedure for the civil service.

Public sector employees are required by law to continuously improve their qualification levels. The State or local governments must offer guidance and help with training. The **State Administration Institute** provides continuous training for State employees and the **Local Government Institute** provides training for local government employees.

- remuneration and advancement

Chapter III of 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.

- **CURRENT REFORMS**

The State Administration Institute has been training Czech managers in the **Common Assessment Framework** (CAF) since 2005. A practical guide on the CAF was also published in 2005.

Continuing the reforms undertaken before membership of the EU in 2004, the government has strengthened these measures since then with the aim of:

- rationalising the operating methods and finances of the central administration
- improving the management and quality of service of the central administration

A **civil service status** is also being prepared. It should clearly define the working conditions of State and local government civil servants (pay, rights and obligations, recruitment).

- **FOCUS: the e-government program**

An e-administration development program was launched in 2004 to allow citizens to access administrative services more quickly, reduce costs and increase the transparency of administrative initiatives.

Computer links between the State and local governments, and between administrations and citizens, have been set up. In 2008, most public institutions possess their own web pages and several portals have been opened.

- www.epusa.cz: provides general information on the administrative structure of the country (number of municipalities, inhabitants).
- www.ramis.cz: offers access to administrative documents and explains certain administrative procedures.
- www.mool.cz: discussion forums on local issues, open to citizens.
- www.czech.cz: (available in French and English) provides general information on the government and current issues.



ESTONIA



Not yet validated by the country

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 42,200 km²
Number of counties: 15
EU entry: 2004
GDP: 13 billion euros
Population: 1.34 million
Number of public sector employees: 28,000
(with 70% in State administration,
14% in the career armed forces and
16% in local government)



- administrative and political organisation

Estonia is a **parliamentary democracy**.

The **Republic** of Estonia is a **unitary State**.

A **governor** represents the State in the 15 counties (*Maakonnad*). This governor is appointed by the Central Government, on recommendation by the Minister of Regional Affairs and after consultations with representatives of the county's local authorities. The Governor has a five-year term of office and is the head of the county's administration.

At the decentralised level, the 194 rural areas (*vald*) and 33 municipalities (*linn*) are competent especially in matters of education, public housing and leisure amenities.

• CIVIL SERVICE

- status and categories of public sector employees

The *public service law of 25 January 1995* specifies 3 categories of public sector employees:

- **officials**: staff elected or appointed in an administrative department. A distinction is made between State employees and local government employees.
- **support staff**: office staff employed in the administrative departments on individual private-law work contracts.
- **non-staff civil servants**: employees recruited for a limited period on individual private-law contracts.

- rights and obligations

Public sector employees are **entitled to remuneration**, specifically based on seniority, qualifications and number of languages spoken. They are **entitled to 35 days' leave** a year and 3-months' paid **training leave** every five years. Finally, all officials are **entitled to receive a pension**.

Public sector employees must **perform their functions** in a conscientious, impartial manner and seek to serve the public interest. Public sector employees must also give a report of their **economic and financial situation** in compliance with the provisions of the *anti-corruption law of 2002*.

Civil servants **do not have the right to strike**.

- social dialogue

The unionisation rate is fairly low in the Estonian civil service: less than 15% of public employees. During collective bargaining negotiations, public employees are represented by the Confederation of Estonian Trade Unions, while the employer is represented by an interministerial committee headed by the Minister for Social Affairs.

The subjects addressed concern primarily work conditions, salary, retirement system and public sector reform.

The results of the negotiations must become part of a law to be applicable.

- recruitment and training

Recruitment is not based on competitive exams in Estonia, but is performed at a **decentralised** level within each ministry or administrative office through interview and according to need. There is however an exception for **senior State civil servants**, who are recruited, promoted and assessed by the "**Committee for the Recruitment and Assessment of Senior State Civil Servants**", linked to the State Chancellery. The Head of State or local governments can also decide to organise competitive recruitment exams for certain positions.

Training is provided by Estonia's **universities** (Tallinn, Tartu, etc.), which offer degree programmes in public administration. The public service academy (**ATAK**) is in charge of continuing education for public sector employees.

- remuneration and advancement

Public sector employee **salaries** are determined by the *civil service law* and based on grade.

There is a **career-based system in Estonia**. Promotion therefore involves changing position. Supervisors recommend employees for appointment to a higher vacant position. An assessment committee then validates the promotion.

- special provisions for the Senior Civil Service

In 2004, special status was granted to senior civil servants. It applies to central administration secretary-generals, assistant secretary-generals in ministries, director-generals of agencies and county governors.

The law stipulates that senior civil servants of the State civil service must be recruited after taking open competitive exams. The criteria and selection methods are defined by the recruiting department. The candidates are then validated by the "**Committee for the Recruitment and Assessment of Senior State Civil Servants**" which organises **the recruitment procedure, promotion and assessment** of senior civil servants.

Senior civil servants are also **assessed on their skills**. The "E-competence center" IT program is used to archive and analyse all data on senior civil servants' competences.

- **CURRENT REFORMS**

A **framework document on the development of public services** was adopted in 2004 and updated in 2006. This document stipulates a set of measures aimed at enhancing public sector employees' qualifications, setting up a performance-linked pay system and aligning working and employment conditions in the public sector with those in the private sector.

In 2004, the "**Honest State**" **anti-corruption plan** was adopted. The State has since been promoting the code of ethics and ethics training is given to public sector employees.

Finally, a **ruling on strategic planning** was adopted by the government in 2005. Planning must allow the departments and agencies to plan and assess their activities. This system should eventually make it possible to organise the State budget more effectively.

- **FOCUS: National Strategic Reference Framework for improving administrative performance**

The **National Strategic Reference Framework** (NSRF) , adopted on 21 June 2007, defines the **development of "administrative capacity" as a national development priority**.

The framework aims to develop the **planning** system in the public sector to achieve this objective.

A system of **management through results** will also be set up to increase the efficiency of the administration.

Finally, **partnership agreements** with civil society and non-governmental organisations will be developed in upcoming years.

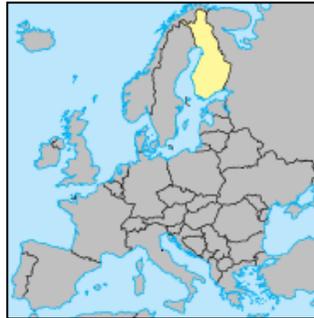


FINLAND

- **GENERAL DATA**

- **geographic, economic and demographic data**

Surface area: 338,145 km²
Number of provinces: 5
EU entry: 1995
GDP: 191 bn euros
Population: 5.3 million
Number of State employees: 124,000
(including 103,000 civil servants)
Number of public sector employees: 562,000
(including 430,000 in local government and
8000 in State companies)



- **administrative and political organisation**

Finland is a **Parliamentary Republic** since its independence (1917).
The central government is divided into 12 ministries and currently has 20 ministers.
At regional level there are **5 provinces** and the autonomous Åland Island. The provinces are headed by a **governor** appointed by the President of the Republic..
At local, there are **415 municipalities** and some 200 joint municipal authorities, which provide for basic public services for their inhabitants.

- **CIVIL SERVICE (2005)**

- **status and categories of public sector employees**

The Finnish state administration has two categories of public sector employees, civil servants and public employees..Civil servants (**83%**) are governed by *the State Civil Servants Act*. and public employees (17%) by the Employment Contracts Act. The rules which apply to them are quite similar to each other. Collective agreements are applied to both categories.

There are 12 ministries and some 120 agencies **operating under** their supervisory ministries.

- **rights and obligations**

Civil servants have basically the same rights as all citizens, e.g. they must not be subject to any type of discrimination.They should conduct themselves in a manner appropriate to their position. They have a duty of confidentiality and must perform their duties properly and without delay. They shall follow the orders of their superiors and supervisors. They may not demand, accept or receive any financial or other advantage if this may reduce confidence in them.

The Act of Openness of Government Activities and other legislation contain provisions on civil servants' secrecy obligations.

- **social dialogue**

The collective agreements on terms of employment relationship of civil servants and public employees are negotiated between the Office for the Government as Employer , Ministry of Finance and the representative unions. Labour market issues can also be agreed on at the local level. Local negotiations have increased in recent years, for instance as a consequence of new pay schemes. Government agencies and trade unions make agency-level collective agreements.

The collective agreement currently in effect for State public employees was signed for the period 2007 – 2010.

Between **80 and 90% of Finnish public sector employees are unionised.**

As a member of the CEEP¹, Finland's central government participates in European cross-sector social dialogue.

- **recruitment and training**

The Finnish civil service is a **position-based system**. The position-based system means , i.a., that advancement through seniority is not possible. However, some posts form part of a career-based system. This is the case for the armed forces and foreign affairs.

The government body responsible for strategic human resources management is the Office for the Government as Employer, which plans the broad outlines for managing competence, The practical solutions and operating models are however always chosen independently by each organization. The role of the human resources management is to support implementation of the operational strategy of the organization and to advance the effectiveness of its operations. Therefore, human resources management has been widely decentralised.

¹ European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

Public posts can be established within the limits of the budget appropriations for salaries. Civil servants are recruited permanently or for fixed-term. They may be laid off if the post becomes obsolete. Each ministry or agency organises the recruitment of its staff. The vacancy and the job description must be officially advertised. The applicant with the best profile is awarded the position following an interview; each recruitment body determines its own recruitment methods. The Finnish Constitution nevertheless lays down a number of minimum criteria: competence, ability and an awareness of what is in the public interest. Other conditions may be required such as education, experience and language ability (Finland has two official languages: Finnish and Swedish). In a large number of central government jobs a university degree is required. Any form of discrimination, gender-based or otherwise, is prohibited.

The public sector employer has a high regard for education and training, and the educational level in the state administration is high. There is no specific entry route to central government duties through education, the general education system produces new employees for the state. Each ministry and agency is responsible for developing the competencies of its staff. The employee has also a responsibility of his own. Every year, employees discuss any need for further training or other personal development needs with their supervisor

- remuneration

The pay schemes in the central administration have undergone a reform during the recent years and currently practically all public servants are within these schemes. The new pay schemes are based on job evaluation and individual performance appraisal. The general objective is to improve the correlation between jobs, performance and pay, to support the development of personnel competence, goal setting and assessment and to provide incentives for good performance.

- special provisions for the Senior Civil Service

There is no special initial training which is mandatory for senior civil servants. They can however attend special training courses, specifically on management issues. The senior civil servant recruitment procedure is the same as for other civil servants. The selection criteria are different due to the actual nature of the functions. For example, management competence and experience is essential. Senior civil servants are appointed by the Council of State or the President of the Republic. Senior civil service employees must declare their financial interests or any other commitments which may affect work on a specific topic.

• CURRENT REFORMS

Finland is currently undertaking a vast programme of reforms.

The Finnish Action Programme on Public Sector Productivity was launched already in 2003. Due to that, the ministries have developed a systematic way to improve their

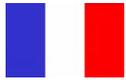
productivity since 2004. The Productivity Programme has to be drawn up in accordance with the guidelines of Government by every administration branch. These programmes are co-ordinated by the Ministry of Finance in close association with other ministries. In the Productivity Programme the ministries have included the main goals, activities, and their effects to the budget frame and plan since 2005, including the municipal sector and NGOs funded by state. The first phase resulted to almost 200 productivity development projects, including all of the administration branches. These projects included several cross-administrational projects. To sum up the concrete results, there appeared a possibility to decrease the number of staff by 9645 people by 2011.

The **Relocation Programme** should make it possible to transfer Central Government Functions from Helsinki to other Finnish regions. The aim is to relocate 4,000 to 8,000 government jobs beyond the capital city region by 2015'. This reform aims to ensure a more balanced development of the country. The purpose is to safeguard effective execution of government functions and ensure adequate staffing for government functions in future; to promote balanced regional development and foster employment in different parts of the country; and to base relocation decisions on uniform practice and democratic decision-making.

A **Regional Administration Reform** was launched in June 2007. The aim is to enhance the citizen and customer orientation of regional administration as well as to increase the efficiency and productivity of its functions and clarify the division of duties between the regional state administration and the Regional Councils representing the local governments in the region.

• FOCUS: creation of shared service centres

The management of some support functions such as financial or human resources management is being transferred to five agencies across the country. The creation of these centres makes it possible to achieve economies of scale, production gains and to create jobs outside of Greater Helsinki. The steering of a service centres will be based on the purchaser-provider model in which the user of services buys them from the service provider.



FRANCE

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 550,000 sq. km
Number of regions: 22
EU entry: 1957
GDP: 2,000 bn euros
Population: 65 million
Number of public sector employees: 5.2 million



- administrative and political organisation

The French Republic is a parliamentary democracy.
The State's central government is comprised of the various ministries in Paris, which in turn have regional and departmental directorates
The regions and the *départements* have jurisdiction over questions concerning vocational training, transport and public works.

- **CIVIL SERVICE**

- status and categories of public sector employees

France has **three branches of the civil service (central government, local government and hospital)**. Together, these branches employ 5.2 million people. Nearly half are employed by the central government civil service, 31% by the local government civil service and 20% by the hospital civil service.
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. Judges and members of the military are governed by special regulations.

- rights and obligations

The main obligations of civil servants involve professional discretion, informing the public, performing the tasks entrusted to them, following orders from superiors and discretion.

Their principal rights are: freedom of opinion (whether political, trade-union-related, philosophical or religious), the right to strike, the right to join a union, the right to ongoing training, the right to run for political office, the right to be compensated for work performed and the right to protection.

- social dialogue

In theory, trade unions cannot initiate collective bargaining. 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 eight major trade unions. Subjects discussed include compensation, working conditions, employee status, modernisation of the social security system, questions of training, health and safety, and the employment of people with disabilities.
Although the agreements reached are not binding, the political weight that they represent is definite.

Within the framework of social dialogue reform, on 2 June 2008, six trade unions signed the "Bercy Agreements". The goal of these agreements was 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.

- recruitment and training

Although civil servants can be recruited on a contractual basis, the principal path to the three civil service branches is via competitive examination.

The public authorities have set up several dozen schools and training institutes that specialise in training for civil servants.

These institutions have a twofold mission:

- Ensuring training for the successful candidates (practical and professional skills and working methods needed for various positions)
- Organising lifelong learning for civil servants

In addition, some schools have a mission with respect to international cooperation. These include the National School of Administration (ENA), the five Regional Administration Institutes (IRA) that offer training for standard government posts, and the Centre for European Studies (CEES) in Strasbourg, which provides training in European affairs.

Each ministry also has a number of schools and institutes that provide training for specific posts.

- remuneration and advancement

According to article 20 of the Law of 13 July 1983, compensation is based on the employee's grade and the rank he or she has achieved, or on the post to which he or she has been appointed.

Individual remuneration is determined by a civil servant's membership in a corps, depending on the person's grade within that corps. A civil servant's rank, to which a gross index is assigned, precisely sets out that person's position on the index scale that is common to all civil servants.

A harmonised, streamlined and more individualised bonus system, known as the "Function and Performance Bonus" (PFR) is currently being drawn up. This bonus will consist of two parts – 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.

- special provisions for the Senior Civil Service

Recruitment of senior civil servants is basically centralised. The ENA is the main pathway to senior positions.

Nevertheless, Decree no. 2005-1569 of 15 December 2005, which implemented the government's initiatives in terms of career advancement, makes it easier to recruit senior executives (*administrateurs civils*) 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, a practice that the government wishes to foster and encourage.

In addition, the age limit of 50, which up to now had applied to *tour extérieur* candidates, has been abolished.

Finally, as part of a policy to develop mobility between the three civil service branches, the decree stipulates that local government and hospital civil servants seconded into the corps of *administrateurs civils* may move there permanently after two years of service.

• CURRENT REFORMS

To meet these challenges, several 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 (RGPP), specifically the chapter on the State's human resource management.

Three major projects, led by the General Directorate for Administration and the Civil Service (DGAFP), will also be pursued in 2008. They are extensions to the tripartite consultations on

social reform held in 2007, and concern the purchasing power of civil servants, career paths and a renewed social dialogue.

• FOCUS: the General Review of Public Policies (RGPP)

The reforms approved by the Public Policy Modernisation Council will help improve the quality of public services and meet the objective of replacing only one out of two retiring civil servants between 2009 and 2011. The Council's decisions should represent some €7bn in savings by 2011. Half of this amount will be redistributed among civil servants.

The reforms involve:

- **modernising the ministries:** wide-scale reforms have been adopted for each of France's fifteen ministries in order to **refocus them on their core missions, better meet users' needs and improve efficiency**. Several ministries (including those of Defence, Sustainable Development and the Interior) already have a ministry-wide modernisation roadmap.

- **a series of cross-departmental measures:** these include a multiyear State budget, modernisation of the State's territorial organisation, streamlining internal procedures, modernising human resource management, improving users' reception by public services, modernising the State's support functions (payroll, real estate policy, and State purchases), and a "zero red tape" policy.



GERMANY

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 357,000km²
Number of Länder: 16
EU entry: 1957
GDP: 2,412 billion Euros
Population: 82.17 million
Number of public sector employees: 4.5 million



- administrative and political organisation

Germany is a **federal state** (the Federal State is the *Bund* and the Federated States are the *Länder*).

The **distribution of competences** between the Federal State and the Federated States is based on the principle of **subsidiarity**.

The Basic Law (*Grundgesetz*) clearly specifies exclusive and concurrent legislative competences and the cases where framework laws can be passed. The **Federation** is competent in most legislative power areas (defence, foreign affairs, nationality), while the **Länder** are competent in key areas such as education, culture and the police. In concurrent areas (civil law, criminal law, association law particularly), the Länder can only legislate if the federation does not exercise its power and it is not necessary to implement uniform legislation. Finally, the Federation can enact framework provisions that the Länder specify, but these must provide for a homogenous system throughout the country.

• CIVIL SERVICE

- status and categories of public sector employees

The Basic Law states the principle of the **unity of civil servants' status**, whether they serve the federation, the Länder or local government.

The *Civil Service Law*, in the *31 March 1999 version*, defines the status of federal civil servants.

The federation is competent in **defining the status of its own civil servants**, but also in **enacting framework provisions** concerning the status of all German civil servants. These provisions ensure a certain level of homogeneity between the different statuses.

The German administration has three categories of personnel:

- **Civil servants**, governed by the career system and generally occupying positions in traditional administration (management, police, education).
- **Employees and workers**: under the position-based system and private labour law contracts, but whose status provides them de facto with the same security.

- A small proportion of civil servants work at Federal level, but the bulk of local tasks is the responsibility of the Länder.
- The civil servants in the strict sense of the term are a minority compared with the public sector employees. Historical development has led to statutory and working conditions becoming almost identical, except that civil servants remain the elite and retain a symbolic supremacy over public sector employees.
- Representing 47% of the total, state employees are numerically dominant, while civil servants make up 38% and workers 15%. The number of state employees increased from 40% in 1989 to 47% in 2000, which is explained by the growing importance of service functions in local government.

- rights and obligations

The Basic Law requires civil servants to "respect the principles of the career civil service". This specifically implies a **duty to serve** (the administration may impose overtime) and a duty of **loyalty to the constitution**. Civil servants must observe **hierarchical obedience**, except if the administrative action requested is illegal (in which case, they must inform their supervisor to disclaim any responsibility) or may infringe human dignity.

Civil servants have the **right to exercise a political activity**, but must strictly observe **neutrality when on duty**. The employer has a duty to assist employees and their families. **Unlike state employees and workers, the right to strike is not recognised for civil servants.**

- social dialogue

Civil servants do not have the right to take part in collective bargaining. However, the 2 main **union federations**, the deutscher Gewerkschaftsbund (DGB) and the deutscher Beamtenbund (DBB) are **associated** by the Interior Ministry (BM) in the **preparation of legal provisions regarding civil servants**, such as working conditions, equal opportunity, training and reform of the public sector.

Around 40 to 55% of civil servants are unionised. The federations can intervene from the outset in the preparation of laws, decrees and regulations and issue recommendations or proposals. If these are not used by the executive power, they are added in the appendix as a preamble so that the legislator is aware of them.

- recruitment and training

The German civil service **does not have a centralised competitive exam system.**

Recruitment is organised autonomously by each authority.

Senior civil servants submit their candidature on the basis of a project, i.e. the contribution they propose to make to the civil service in terms of their know-how, experience or strategy. Innovations have also been introduced in the Länder to allow senior managers to be recruited on a temporary basis before they are given a permanent post.

- remuneration and advancement

A federal law sets the base salary which is the same for all civil servants (federal, federated, magistrates). **Allowances** may be added based on negotiations between employers and employee representatives.

Advancement is based on merit (by the grading system), **seniority and budget limitations.**

- special provisions for the Senior Civil Service

The spoil system used in the United States is also used in Germany. The **highest levels in the administration** (department directors, ministry secretary-generals), on the edge of politics, are occupied by **senior "political" civil servants** (*politische Beamte*). These civil servants generally come from the administration, but are selected according to political criteria. They are made available to the government to allow ministers to apply their policies.

• CURRENT REFORMS

A collective bargaining agreement signed on 13 September 2005 between the federal government, the Länder governments and the civil service unions proposes to completely overhaul various elements of the civil service.

It came into effect on 1 October 2005 and proposes a reform program based on the following:

- establishment of **legislative provisions which are the same for all public sector employees**
- **development of flexible working hours**
- remuneration based on performance and experience
- creation of **special provisions for some employees** (hospitals, airports).

• FOCUS: a merit-based pay system.

On 1st January 2007, the *law on civil servant remuneration* brought in a system of performance-related remuneration in the German civil service.

This law is based on the notion that promotion must not be the only incentive for public sector employees. A series of measures aimed at paying employees according to performance and workload was thus introduced.

1. **Status reform** (delegation, travel, temporary/part-time employment, management positions on a trial / part-time basis).

It was made possible to transfer civil servants to different positions, or even different locations, even without their agreement. Civil servants may now be transferred for a period up to 5 years even without their consent. This law also introduced flexibility allowing recourse to temporary staff. It also allows "Short-term Management Positions" ("Führungsfunktionen auf Zeit") and "Trial Management Positions" ("Führungsfunktionen auf Probe") to be appointed. These civil servants can be appointed on trial (for 2 years) and if their performance is unsatisfactory they can be dismissed. It has also been made possible to create temporary Director positions (two career periods of less than 10 years are provided for). These regulations are valid only for the Länder, and do not apply to Federal civil servants. At the end of the two periods the civil servant must be appointed for life. The aim is to be able to "sanction" civil servants whose performance is unsatisfactory.

2. **Introduction of performance incentives** in the salary structure.

The principle of seniority (i.e. salaries based automatically on length of service) has been modified. Alongside the length of service, the individual performance of an employee determines the rapidity with which he moves from one level of remuneration to another. No merit or performance payments may exceed 10% of employees' remuneration or 7% of the total salary bill for a given salary category. These are:

- **Performance steps.** They allow employees to be paid at the salary step above their current step, pending their arrival at the next salary step. To prevent systematic use of this provision, no more than 15% of employees in a department are allowed to benefit from it. This provision is also designed to reward exceptional performance and cannot be backdated by more than 3 months.
- **Performance bonuses:** allow employees to receive additional remuneration over a short period. The amount of these bonuses is determined by civil servants' results.
- **Performance allowances** are granted for good results obtained over a period from 3 months to 1 year. Civil servants can receive up to 7% more salary.
- **Allowances to reward an exceptional workload:** to reward employees who take on added responsibilities for a certain length of time (7 months to 5 years).



GREECE

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 132,000 km²
Number of regions: 13
EU entry: 1981
GDP: 208 billion euros
Population: 11.2 million
Number of public sector employees: 369,800
(with 25% in central administrations,
23% in local government, and
52% in public-law establishments)



- administrative and political organisation

Greece is a **parliamentary republic**. This traditionally highly centralised country has been moving towards increasing the competences and financial resources at local level for the last 15 years. In 1994, **52 departments** (*nomoi*) were created taking over the competences previously allocated to the Prefect. In the **13 regions** (*peripheria*, devolved), the State is represented by a **regional secretary-general**.

• CIVIL SERVICE

- status and categories of public sector employees

The Greek administration has three categories of public sector employees.

Civil servants' status is defined in the *Civil Service Code (law 3528/2007)* and who are governed by public law (constitutional, legislative and regulatory rules).

Public employees are governed by private law (*general labour code*) and some special rules (*presidential order 410/1988*). They are always granted permanent contracts.

Other contractual employees are recruited on a **temporary** basis for limited periods to cover special requirements and emergencies.

- rights and obligations

The Civil Service Code of 2007 acknowledges that civil servants have the same **civic, political and social rights** as other citizens. Employees have the **right to strike and to union membership**. Only police and armed forces staff do not have these rights.

Employees must abide by **the constitution and democratic institutions**. They must observe **professional secrecy**. Finally, public sector employees cannot have a second job which would result in a conflict of interests with their positions in the public sector.

- social dialogue

Law 2738/1999 provides the framework for organising social dialogue in the civil service. Negotiations between the State as an employer, represented by the Minister of the Interior, assisted if necessary by representatives of the other ministries concerned and the Supreme Administration of Greek Civil Servants Trade Unions (ADEDY) take place **once a year**. The main topics of negotiation are: **salary matters, training, the modernisation of the social security system, union rights, the working week and employee mobility**. Agreements on pay, retirement pensions or job creation are not binding on administrations, whereas those concerning matters of training, social security and union rights are mandatory.

- recruitment and training

Recruitment has mainly been based on **competitive exams** since 1994. The **Supreme Council for the Selection of Personnel** was created at this time and supervises the overall selection process.

The law states that the recruitment and appointment of local employees should take place centrally. However, in practice, each local government recruits and manages its own staff.

The **National Public Administration Centre**, created in 1983, is in charge of continuous training. The **National School of Local Government**, founded in 2007, trains local employees.

- remuneration and advancement

The civil service pay method was established in 1997. It is based on a series of **36 salary scales** according to employee category. Each scale is broken down into **18 levels**, each one with a base salary set by law. Employees change level automatically every two years.

Contractual employees' salaries are set by **collective agreements** concluded between the Interior Ministry, the Finance Ministry and the union organisations.

While the local governments are in charge of their employees' pay, remuneration is the same as for State civil servants.

Civil servants are promoted according to their academic qualifications, seniority and appraisal by supervisors.

- special provisions for the Senior Civil Service

The 2007 Civil Service Code defines highly specific procedures for selecting senior civil servants. Senior civil servants are recruited **based on three groups of measurable and objective criteria** with **coefficients** according to their importance. The final grade obtained is used to decide between applicants. The three groups of criteria chosen are qualification levels (diplomas, training), experience and ability to do the job (this criterion is generally assessed in an interview).

The senior civil servants are **in office for a period of three years**, and they must do a **specialised training** course prior to taking office.

• **CURRENT REFORMS**

A **public administration reform program** has been set up for the period 2007-2013, backed by the European Social Fund. The goal of this reform is to put an end to malfunctions in the Greek administration. Four courses of action have thus been defined:

- establishment of public quality policies, through modernising the regulatory framework, the reform of administrative structures and procedures,
- improvement of human resources management in the administration,
- reinforcement of public policies to fight gender discrimination,
- technical assistance and support.

• **FOCUS: one-stop shops**

There are over 1000 one-stop shops in Greece. These facilities **gather data and deliver various services** traditionally offered by the different administrations. Combined with the **call centres** and **web sites** offering access to a host of administrative documents, these centres provide citizens with **fast and effective services**.

The one-stop shops were created by *law 3013/2002*. **Authorisation from the Interior Ministry is required to open such a facility**. The local governments are in charge of their creation and management.

The one-stop shops bring administrative services to citizens in some enclave regions and generate savings in terms of the budget and human resources. This particularly innovating reform is financed as a pilot project by the European Union (75%) and by the Greek State (25%).



HUNGARY

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 93,000 km²
Number of departments: 19
EU entry: 2004
GDP: 94 billion euros
Population: 10 million
Number of public sector employees: 760,000



- administrative and political organisation

Hungary is a **parliamentary republic**.

It is a **decentralised unitary State**. Indeed, the central government has representatives in the **19 departments** (*Comitats*) which have wide-ranging competences. The main devolved authorities are the **Public Administration Offices**. Their directors are appointed by the Minister of Local Government and are under his supervision. Their role is to coordinate the activities of all the devolved departments and to control the legal nature of actions taken by the local governments.

On a decentralised level, the **19 counties** (*megyék*) have competences in matters of tourism, town planning and secondary education.

• CIVIL SERVICE

- status and categories of public sector employees

There are several categories of public sector employees in Hungary, each governed by a specific statute.

Law no. XXIII of 1992 defines the status of the 105,000 **civil servants**. It specifies their working conditions, pay and advancement and mobility conditions.

Law no. XXXIII of 1992 defines the status of the **public employees**.

- civil servants' rights and obligations

Hungarian public sector employees have the right to a **career in the public service and to training** and are entitled to paid leave. *Law no. VII of 1989* grants administrative staff the **right to strike** (except for employees from judicial bodies and the police).

Employees must observe the principle of **hierarchical obedience**, they are **liable in the case of damages** and some employees have to declare their interests.

- social dialogue

Social dialogue is organised on two levels.

- The **National Interests Conciliation Council of the Public Service** provides the framework for national negotiation on issues such as salary levels and the work organisation of civil servants, public sector employees and armed forces staff. The State is represented there by senior civil servants of the various ministries concerned.

- At **departmental level**, sector-based agreements are concluded with the unions.

Around 25 to 40% of civil servants are unionised in Hungary.

The parties involved in negotiations can decide to make the provisions of the agreement legally binding. Otherwise, the outcome of negotiations will be considered as simple recommendations.

- recruitment and training

Recruitment conditions vary according to employee status. They are **defined in the laws** governing the status of each group. In most cases, the positions must be advertised and recruitment should take place following a **competition procedure**.

The **recruitment system is decentralised** and each ministry or department defines its needs and selects its staff.

A **centralised competitive exam system for civil servants** will be in place from **1st January 2009**.

The **Corvinus administrative study university** offers diplomas in public administration. More detailed initial training for public sector workers does not exist.

Continuous training is delivered by the **Government Centre for Public Administration and Human Resource Services**, which opened on 1st January 2007 and offers training in a host of areas.

- remuneration and advancement

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 union representatives. This level cannot be lower than that of the previous year.

Moving up to a different level depends on seniority and merit. Movement to a higher grade is possible if civil servants meet the conditions set by their supervisor, pass the exam as required by law and if they are deemed to be apt.

- special provisions for the Senior Civil Service

Hungary's senior civil servants are subject to special provisions with respect to salaries and leave. Furthermore, they are required to declare all their ownership interests.

Senior civil servants have had to take **specialised training courses** since 2006. Disciplinary action is taken if they refuse to attend.

Some categories of senior civil servants do **not have the right to strike**.

- **CURRENT REFORMS**

Modifications were made to statutory laws in 2007.

- **Recruitment conditions** are now stricter for each category of public sector employees.
- **Performance assessment** has been generalised.
- Rewards are now based on **results**.

There are ongoing recruitment reforms (application system, competition exam).

- **FOCUS: the reform of administrative organisation**

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

- to **develop larger** agencies and institutions,
- to **reduce the number decision-making bodies,**
- to **abolish "duplicate" departments**
- to **merge** some services carrying out related activities,
- to renew **management** techniques,
- to develop the **provision of quality services**.

Most of these objectives are already achieved, some institutional development reforms are ongoing. The goal of this reform is to streamline State activities by clearly defining each department's missions and assignments. This reorganisation results in greater transparency and more effective controls.



IRELAND

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 70,000 km²
Number of counties: 26
EU entry: 1973
GDP: 191 billion Euros
Population: 4.2 million
Number of public **service** employees: 316,000



- administrative and political organisation

Ireland is a **parliamentary democracy** and has been a **Republic** since 1949.

At regional level there are 5 City Councils, 29 County Councils and 8 Borough and Town Councils. The main public services provided at regional level are housing and building, road transportation road safety, water supply and sewerage services, planning and development, environmental protections and recreational amenities.

• CIVIL SERVICE

- status and categories of public sector employees

The Minister for Finance has responsibility for the Irish Civil Service. Employment in the Civil Service is governed by the Civil Regulation Acts 1956-2005 and by the Public Service Management (Recruitment and Appointments) Act 2004.

Responsibility for the wider public service such as the health and education sectors, the police and the defence forces and other State agencies rests with the appropriate Ministers.

- rights and obligations

The Taoiseach (Prime Minister), Ministers of the Government, Ministers of State, members of the Oireachtas, the Attorney General, special advisers, directors of state bodies and designated public and civil servants must comply with the provisions of the Ethics Acts (i.e. the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001).

This requires, inter alia, furnishing statements of interests requiring registration (including gifts), where the interest could materially influence the person concerned in the performance of his or her official functions or duties, and the disclosure of conflicts of material interests.

Section 5 of the Civil Service Code (*circular 26/2004*) **prohibits public sector employees from engaging in political activities**. They must not express themselves in public debate (write in newspapers, express themselves in the media) except if this is required as part of their function.

Civil and public servants have the right to **join a union** and to **strike**.

- social dialogue

There is a long tradition of social dialogue in Ireland. National agreements are generally concluded for periods of up to 3 years. In the public sector, they deal with a range of topics including the modernisation of the public service, remuneration levels and working conditions. During central negotiations in the public sector, the employer's side is represented by the Department of Finance while the employees are represented by the 4 main public sector unions. Between 60 to **80% of Irish public sector employees** are unionised.

In principle, agreements reached following collective bargaining should be ratified by Parliament before becoming applicable. If negotiations break down it is possible to go to arbitration by a third party.

- recruitment and training

Recruitment to the Irish Civil Service is on the basis of competition. The Public Service Management (Recruitment and Appointments) Act 2004 governs recruitment to the Irish Civil Service. The Act established the Commission for Public Service Appointments (CPSA) and the Public Appointments Service (PAS).

The CPSA establishes the standards of probity, equity, fairness, selection on the basis of merit, protection of the public interest, implementation of best practice and good governance and other principles as they consider appropriate, to be followed, in the selection and recruitment of persons for positions in the Civil Service and other public bodies. The standards are set out in Codes of Practice for recruitment to positions in the Civil Service.

The PAS provides a centralised recruitment, assessment and selection body for the Civil Service and provides a similar service, where requested, to the local authorities and health sector, the Garda Síochána (police) and any other public service body.

On appointment, new recruits serve a one year probation period during which they are assessed as to competence and suitability.

The Department of Finance operates the Civil Training and Development Centre (CSTDC) which is responsible for ensuring a culture of continuous learning which supports a highly motivated, dynamic, flexible and responsive Civil Service. The **Institute of Public Administration (IPA)** also offers continuous training adapted to employees' needs.

- remuneration and advancement

Promotion is based on merit and suitability and mainly takes place following a competitive process during which the candidate is assessed against the competencies of the post for which they are applying.

- **CURRENT REFORMS**

The current Public Service modernisation programme has its origins in the Strategic Management Initiative which was launched in 1994 and has been developed through successive National Partnership Agreements.

In April 2008 the OECD published a review of the Irish Public Service, *Towards an Integrated Public Service*, which was conducted at the invitation of the Irish Government. This report also offers recommendations to continue modernising the public service. The main recommendations are as follows.

- continue to raise the **quality** of the services provided,
- increase **staff flexibility and mobility**,
- focus on **performance valuation**,
- continue the **e-administration program**.

A Task Force to develop an Action Plan for the public service was set up to implement these recommendations.

- **FOCUS: towards more flexible modes of recruitment**

The Public Service Management (Recruitment and Appointments) Act 2004 governs recruitment to the Irish Civil Service. In establishing the Commission for Public Service Appointments (CPSA) and the Public Appointments Service (PAS) the Act has introduced flexibility into the recruitment process for the Civil Service.

Recruitment to senior civil service positions has been opened, performed by special Top Level Appointments Committee (TLAC). The range of grades required to apply for these jobs has been widened.

To allow services to quickly recruit qualified staff, a new recruitment framework has been established. This allows ministries and agencies to recruit staff on contracts directly. This system makes the recruitment process more flexible.

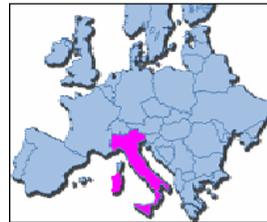


ITALY

- **GENERAL DATA**

- **geographic, economic and demographic data**

Surface area: 301,338 km²
Number of provinces: 110
EU entry: 1957
GDP: 1,400 billion euros
Population: 58.9 million
Number of public sector employees: 3.4 million
(15% civil servants)



- **administrative and political organisation**

Italy is a **unitary State**, although the constitution recognises the principles of territorial autonomy and devolution.

At decentralised level, Italy is divided into **20 regions** (with a high level of political autonomy, legislative and administrative), **110 provinces** (mainly in charge of development and planning of the province, provincial road system, enhancement environmental and cultural heritage, placement and school buildings) and **8000 municipalities** (with competences in municipal planning and economic development, environment, some public services to individuals and communities).

At local level, the government is represented by "territorial government offices". The prefect in territorial government is appointed at the Council of ministers.

- **CIVIL SERVICE**

- **status and categories of public sector employees**

The civil service reform of February 1993 instituted contract-based relations between public employees and the State (this process is also known as the "privatisation of public employment") leaving plenty of scope for collective bargaining. Most trade unions were also in favour of this reform, the aim of which was to put an end to certain privileges and vote-catching practices and to make ordinary rules of law applicable to the public administration. As a result,

civil servants are governed by private labour laws and disputes in which they are involved are mainly settled by ordinary judges. Some categories of personnel have not been privatised in order to guarantee their independence (sitting judges, public prosecutors, university professors, military personnel and police officers, diplomats and prefects). These categories have **civil servant** status, as defined by *the decree n. 165 of 30 march 2001*. Only 15% of public sector employees come under this status.

Most public sector employees are **contractual** staff governed by private law. Their status, working conditions and any specific details (salary increases, leaves, worktime and flexitime, professional content, relation with union, etc. recruitment via competitive exam, incompatibility with other jobs) are set out in **collective agreements**.

- **rights and obligations**

Public sector workers have the right to **freedom of speech, political freedom and to join a union**. **Striking** is authorised but for military and State police personnel is regulated by specific rules.

Civil servants must take an oath. Contractual employees have been dispensed from this obligation since 2001

Public sector employees have a duty of **efficiency, neutrality and professionalism**. They also have a duty of reserve and loyalty to the Nation.

- **social dialogue**

The **Agency for Public Administrations (ARAN)** have been representing the employer in collective bargaining negotiations for the entire civil service since 1993 (except for personnel governed by public law). ARAN membership is mandatory for all public administrations, which are consequently kept informed of progress in negotiations on a regular basis. As far as the employees are concerned, there are many unions and three main confederations. About 40 to 55% of public sector employees are unionised. Negotiations are carried out in 11 different sectors at the national and local level on matters relating to pay, working conditions, professional content, and equal opportunities. The resulting agreements are then integrated into the civil service-related laws and decrees.

As a member of the CEEP, central government in Italy participates in European cross-sector social dialogue.

- **recruitment and training**

The constitution establishes the **principle of competitive exams** when applying for public sector jobs, but accepts special **dispensations** through legal procedures.

Candidates applying for public sector employment must be in possession of their civil and political rights and have specific qualifications for some positions. Outside a certain number positions (officially listed) open to Italian nationals only, the Italian civil service is widely open to European Union citizens.

As a rule, **training is given on starting the job**. Civil servants must also work a 6-month **trial period**.

Continuous training is one of the priorities of the ministerial department of the civil service. It is **mandatory** and under the responsibility of the employee's administration. There are also

training centres like **the National School for Public Administration for State public sector employees, the School, the Local Public Administrations School, the Police School and the Formez** (Centre for Studies and training).

- remuneration and advancement

All automatic rises in public sector employee pay was stopped in 1993. Remuneration and advancement are determined by the collective agreements for the personnel. **Manager performance must be assessed annually.**

A change in "professional qualifications" (task and responsibility level) is achieved through a competitive exam and not advancement.

- special provisions for the Senior Civil Service

A new senior civil service was established following a *1993 legislative decree*.

The **recruitment** of senior civil servants is generally through a **competitive exam**. It is possible to recruit **specialists** not belonging to the civil service to fill management positions for a specified and limited period of time and for a **small percentage of positions only**.

Italian senior civil servants sign two **public-law contracts**: a **for a full-time employment and a private contract specific appointment for a period of 3 to 5 years**. These set the objectives to be achieved for the period and pay conditions. Part of their **remuneration is closely linked to their performance**

• **CURRENT REFORMS**

Modernizing Public Administration is a key issue for the Country as a whole. A 3-5-years plan defining performance objectives in the civil service should be shortly established.

This plan envisages a 20% rise in productivity in the public services to make . One out of eight people retiring will not be replaced and public administrations more efficient, reorganizing and digitalizing Public Administrations, enhancing quality and customer-citizen satisfaction. According to law 2008 administrations % of total expenditure Pexpenditure should be reduced by 40 billion euros over 5 years. Moreover the new plan provides for an enhancement of independence and responsibility of public employer in human resources management, giving him/her exclusive competence for staff appraisal, wage progression and reward of productivity and mobility.

• **FOCUS: contractualisation of the civil service**

Italy has been running a vast programme to contractualise the civil service since 1993. With the exception of diplomats, magistrates, members of the prefectural body, armed forces and the police force, civil servants now sign a private contract. These contracts are in line with those of the private sector. They are signed for a period of four years and salaries are negotiated every two years.

The aim of this reform was to considerably reduce staff in the public sector and lower personnel costs from 12.8% of GDP in 1990 to 10.5% in 2001. A law also defines an objective for reducing personnel expenditure by 1% a year. The recruitments planned in the Italian civil service are approved approximately every 6 months by the Council of ministers on proposals by the Department for Public Administration and must remain in line with this legislative target.



LATVIA

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 64,500 km²
Number of districts: 26
EU entry: 2004
GDP: 16.2 billion euros
Population: 2.3 million
Number of public sector employees: 241,500
(52% in State administration,
48% in local government)



- administrative and political organisation

Latvia is a **parliamentary democracy**.

The Republic of Latvia is also a **unitary state**. There is no State central administration as such at local level, but some services are provided by state agencies at regional level.

There are two main local self government levels in Latvia – 26 regions (*rajons*) and 524 local municipalities. In addition there are also 58 cities, 29 counties (novadi), 428 small rural municipalities. The regional municipalities are responsible in particular for civil protection, organization of public transport and teacher training; local municipalities provide social services, protection of minors, housing assistance and cultural amenities .

The administrative reform is taking place and it is planned to have only one-level local governments – 103 counties from the middle of 2009.

• CIVIL SERVICE

- status and categories of public sector employees

There are two categories of public sector employees in state administration:

- **Civil servants (13%)** are governed by the **State Civil Service Law of 2001**. This law applies only to 116 State administration institutions (ministries, agencies, etc.).
- **Public employees (87%)** working on job contracts and are governed by common **labour law**.

Civil service status is not introduced in local governments.

Local governments autonomously determine the status of employees who have restrictions as public officials under the law On Prevention of Conflict of Interest in Activities of Public Officials

- rights and obligations

The rights and obligations of State civil servants are laid down in *chapters IV and V of the State Civil Service Law*. They have duties of **neutrality and loyalty to the Constitution**. They are also **liable for the legal nature of actions taken when exercising their functions** and are obliged to refuse to execute an illegal order.

Civil servants have the **rights to receive a remuneration, to permanent employment and to upraise the qualification. It is not forbidden to join a union and to strike.**

- social dialogue

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 and protection of workers. Despite a low unionisation rate of around 15%, representative unions are regularly consulted and have, for example, been integrated into working groups responsible for putting the unified pay system into place (see focus).

The results of negotiations can take the form of legal texts, political declarations or simple agreements which are legally binding.

- recruitment and training

State Civil Service Law of 2001 stipulates that all civil service positions must be advertised and filled based on an **open competition**. The decision to recruit lies with the prime minister, a minister or director of the relevant institution, following recommendations by an assessment committee. Candidates are generally recruited based on CV, cover letter and interview.

Appointments to senior civil service positions must be approved by the government (Cabinet of Ministers).

State civil servants have a duty to "improve their skills according to the needs of their job".

Ongoing training of public sector employees is carried out by 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 can be organised by other institutions and the process has been based on public procurement procedure.

The **Local government training centre** is in charge of training local government employees. This includes training of teachers, social workers, etc.

- remuneration and advancement

The **general pay principles** for public sector employees are laid down in the *Labour law* or the *State civil service law and in the regulations of the Cabinet of Ministers*. There is an unified pay system (based on the same principles) both for civil servants and public sector employees. In general, the salary depends on the level of complexity of the position (67%), performance (23%) and seniority (10%).

The salaries of other public sector employees (local government employees, teachers, police officers, etc.) are stipulated in *specific laws*.

Advancement depends on employee **evaluation** and the **level of complexity** of the position.

- **CURRENT REFORMS**

The State Chancellery has initiated a vast human resources development programme in 2003. This programme includes different initiatives aimed at improving personnel management procedures and enhancing employee performance.

- The State Chancellery, in conjunction with the Ministry of Finance, is currently setting up a **unified pay system** for all State employees. This reform will provide a transparent, fair and motivating pay system.
- A **competence-based personnel management system** is being set up to manage the recruitment, appraisal, training and pay of employees.

- **FOCUS: a unified pay system**

Till 2006 the salary payment procedures of public sector employees were governed by 21 different laws and regulations.

A concept establishing an unified pay system for all public sector employees in state administration was adopted by the government on December 2005. The **new system was introduced starting from January 2006** and it is **in full scope since July 2007**.

Based on the regulations of government all public sector jobs in state administration are classified in job families and levels and 1 of 16 salary groups is allocated to every level.

The wage groups are also reassessed every year according to salary levels in the private sector and taking into account the amount of state budget.



- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 65,300 km²
 Number of counties: 10
 Number of municipalities: 60
 EU entry: 2004
 GDP: 98139 mln Lt
 Population: 3,376 million *
 Number of civil servants: about 52,000 (2007)



- administrative and political organisation

Lithuania is a **Parliamentary Republic**.

Lithuania is a unitary State which consists of 10 higher administrative units and 60 local self-government entities.

*The Law on the Governing County adopted on 15th December 1994 created 10 counties (apskritis) which represent the central State at higher administrative level. The counties are headed by a **governor** appointed and removed by the government on the prime minister's recommendation. The county's administration must implement the policy defined by the State in terms of education, town planning and agriculture in particular.*

The **municipalities** are the administrative units of the State which have the right to self-governance guaranteed by the Constitution.

Municipalities act under *the Law on Local Self-government*. According to discretion to take decisions, the functions of municipalities are divided as independent and state ones.

- **CIVIL SERVICE**

Civil service in Lithuania means the legal relations arising after the acquisition of the status of civil servant as well as those resulting from the public administrative activities.

- status and categories of civil servants

About 27, 000 employees with the legal status governed by the Law on Civil Service are career civil servants, civil servants of political confidence and heads of institutions. The **Law**

on Civil Service (2002) created favourable preconditions to develop an open, size restricted Lithuanian civil service.

About 25, 000 employees with the legal status governed by the statutes are statutory civil servants (i.e. diplomats, police, customs officers, etc.). Officers holding a status not specified by the **Statutes or the Law on Diplomatic Service** are subject to the provisions of the Law on Civil Service;

- rights and 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**.

Career Civil servants have the **right to a career** in the administration. Civil servants also have the **right to strike** (except for certain civil servants' categories). They can also be members of **political parties and trade unions**.

- social dialogue

Collective bargaining between government representatives, employers' organizations and trade unions take place within the Tripartite Council of the Republic of Lithuania, composed of permanent members, representatives of the three main unions and representatives of the ministries concerned. Negotiations mainly concern pay and working conditions. The agreements signed are legally binding on the parties.

Less than 15% of civil servants belong to a trade union.

- recruitment and training

Conditions to enter the civil service are related to citizenship, age (between 18 and 65), education (level depending in the position required) and language proficiency .

The procedure of recruitment in civil service depends on what position the person is recruited. Each department or institution organises the recruitment in compliance with the provisions of the *civil service law* and the *procedure for organising civil service competitive exams*. A notice of a competition for heads of institutions positions or career civil servants positions must be published in the official gazette and in the Civil Service Department website www.vtd.lt. 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 procedure of recruitment for positions of civil servants of political confidence is not regulated – the entire procedure covers only the adoption of a recruitment order by the person recruiting civil servant.

Training is organised according to the *Civil service law* the *Training strategy* defined by the government for the period 2007-2010.

It is a **decentralised training system**: 133 training centres have been certified by the Minister of the Interior to deliver training courses to civil servants.

The **Lithuanian Institute of Public Administration** is one of these centres, delivers training on issues relating to human resources management, European integration and for civil servants of 18-20 categories (highest categories).

* Department of Statistics to the Government of the Republic of Lithuania

- remuneration and advancement

A unified pay scheme for the entire civil service has been set up in the Law on Civil Service and is applied since 2002. The basic salary is determined for the category of the position and is the same for all positions in the same category. The category depends on the group of institution where a civil servant is assigned. Categories are attributed in accordance with a unified methodology for job assessment within the administration. Remuneration consists of basic salary, bonus and additional pay.

An **annual performance assessment** appraises the performance of the civil servants. A very good assessment can accelerate promotion and an unsatisfactory one may lead to the civil servant being downgraded or even dismissed (after two unsatisfactory assessments).

- special provisions for the Senior Civil Service

There is **no specific** senior civil service **status**. But there are some special provisions for the heads of the institution and civil servants of 18-20 categories (the highest categories) These civil servants are recruited through competition on the basis of political (personal) confidence.

There is **specialised training** for these civil servants: they shall complete the approved training programmes within two years after their appointment to the office.

Civil servants occupying the position of the head of a department in a state or municipal institution or agency and any other senior position do not have the right to strike.

• CURRENT REFORMS

On 28 April 2004, the government approved the **Public Administration Development Strategy for 2004- 2010** in which the main objectives are to strengthen administrative capacities and improve the image of the civil service.

• FOCUS: performance assessment procedures

The Lithuanian *civil service law* provides for an assessment of civil servants performance.

All heads of institutions, career civil servants and acting civil servants are assessed at the end of each calendar year. The civil servants of political confidence are not assessed.

The assessment interview with the direct supervisor must include an **analysis of the results** obtained by the civil servant according to each accepted assessment criterion, definition of the level of performance achieved (excellent, good, satisfactory, and unsatisfactory) and **proposals regarding training**. After the interview, the civil servant must read and sign the conclusions from the assessment.

An assessment commission then meets to analyse the conclusions given and calls an interview with the civil servant. Depending on the appraisal, the assessment commission can

propose developments in terms of career and pay (promotion, qualification class, bonus, training, or otherwise downgrading or dismissal).



- **GENERAL DATA**

- **geographic, economic and demographic data**

Surface area: 2600km²
 Number of districts: 3
 EU entry: 1957
 GDP: 33 billion euros
 Population: 476,000
 Number of State public sector employees: 22,089
 (67.4% civil servants)



- **administrative and political organisation**

The Grand Duchy of Luxembourg is a **constitutional monarchy**. State administration depends on the central government and the **3 districts** at devolved level. The districts are governed by a **commissioner** appointed by the Grand-Duke and placed under the surveillance of Ministry of Interior. The Grand Duchy is also divided into **116 municipalities** which are mainly in charge of water distribution, local road maintenance and infant and primary school education.

- **CIVIL SERVICE**

- **status and categories of public sector employees**

Luxembourg's administrative law distinguishes between different categories of personnel. The **State civil servants** have a status regulated by the *amended laws of 16 April 1979 and 22 June 1963*. **Public sector clerical employees** have a status defined by a set of alternative or additional rules to the civil servants' status. Certain points such as continuous training or allowances are covered therein. **State manual workers** are covered by a collective bargaining agreement. **Local government officers** have a status regulated by the *amended law of 24 December 1985*.

- **rights and obligations**

Employees benefit from **social rights** as part of their functions, such as pay, leave, etc., and **freedom** to join a union, freedom of speech, and the right to strike, except for some agents due to the nature of their function. Their status also obliges them to comply with certain obligations which are stipulated in the law of *19 May 2003*. Employees must therefore be **permanently available** with respect to their function. They also have a duty of **presence, appropriate conduct and loyalty**.

- **social dialogue**

All questions relating to working conditions, pay and civil servant status are dealt with during **negotiations at central government level**. The agreements are negotiated between the employer State (represented in negotiations by the Minister of the Civil Service and Administrative Reform) and the representative unions (the General Civil Service Confederation for the State civil service). **These agreements are binding for the administration** and result in the drafting of legal texts. The negotiated provisions remain **in effect for three years**.

- **recruitment and training**

The conditions for joining the civil service (nationality, possession of civil and political rights, qualifications, knowledge of three languages, physical capacity) are listed in the status. The candidates have to sit **preliminary tests** to check their linguistic level, prior to sitting a **competitive exam**. The Ministry of the Civil Service and Administrative Reform determines the classification of candidates. A **training period of two to three years** takes place before **permanent tenure** and the civil servants must then take an oath before their minister.

The **right to continuous training** is not expressly recognised in the status. The **National Institute of Public Administration** created by the *1999 law* ensures the professional training of State and municipal staff during their training period, in addition to continuous training.

- **remuneration and advancement**

Salaries are paid in advance. They comprise a **base salary** (which varies according to grade and level) expressed in **index points**. The value of the index point is determined by the legislator mainly according to consumer prices. Employees may also receive **additional remuneration** (allowances, end-of-year bonus).

Advancement is automatic and based on seniority. The law of 2003 introduces the principle of **annual interviews**, but employee assessment is not stipulated in the status.

- **special provisions for the Senior Civil Service**

There are **no specific rules** governing recruitment or training for senior civil servants. However, the *law of 9 December 2005* limits the **term of office to 7 years** for some civil servants occupying management functions in State administrations and departments.

- **CURRENT REFORMS**

An **e-governance master plan** has been in place since 2005. It aims to create an efficient administration by setting up effective tools and raising the quality of services offered to citizens (websites, electronic portals, guidance in organisational reforms). The Coordination Committee for State modernisation monitors the various ministerial activities in terms of e-governance.

In 2003, article 19b was inserted into the general civil servant status of 1979 providing for the **introduction of tele-working in State administrations**. Pilot projects are currently being tested in some State administrations, but these are limited to a period of one year. The system should be extended once new regulations have been drafted and come into effect based on proposals by an inter-ministerial task force.

- **FOCUS: organisation of a Common Assessment Framework (CAF) for the Civil Service**

The **civil service Common Assessment Framework (CAF)** is a methodological tool used in Luxembourg to **support the public administration in an improvement strategy**, based on the principle of total quality management. This tool is used to **assess administration organisation from different standpoints**. It is based on the notion that significant levels of performance are possible through the ability of managers to provide motivation in terms of strategy, planning, management of staff and partnerships.

The CAF is the outcome of cooperation between the ministries of the EU countries in charge of public administration. It was presented for the first time at the European conference on the quality of public services in Lisbon in May 2000. The 2006 version, which is used in Luxembourg, was presented at the **4th Quality Conference in Tampère**.

The Ministry of the Civil Service and Administrative Reform set up a CAF program to encourage administrations to adopt management through quality, to back administrations engaging in improvement programs and to promote self-assessment. **Five working areas** have been developed since 2006:

- **Communication and awareness initiatives** are under way with the relevant administrations.
- **Coordination and management initiatives** have been set up to monitor and orient the actions undertaken.
- To reinforce the drive for change and support exchanges between the bodies involved in improvement projects, the administrative entities have been grouped in "**clusters**".
- The ministry is setting up initiatives to **implement tools and develop skills** in management through quality.
- Finally, a **road map of best practices** has been drafted along with the **definition of a framework for transferring these practices**.



MALTA

 Not yet validated by the country

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 316km²
Number of regions: 3
EU entry: 2004
GDP: 4.5 billion euros
Population: 400,000
Number of public sector employees: 41,000



- administrative and political organisation

Malta is a **parliamentary democracy**.

The Republic of Malta is a **unitary State**.

There are **three regions** at decentralised level and these comprise a variable number of municipalities. The **68 municipalities** are competent in matters such as healthcare, administration or education.

- **CIVIL SERVICE**

- status and categories of public sector employees

41,000 personnes are employed in the public sector in Malta. Employees are divided into two categories:

- **70% of public sector employees work for the central administration**. Their status is regulated by a **collective bargaining agreement** which sets the salary level and employment conditions. Category agreements govern the more specific aspects of the job for each category of employee.

- **About 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 statuses of employees in these entities.

- civil servants' rights and obligations

The **Public Service Management Code (PSMC)** 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 these employees is subject to certain limitations. These mainly apply to senior civil servants and their aim is to allow senior civil servants to continue in office regardless of the political leanings of the government.

- social dialogue

The trade unions, grouped together within the Confederation of Malta Trade Unions (CMTU), 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 Ministry of Finance and the Prime Minister's services.

- recruitment and training

Public sector employees can be recruited by **competitive exam or after an interview**. The Public Service Commission, an independent organisation established by the constitution, and the prime minister control the selection process.

There are three training options for public sector employees.

- The **Staff Development Organisation (SDO)** is a central training agency delivering courses in various fields (management, European affairs, languages). Only State employees can take advantage of this training.

- **The Institute of Public Administration and Management (IPAM)**, in conjunction with the University of Malta, offers university training to serving employees and future public sector employees.

- **Special training courses** are delivered in each ministry and agency according to needs.

- remuneration and advancement

Public sector employees have a grade with a salary scale defined by the collective bargaining agreements.

Promotion is possible via two mechanisms:

- after passing **internal competitive exams** (written exam and interview)
- on a **selection** basis.

- special provisions for the Senior Civil Service

Senior civil servants are subject to **restrictions** regarding **freedom of speech**.

Some of these employees can be employed for **short-term contracts**. This system is used to attract personnel with special skills to the senior civil service. Senior civil service employees can be recruited from the private sector or the civil service.

- **CURRENT REFORMS**

The centres and training procedures are currently undergoing a period of change and consolidation. **The Center for policy and training** should soon gather the SDO and the IPAM. This centre will be managed in conjunction with the University of Malta. The goal is to create a tailored structure for training public sector employees and proposing courses at local level.

A **draft civil service law** was under discussion in June 2008. This law offers solid foundations for the civil service, the definition of a clear ethical framework and the development of an effective public service.

- **FOCUS: new information and communication technology**

The Maltese government has been investing massively in new technology since the beginning of the nineties. **E-government** (access to administrative documents online) and **m-government** (access to documents via mobile phones) **programs** have been developed.

Over 95% of administrative documents are now accessible online and the government has signed partnership agreements with Microsoft and Hewlet Packard.

The Ministry for Information Technology and Investments is also developing services accessible from mobile phones. Citizens can already consult summons before the courts, exam results, notices to renew driver's licences, etc. It should shortly be possible to inform them by text message if their children are not at school, of urgent needs for blood donors or bus timetables.



NETHERLANDS

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 41,900km²
Number of provinces: 12
EU entry: 1957
GDP: 529 billion euros
Population: 16.4 million
Number of public sector employees: 1 million
(12% in State administration)



- administrative and political organisation

The Netherlands is a **constitutional monarchy** with a **parliamentary regime**. The administration of this kingdom is divided into three levels: central and, at the **decentralised level**, provinces and municipalities. The **12 provinces** (*provincies*) are competent in a number of areas, in most cases in association with central government (law and order, culture, leisure and transport) or the municipalities (housing and social services). The **467 municipalities** (*gemeenten*) also share competences with the government in matters such as housing, tourism and primary education.

• CIVIL SERVICE

- status and categories of public sector employees

There are two categories of public sector employees in the Netherlands.

- The **civil servants** have a **public-law status**. Their employment **conditions are very similar to those of private-law employees**. This situation is the result of a policy aimed at bringing the status of public sector employees into line with the general conditions prevailing on the labour market. This is referred to as "normalisation". Indeed, civil servants do not have tenure and have no entitlements in terms of becoming career civil servants in the administration. Most public sector employees in the Kingdom of the Netherlands have the status of civil servant.
- The **contractual employees work on contracts governed by private law**. This type of contract was stopped in 1993 meaning that this category of employee will **eventually disappear**.

- rights and obligations

Civil servants have the same social and political rights as private-sector employees. They can fulfil administrative functions in one local or regional government authority concurrently with functions as elected representative in another local or regional government authority. They may not, however, fulfil administrative functions and hold a position in national government at the same time.

Legal texts do not recognise civil servants' right to strike. However, since 1980, the European Social Charter, directly applicable to the Netherlands, grants this right to all employees. Civil servants' right to strike is regulated by case law and restricted for some categories of employees (armed forces, police, railway personnel, senior civil servants). Public sector employees are bound by a duty of **neutrality, loyalty, discretion and compliance with professional secrecy**. The civil servants may join unions and political parties, however they must secure that they behave in accordance with the obligations of the function.

- social dialogue

Any changes in the working conditions and pay of public sector employees are negotiated by the employer, represented by the Ministry of the Interior, and the four main trade unions. About **30% of public sector employees** belong to a trade union. Any agreement reached by the parties at the collective bargaining table is legally binding. As a member of CEEP¹, central government and the Municipalities in the Netherlands participate in European cross-sector social dialogue.

- recruitment and training

There is **no formal competitive exam procedure** in the Netherlands. The recruitment procedure starts with consultation of the **register of civil servants** available or wishing to change function. An open **call for applicants** is then issued, first within the ministry concerned, then in the press. It includes the job description and training and experience required. The department head is granted relatively wide scope in selecting staff. A system of **positive discrimination with respect to women exists for management positions**. According to another provision, at least 2% of vacancies are reserved for disabled applicants.

There is no **initial training system** for civil servants in the Netherlands. A highly developed continuing education system is available to all employees via the **ROI** (*Opleidingsinstituut voor de Rijksoverheid* or the Central and Local Government Training Institute). Also **EIPA** in Maastricht provides training in the field of European knowledge and public tasks.

Human resource management in public administrations is highly decentralised and standardisation has been hard to implement. The provinces and municipalities also have the

¹ European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

power and responsibility to adopt their own regulations, however within limits set by the Civil service Law. This obliges them e.g. to formulate integrity-policies.

- remuneration and advancement

Remuneration in the Dutch civil service is mainly based on the **position** occupied (except for diplomats) and **employee assessment**.

There is a salary scale for each grade (19). Civil servants' remuneration rises until the top of the scale is reached. Each employee receives an annual salary increase after a year in the position if his/her work is deemed satisfactory.

A **merit-related allowance** may be granted for exceptional work. This is not an entitlement and will not necessarily re-occur the following year.

This is a **position-based system**, so employees cannot theoretically **claim any right to advancement**. However, job vacancies are systematically offered to civil servants and there is little outside demand to enter into the civil service. Civil servants can therefore build their career in the civil service.

- special provisions for the Senior Civil Service

A **new civil service** (Senior Public Service: SPS) was established in 1995. The SPS is composed of civil servants in management positions and can be broken down into three levels of responsibility:

- **the top management group**, comprising the highest-ranking officials (secretary-generals, director-generals and agency directors). They are appointed to office for a non-renewable period of 7 years;
- **grade 17 and 18 civil servants**, in coordination and management positions on contracts of 3 to 7 years;
- **grade 15 and 16 officials**, forming the SPS "breeding ground".

The **management of senior civil service employees is highly centralised**. From the 17th grade, the list of all the vacancies must be forwarded to the Office of the Senior Public Service. These positions are open to both internal and external applicants. It then prepares the job description and the list of candidates with the required profile in conjunction with the recruiting ministry.

Senior Public Service officials benefit from further and specialised training programmes. These focus in particular on matters of administration, management and leadership.

The Office has initiated a programme aimed at promoting the recruitment of employees from ethnic minorities. In terms of gender equality, the goal is to have 25% of senior civil service positions occupied by women by 2011.

• CURRENT REFORMS

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 policies and their performance), the government has now put the emphasis on reducing administrative costs ("better regulation") and the number of civil servants.

A 2008 reform plans to **cut staff levels** in central administration. The new action plan called "Improving Central Government" ("Vernieuwing Rijksdienst") aims to reduce the central government work force by 12,800 FTE (full-time equivalents) (out of a current total of 175,000 FTE or even 189,000 counting vacancies) and thus save €30 million by 2011. At the same time, the government will endeavour to enhance the quality of central government services through improved policies and lower costs. This action plan will go hand in hand with a wage increase and a special €500 million fund to pay for retraining.

In order to meet this target, the term central government has been defined as all the ministries and their agencies, together with some thirty independent administrative bodies ("Zelfstandig Bestuursorgaan – ZBO"), which are wholly or partly financed by third parties. Agencies and ZBOs must specify the number of job cuts in their annual reports. Each ministry must set up its own action plan, as well as for the associated ZBO(s). The reduction in work force shall be unequally distributed in the various sub-strata of these administrations: 20% in political services, 25% in support, 20% in inspection and 10% in the political executive.

The Dutch government will ease and promote the mobility of civil servants and ask them for greater flexibility than before. Civil servants whose job is destined to disappear will be assisted by the "Civil Servants' Mobility Organisation" ("Mobiliteitsorganisatie"), which is made up of civil servants from various ministry human resource services. The task of this organisation is to find them another position either inside or outside government services. There are no plans for compulsory redundancies. Civil servants will not be replaced when they retire and civil servants whose jobs are to disappear will find another job thanks to the civil servants' mobility organisation. Each year, some 7,000 employees leave Dutch central government jobs. With a planned average reduction of 3,200 FTE a year, central government nevertheless has to go on recruiting civil servants. A new campaign called "Working for Central Government" ("Werken bij het Rijk") was launched in 2007 to attract new employees, with a special focus on young graduates.

• FOCUS: reconciling public and private sector working and employment conditions

The working and employment conditions of civil service employees are very similar to those of private sector employees.

All differences between the public and private sectors have gradually disappeared. However, the administrative judge remains competent in the case of disputes regarding breach of employment contracts.



POLAND

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 312,500km²
Number of regions: 16
EU entry: 2004
GDP: 306 billion
Population: 38.2 million
Number of public sector employees: 3.5 million.
Number of civil service corps members: 120 000



- administrative and political organisation

Poland is a **parliamentary republic**. State administration is ensured by the **central administration departments** and by so called governmental administration in region - *Voivodes* (**prefect**) appointed by the government at devolved level, in each voivodeship (16) and other regional governmental administration (tax administration, inspections, guards, inspectorates etc.).

At decentralised level, Poland – unitary state – has **16 regions** (*voivodeship*), with competences in highways and development policy, **379 counties** (*Powiaty*), which manage environment and employment issues and **municipalities** (*Gmina*), with competences in education, public transport and housing matters.

• CIVIL SERVICE

- status and categories of public sector employees

The act on civil service of 24 August 2006 governs the status of at the **civil service corps members** at central and devolved level. There are two categories of the civil service corps members:

- **civil servants** employed on the basis of nomination
- **civil service employees** employed on the basis of labour contract.

Amongst **120 000** civil service corps members about 6000 represent nominated civil servants and the rest – civil service employees.

Local (self) government employees are not included to the civil service and are governed by a *1990 law*.

- rights and obligations

Polish civil service corps members are subject to a series of obligations such as **impartiality, neutrality, professional secrecy** or the proper management of public resources. They are also obliged to develop their professional knowledge, behave in dignified manner in and out of service. They cannot manifest their political beliefs, shall not be allowed to combine employment with the civil service with a councillor's mandate. There are also some restrictions according additional income-generating activities. Some of these obligations are stipulated in the law and in *ethics code of 11 October 2002*. Civil service corps members are **disciplinarily liable** for breaching the duties.

Polish Civil service corps members have certain rights including the right to remuneration, paid leave, parental leave, disability pension benefits, retirement pension benefits. They do not have the right to strike.

- social dialogue

The two main trade unions in Poland are: the **National Union Convention** (OPZZ, with democratic leanings), **Solidarnosc** (leanings to the political right) and Trade Unions Forum (FZZ).

Civil servants do not have the right to conclude collective agreements. However, **informal meetings** between trade unions and representatives from the Chancellery of the Prime Minister take place a few times a year. These discussions enable the government to **consult** the trade unions regarding their opinion on proposals and drafts for legal acts but the results of them are not legally binding.

- recruitment and training

The general-law rules for recruiting staff are **openness, transparency and competitiveness**. Any citizen is entitled to reach full information about vacancies in the civil service by open information in an office and by announcement in the *Bulletin of Public Information*. **All vacancy are published in internet**. Process of recruitment is decentralised – organised in details by relevant Directors General.

The employment relationship of the 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, not exceeding three years. To become a civil servant, civil service employee must fulfil some formal requirements and pass an examination or graduate the National School of Public Administration.

The employees are also trained throughout their career. There are central training - planned, organized and supervised by the Head of the Chancellery of the Prime Minister, and general training, special training and Civil Servant's individual professional development program - planned, organized and supervised by a relevant Directors General. Some trainings are organised by the National School of Public Administration.

- remuneration and advancement

Remuneration budget level for each office is set by the Government. Individual employee remuneration level is set by each employer (office), and must be consistent with legal provisions regarding civil services and take into account job evaluation results.

Advancement is not automatic, but based on merit.

- special provisions for the Senior Civil Service

Employees to fill high-ranking state posts are appointed from the **State Staffing Pool** which is a set of candidates who are nominated civil servants, have passed special examination organised by the National School of Public Administration. Once appointed, senior civil servants work on a permanent term, but labour relation on the basis of such appointment is very weak and may be terminated very easily. There is no legal training obligation of these particular employees. However, in practise, most of them participate in courses organized by the Chancellery of the Prime Minister and dealing with issues such as leadership, transparency of the public administration, public finance and public procurement, rules and regulations of the EU and human resources management.

• CURRENT REFORMS

Following the adoption of a resolution by the Council of Ministers in 2008, an important reform of the civil service is currently on the agenda. This resolution aims to restore an appropriate role of the Civil Service and to implement effective mechanisms of human resource management.

The main goals of the reform are:

- bringing existing regulations into compliance with the Constitution
- instituting a separate body competent in civil service matters,
- building uniform and consistent human resources management system,
- including executive positions back into the civil service,
- staffing senior positions in the civil service by way of an open and competitive recruitment process and/or in-service promotion.

The legal basis of these changes have already been adopted by the Parliament.

There are also reforms in progress in the field of remuneration system aiming at creating more unified and consistent system for whole civil service, job evaluation, better link between pay and performance.



PORTUGAL

- **GENERAL DATA**

- **geographic, economic and demographic data**

Surface area: 92,152 km²
Number of districts: 18
EU entry: 1986
GDP: 162,9 billion euros
Population: 10.4 million
Number of public sector employees: 747,880
(75,5% State employees, 17,5% local government employees)

sources: INE; Portuguese Public Administration Human Resources characterization – 2005; Government portal (02.12.2008)



- **political and administrative organisation**

The Portuguese Republic is a democratic State based upon the rule of law, the sovereignty of the people, the pluralism of democratic expression and democratic political organisation, and compliance with fundamental rights and freedoms and the separation and inter-dependence of powers.

Portugal is a **unitary State** that is structured and functions under the rule of the self-governing system of the islands and the principles of the subsidiarity, the autonomy of local authorities and the democratic decentralisation of the public service. The archipelagos of the Azores and Madeira form autonomous regions with their own political and administrative statutes and their own institutions of self-government. The organs with supreme authority are the President of the Republic, the Assembly of the Republic, the Government and the Courts. The formation, composition, powers and operation of the organs with supreme authority are governed by the Constitution.

As stated in the Constitution until the administrative regions are fully established, the areas not covered by them shall continue to be divided into districts. Each district shall have, on conditions to be determined by law, a deliberative assembly composed of representatives of the municipalities. The civil governor, assisted by a council, shall represent the Government and shall exercise powers of supervision in the area of the district.

Source: Government portal (02.12.2008)

- **CIVIL SERVICE**

- **status and categories of public sector employees**

The legal system governing Portuguese public sector employees is not based on a single text, but a set of constitutional, legislative and regulatory standards.

Until 31 December 2008 the Portuguese civil service will have two types of public agents:

- Civil servants, appointed under public law;
- Contractual staff:
 - Staff with an employment contract under public law (provisional administrative contract);
 - Staff with an employment contract under private law (for a fixed or unfixed period or for an indefinite period).

As of 1 January 2009 we will have three forms of legal public employment:

- Appointments under public law (lifetime tenure or fixed term post);
- Employment contract in public functions (for an indefinite period and on a contract for a fixed or unfixed term);
- Limited executive tenure (performance of posts not integrated into careers, namely, managers and other situations such as attendance at a specific training course)

The new law lays down that the appointment is only effective for posts 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; Inspection Activities.

According to the article 243 of the Constitution of the Portuguese Republic¹ the Public Administration general system is applicable to local administration staff, in a number of cases by way of adaptation. Equal treatment shall be granted to Regional Administration staff (Autonomous Regions of the Azores and Madeira).

- **rights and obligations**

Public sector employees have the right to join a union and to strike, with the exception of certain categories of employees. The constitution specifies that there must be no discrimination against employees who exercise their political rights or hold public functions.

Civil servants must also ensure that they fulfil their obligations or risk disciplinary action.

- **social dialogue**

In Portugal there are two modes of social dialogue, the first one is the collective negotiation; the second one is the collective bargaining system.

The collective negotiation is compulsory and takes place annually although the conclusion of an agreement at the end of the negotiations be not compulsory, prevailing the willingness of the Government in the final decision. As an example, in this scope, the pay increases and legislative drafts relating to the Public Administration staff labour system are negotiated.

¹ Constitution of the Portuguese Republic, of 2 April 1976: Constitutional Law n. 1/2005, of 12 August – seventh constitutional revision.

As far as the first mode of social dialogue is concerned the competence to negotiate with trade union organisations related to Public Administration is of the responsibility of the Government through the Ministry of Finance and the member responsible for Public Administration when it refers to matters that apply to all Public Administration.

In the second case, and as it happens in the private employment relationships, there is a possibility of signing collective agreements. In this ambit, the State acts in the capacity of employer entity, and is at the same level of trade union associations with which it contracts.

From this second mode of social dialogue the negotiation of statutory aspects of labour system is excluded, for example: remunerations, structuring of careers and professional advancement.

The collective agreements may be of two types: agreements applicable to a number of careers, irrespective of the bodies or services in which the staff therein integrated fulfil functions; or collective agreements of public employer entity, applicable to a public employer entity with or without legal personality.

In the former case the competence for the conclusion of agreements is the duty of members of the government responsible for finance and public administration areas. 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.

Currently there are three trade unions that represent the Public Administration staff assuming the role of social partners in this area. They are the Frente Comum (Common Front Trade Union for the Public Administration); the FESAP (Trade Union Front for the Public Administration); and the STE (Trade Union of State Senior Staff), that are integrated into trade union confederations of a national ambit.

- recruitment and training

Recruitment to the Portuguese civil service is made as a rule by means of open public competition. First grade management positions (directors-general and staff with equivalent status) make an exception to this rule, as they are positions of political appointment, recruited by choice.

The selection principles currently applicable to the Portuguese Public Administration are those which are set out in the Decree-Law n. 204/98, of 11 July with some small changes already in force introduced by the new legal employment regime, new career system and new pay scales law, of 27 February 2008. The Decree-Law will be repealed as of January 2009 with the coming into force and effect of the new employment contract in public functions regime.

Continuing vocational training is delivered by the **National Institute of Administration** for Central Administration employees and by the **Centre for local government training and research (CEFA)** for Local Administration employees. The unions are also authorised to offer training courses.

- remuneration and advancement

The pay system comprises a basic remuneration (corresponding to grade and level), additional social benefits, pay supplements (for special work carried out by the employee) and performance bonuses (granted to employees and middle managers that fill the established requirements).

Until 31 December 2008 advancement is through promotion. The employee's evaluation is a deciding factor in promotion. An integrated system to assess civil service functions has been in place since 2004. This will enable the establishment of a global assessment model for all public administration.

- special provisions for the Senior Civil Service

Law 2/2004, of 15 January, revised by the Law n. ° 51/2005 of 30 August defines management positions as those in charge of directing, managing, coordinating and controlling public services and bodies covered by said law. Management positions are divided into top management positions and middle management positions and sub-divided into two levels respectively according to the hierarchical level, accountability and competencies assigned. The first level top management positions include Director-General, Secretary-General, Inspector-General and President (of bodies); and the second level include Deputy Director-General, Deputy Secretary-General, Deputy Inspector-General, Vice-President (of bodies) and Member of Administration. The middle management positions include Head of Department (first level) and Head of Division (second level).

Top managers are chosen freely according to their experience and abilities.

Director-Generals are appointed through a joint order by the prime minister and the minister concerned.

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 leadership, strategic vision, external representation and management competencies shown.

Assessment of intermediate managers is based on the results achieved in the objectives set by for the respective organic unit and in the leadership ability, technical and behavioural competencies shown.

A special policy to promote diversity is applied throughout the civil service, including the senior civil service. This includes equal opportunity for disabled individuals in particular.

• CURRENT REFORMS

In the last three years Portugal has undergone a wide public administration reform. The process started in the second semester of 2005 and in 2008 achieved its final stage, as the last pieces of legislation have been already passed.

The modernization of the Public Administration 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: Restructuring of State Central Administration; Reform of the Civil Service; Modernization and administrative simplification; Modernization of public management, as well as the Development of e-Administration.

The Programme of the Restructuring of State Central Administration, known as PRACE, started in the second semester of 2005. PRACE aimed the quality of public

services, the de-centralisation of functions to Local Administration, the reduction of public services of direct administration and public institutes (rationalization of its central structures), as well as the resources assigned to them, namely the number of staff in the civil service who perform functions in those public services. In 2006 the PRACE was made operational and the results of this extensive **programme of administrative reorganisation** were made available in 2007. Were reduced 69 Directorates-General and Public Institutes; 1037 Departments and Divisions; 1468 management positions.

In same year (2006) a specific renewal rate at central government level was introduced which stipulates that one person from outside the public government replaces two civil servants leaving due to retirement or other way to leave the civil service. This rule allowed for a civil service-wide recruitment freeze. Additional effort was made to control, constrain and reduce the number of public employees under contracts.

This effort to reduce public employment figures continued in 2007, as during the last three decades, the number of civil servants had risen from 372.086 (1979) to 747.880 (2005), with local administrations employing 130.650 (2005).

As regards the changes introduced in the Civil Service system we point out the revision of the employment link system, careers and remuneration of staff fulfilling public functions.

Due to the considerable complexity of methods of constituting the legal relationship; the excessive number of careers; the opacity of the pay scheme, without relationship to the management of the service or budget availabilities; the rigidity of the system, withdrawing management capacity from managers; automatic remuneration evolution in many situations; and the excessive relevance given to seniority, a change in the employment link, careers and remuneration of staff fulfilling public functions became both urgent and indispensable.

In 2006 a diagnosis of the labour situation of civil service staff was carried out. In 2007 the new legal employment, career and remuneration regime was elaborated, negotiated and approved by the Government and trade unions. In 2008 the law establishing this new regime was approved by the Parliament.

In the light of the new regime, the employment link is by appointment (for functions with the performance of powers of authority) and employment contract in public functions (for the remaining functions). The career system is reduced to three general careers – senior official, specialist assistant and operational assistant, replacing the 1715 existing careers, and career advancement and change of pay positioning is based on performance assessment. A single pay scheme has been drawn up (115 pay-steps) with the total number of pay-steps to be used in setting workers' basic remuneration, replacing the existent 22, with 522 pay-steps. Remuneration supplements are rationalized, being granted for the fulfilment of functions under very demanding conditions. Performance awards may also be granted, to stimulate merit by rewarding workers who achieve the highest levels of assessment. This new system allows for greater flexibility in the setting of remuneration. The determination of the remuneration level is negotiated in writing, between the worker and the top manager of the service, in cases of dealing with a contract (on an appointment basis the pay scale is publicised beforehand).

The new employment contract in public functions regime has as aim to bring the labour legislation of Public Administration closer to the labour regime of the private sector, highlighting collective bargaining. As a consequence, in the future various matters may be the subject of collective bargaining (for example, performance reward systems, part-time working conditions, annual limit of overtime, etc). In other matters the

systems still in force and effect in the Public Administration are maintained, such as the limits to working time (7 hours per day and 35 hours per week), as well as the overtime (100 hours per year and 2 hours per normal working day) and the holiday period (25 working days of holidays, being this period progressively extended in accordance with the age and seniority of the worker).

Together with this new employment contract will enter into force a new disciplinary statute.

Career advancement and change of pay step is based on performance assessment and according to available budget appropriation.

The revision of the current performance assessment system also took place, with the maintenance of the management by objectives. In the new integrated system of management and assessment in the Public Administration for the first time, an assessment of services will be made along with top and intermediate managers and remaining staff, thus facilitating the coherent alignment of the performance of services and of the staff working therein. 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 the case of the service itself obtaining the classification of excellent, the percentages for workers increase respectively to 35% and 10%.

Within the framework of human resources qualification in Public Administration priority has been granted to the development of the Operational Programme of Public Administration, (POAP) by focussing fundamentally on the training for managers and senior staff; training for support to mobility and resume activities in other sectors and initial training.

The procedures of appointment and termination of functions of management staff of Public Administration were also changed. Likewise, the appointments by political confidence were limited. Only top management positions terminate automatically by virtue of change of Government. Simplified open competitions for middle management positions have been introduced.

At this level, other changes were also introduced, such as: suitable training courses for Public Administration managers; the creation of the Charter of Mission, which shapes a commitment of management of managers appointed, relevant for the assessment of the way how the functions are fulfilled; the possibility, in case of open competitions, without applicants or with applicants who do not meet the requirements demanded, to carry out recruitment of middle management positions outside Public Administration; the clarification of the system of holding more than one public post or office, impediments, incompatibilities and inhibitions of management staff.

In the scope of social protection, a convergence of the civil service social protection regime (and of 32 special regimes) with the social protection general regime as to retirement conditions and calculation of pensions took place. The retirement age will be progressively increased up to 65 years in 2015, the age defined for the request of ordinary retirement. Early retirement is possible for civil service staff with 33 years of service in 2008, although the worker is penalized according to the number of years missing to attain the legal age (61,5 years in 2008, up to the referred 65 in 2015).

The sustainability factor is applicable to pensions initiated as from 2008. This factor links the calculation of pensions to the increase in the average life expectancy, i.e. the

number of years expected for the worker to benefit from the pension. In order to make up for the sustainability factor, the worker may work some months more after the age of 65, discount a little more for some time or accept a slight reduction in the pension.

As from 2009 all civil servants shall be subject to an additional deduction of 1% of his/her salary towards the unemployment fund, to guarantee the right to unemployment benefit in case of losing his/her job.

A draft social protection law is currently under consideration in Parliament, which will conceive and define for the first time the social protection system for staff fulfilling public functions in an effective and integrated way.

In the scope of this draft law, the current civil service social protection system will gradually converge with the general social security system. Social benefits will be granted uniformly to all workers, irrespective of their corresponding employment relationship, that is to say, the benefits granted by the health subsystem of the Directorate General for the Social Protection of Civil Servants and Contractual Staff of Public Administration (ADSE), as well as by other health subsystems, and complementary social action.

The new mobility regime for civil servants and contractual staff was established in 2006 and aimed at making the most of Public Administration human resources in a rational way. The regime reinforced the general mobility mechanisms, namely the transfer, exchange, secondment and outward assignment and simultaneously introduced two new: specific assignment and special loan. It also laid down the placement of civil servants and contractual staff in a special mobility situation (special mobility regime), in case of the abolishment, merger or restructuring of services, as a result of rationalization of staff or on a voluntary basis. For these workers two special mobility methods are taken into consideration: re-assignment which consists in the integration of civil servants or contractual staff into another service, on a transitional basis or for an indefinite period of time and resuming of functions in any service, also on a transitional basis or for indefinite period of time. A key tool has been the training and vocational retraining and back-up to the resuming of activities in other sectors.



ROMANIA

 Not yet validated by the country

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 237,500 km²
Number of counties: 41
EU entry: 2007
GDP: 97.7 billion euros
Population: 21.7 million
Number of civil servants: 170,000



- administrative and political organisation

Romania is a **Parliamentary Republic**. The constitution adopted on 21 November 1991 came into effect on 8 December 1991 following a national referendum.

Romania is a **unitary State**.

The central public administration comprises **ministries and autonomous administrative authorities**. The State is represented at local level by the 41 counties (*judete*) and in the municipality of Bucharest by a government-appointed **prefect**. The prefect heads the State's devolved departments and controls the legal nature of administrative decisions taken at local government level.

Local administration in the **counties** is carried out by the county council and its president (competences in highways, education). The **municipalities** deal with matters such as housing, urban development and waste management.

- **CIVIL SERVICE**

- status and categories of public sector employees

There are three employee categories in Romania:

- **civil servants** who are managed and controlled by the National Agency of Civil Servants. Their status is defined by the *law of 8 December 1999* revised by the *law of 4 July 2006*.

- **special-status civil servants**, some of whom are managed by the National Agency of Civil Servants and others by their relevant ministries.
- **contract employees**, whose status is governed by the labour code. Healthcare and education employees are public sector employees under the general labour code.

- rights and obligations

Chapter 5 of the 1999 law pursuant to civil servant status defines the rights and obligations of public sector employees.

Heading 1 refers to civil servants' rights. Civil servants have the right to freedom of speech, to join a union (except for some categories, including senior civil servants), to strike (in compliance with requirements to ensure the continuity and efficiency of the public service), and the right to continuous training.

Heading 2 refers to civil servants' obligations. Civil servants should carry out their functions in a professional and impartial manner in strict compliance with the law. Employees must observe neutrality when on duty. Moreover, they cannot exercise leadership functions in political parties. Civil servants must observe discretion and hierarchical obedience. Finally, each employee must follow at least 7 days of training a year at the National Administration Institute or with another approved training body.

- social dialogue

Every year, the administrative institutions and authorities conclude **agreements with the representative unions** on various issues (improving working conditions, health and safety at work, hours in the working week, etc.). About 55 to 70% of the civil servants belong to a trade union.

Parity committees (with equal representation of the various Ministries concerned and the national agency of civil servants and personnel) also exist in each institution and administrative authority. In particular, they must be consulted during negotiations with the unions and should help to implement signed agreements that are legally binding on the parties.

- recruitment and training

Section 1 of chapter VI of the revised 1999 law defines civil servant **recruitment conditions**. It stipulates **general requirements** in terms of language proficiency, nationality and qualifications. Civil servants are selected by:

- the **Contest Commission** for senior civil servants
- the **National Agency of Civil Servants** for management positions (except for office manager and department manager positions)
- each administration, **on a decentralised basis**, for "execution positions" and office manager and department manager positions.

Recruitment must be through an open and transparent competition (contest) procedure and based on candidates' skills. All vacant positions must be advertised in the official gazette at least 30 days before the recruitment date.

There are **no** institutes delivering **initial training** to public sector employees in Romania. Some faculties or schools, such as the "National School of Political Science and Public Administration" established in 1990, offer university courses on administrative matters.

Continuous and mandatory training is delivered by public or private bodies. The **National Administration Institute**, under the supervision of the Ministry of the Interior and Administrative Reform, is one of these bodies.

- remuneration and advancement

The salary scale in the civil service is defined by edict every year.

Career civil servants are not entitled to automatic promotion. Promotion to a vacant higher position is achieved by sitting a test or competitive exam.

The **annual performance assessment** for each employee offers the possibility of **advancement** to a higher salary level or to a more important function. The assessment is also used to establish employees' **training requirements**. A poor assessment may lead to dismissal from the civil service.

- special provisions for the Senior Civil Service

The Senior Civil Service comprises officials such as prefects and secretary-generals from central administration and prefectures.

Senior civil service officials must have a doctorate qualification. **Recruitment is carried out by the contest commission** made up of five specialists from public administration, appointed by the Prime Minister on recommendations from the Minister of the Interior and Administration. Senior civil servants are appointed by a government, prime ministerial or Interior and Administration ministerial decree.

• CURRENT REFORMS

Romania is currently setting up a vast program to **reform the pay system**.

A **mobility system for experts on secondment in the EU** is also being established.

• FOCUS: the "Manpower Plan" to improve position management

Romania started setting up a **tool to better manage** civil service **staff** and positions in May 2007. It is called the Manpower Plan.

Each central or local administration now submits a **description** of all **positions available** in the departments to the National Agency of Civil Servants every year.

The recruiting administration must specify if the positions are for internal promotion or open to general applications. It must also specify whether they are newly-created positions or the result of departmental reorganisation.

The different positions are classified in the tool according to the degree of responsibility ("execution" position, design or senior civil service position), their rate and their grade (junior, assistant, principal or senior).

This tool will guarantee **more transparent recruitment procedures** and ensure **accurate monitoring of career development**.



SLOVAKIA

- **GENERAL DATA**

- geographic, economic and demographic data

Surface area: 49,000 km²
Number of districts: 79
EU entry: 2004
GDP: 61 billion euros
Population: 5 million
Number of public sector employees: 37 000



- administrative and political organisation

Slovakia is a **unitary state** and a **parliamentary democracy**.

At devolved level, the State is represented in **79 districts**.

At decentralised level, the **8 regions** are competent e.g. in matters of highways, hospitals and culture amenities in particular. The **municipalities** deal with matters such as the environment, housing or water supply.

- **CIVIL SERVICE**

- status and categories of public sector employees

Civil servants are governed by *Civil Service Law no. 312/2001* and partially by the Labour Code, the public employees fall under the *law no. 552/2003* on performing the work in the public interest, the law no. 553/2003 on remuneration of the employees for the work in the public interest and also under the Labour Code. Some State public servants like police, armed forces or customs personnel come under a special status and are regulated separately..

The **public employees** are employed on **private-law contracts**. Nevertheless, their employment conditions, are a result of the private and the public law and arise from the above mentioned regulations.

- rights and obligations

The constitution stipulates that employees have the right to **union membership**. With the exception of some employee categories, administration personnel also have to the **right to strike**.

- social dialogue

Social dialogue is organised at two levels: the central State administration, and the "company" (ministries, local government bodies, etc).

For the central administration, government representatives negotiate with the trade unions, chiefly the Slovakian civil service union. The results of the negotiations are applicable to all state civil servants. The subjects dealt with mainly concern the working conditions (e. g. remuneration, vacation leave, working hours) and some non-working conditions (e. g. welfare, cultural benefits.).

For the "companies", negotiations can only improve the agreements set out at central level, by clarifying them. There are some differences in the scope of the collective bargaining (social dialogue) at the company level between the civil servants and the public servants.

- recruitment and training

All Slovakian citizens are entitled to apply for a position within the civil service provided they fulfil the conditions laid down in *civil service law 312/2001*.

Recruitment is decentralised. Each personnel office (usually a personnel office is a particular government body) handles recruitment in line with its needs. All permanent positions and some of the temporary positions which are to be filled are **advertised**. The recruitment procedures must comply with the requirements defined by the Civil Service Law.

Continuous training is both a right and an obligation for civil sector employees. They must complete at least 5 days of training a year. Organization of the training has been decentralized with a few exceptions stated by laws on particular areas of the state administration.

- remuneration and advancement

The **Slovakian system** is **position-based**. Salary of a civil servant consists of fix and flexible part.

The flexible part of the salary may be increased (or lowered) any time during the year through the personal bonus awarded on merit.

A civil servant in a non-superior position is never granted to be promoted to the supervisory position on the basis of the length or quality of his work. The only possibility for a non-superior civil servant to ascend to a supervisory position is through the regular selection procedure.

- **CURRENT REFORMS**

The legal reform of the Civil Service has been prepared since 2006. The new civil service Act should come into force on 1st July 2009.

The most important changes are:

- The establishment of civil service employment relationship is based on an administrative decision; this decision should be replaced by a service contract (a special contract regulated by the new civil service act and comprising elements of both private and public law)
- The implementation of the legal relations in the performance of the civil service is the responsibility of a personnel office: thus, there will not be considerable authority given to a central government body toward a local government body.
- The possible yearly increase of the payment tariff based on the performance assessment has been excluded.
- The scope of the collective bargaining (social dialogue) should be broadened.

- **FOCUS: public sector employee assessments**

According to the updated text of the proposal of the new civil service Act, the yearly systematic employee assessment procedure introduced in 2004 should be abandoned mainly due to the fact that its goal has never been reached.

Two important evaluation tools are expected to be sufficient for the evaluation and the motivation of a civil servant: the personal bonus and the rewards.



SLOVENIA

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 20,300 km²
EU entry: 2004
GDP: 30.5 billion Euros
Population: 2 million
Number of public sector employees: 153 000
(40,000 in State administration and 4400 in local administration)



- administrative and political organisation

Slovenia is a **parliamentary democracy**.

The Republic's administrative organisation is **centralised**. The State is competent in all essential matters.

On a decentralised level, the **municipalities** are competent in local matters such as primary health care, compulsory education, water supply, waste treatment and local public transport.

• CIVIL SERVICE

- status and categories of public sector employees

Slovenia's civil service is characterised by the fact that general employment conditions in the public sector, as in the private sector, are determined by the law on labour relations in effect since 1st January 2003.

Most public sector employees are therefore recruited on permanent **private-law contracts**, **the state employees**, local government and public-law body employees are recruited on civil service employee law. **The public employer is governed by a set of rules** stipulated in the *civil service employee law of 11 June 2002* and in the *civil service salary system law of 26 April 2002*.

- rights and obligations

The *civil service employee law* defines the rights and duties of State employees, local government and public-law body employees.

Public sector employees have the right to **join a union** and **strike** (except for the police and armed forces).

- social dialogue

Social dialogue is centralised. The government negotiates with the representative unions on matters regarding public sector employee working conditions, training, the modernisation of the social security system and the reform of the civil service. During these negotiations the employer is represented by the ministries and the agencies concerned, Parliament and municipality associations. The results of these negotiations are legally binding for all the parties, whether they are in the form of legal texts or collective agreements.

- recruitment and training

There is **no centralised competitive exam system** in Slovenia. Each ministry or agency recruits the staff needed independently via a public call for applications. Each ministry is allowed to employ a limited number of staff. Authorisation from the Civil Service Ministry and the government is required to go over the specified quota.

Continuous training is given by the **Division for Training and Proficiency Examinations in Administration** (created in 1997 as **Administration Academy** and reorganised in October 1 2008) reporting to the Ministry of Public Administration. It organises seminars in the fields relevant for civil service employee work and examinations in different areas (administrative procedure, administrative violations procedure, safety in the workplace, examinations for registrars and inspectors).

- remuneration and advancement

The pay system has been identical for all ministries since the *Civil service salary system law* came into effect. It defines the salary calculation methods. Article 5 of the law stipulates that remuneration should be broken down into a **base salary**, a **merit-based allowance** and a **bonus**. Employees' performance is assessed monthly, for three month or twice a year and determines the amount of the merit-based allowance.

Yearly assessed performance and seniority are the criteria assessed for advancement. There should be a period of at least three years between each promotion.

- special provisions for the Senior Civil Service

The *civil service employee law* stipulates that senior civil servants should be **recruited by a special body called the Council of Officials**. The council is in charge of selecting director-generals, secretary-generals, department and administrative unit heads.

- **CURRENT REFORMS**

A **reform of administrative organisation** is currently under way. Fourteen provinces are to be created. The 2008 legislative elections will largely determine how long the reform will take and the competences devolved to the provinces.

- **FOCUS: the program to simplify administration**

Pursuant to the objectives defined in the Lisbon strategy, Slovenia is implementing a **program to simplify administration** for the **2008-2009** period.

The program specifies **44 measures** which should be implemented over this period. It also defines the ministry in charge of setting up each initiative and the objectives to be achieved. These measures are being implemented in conjunction with the interested parties to make them more effective and will be controlled by an impact study.

The goal of this program is to streamline administration. It mainly consists of codifying the texts and simplifying procedures (e.g. to obtain a short-term work visa, or online registrations to apply for unemployment benefit).



SWEDEN

- **GENERAL DATA**

- **geographic, economic and demographic data**

Surface area: 450,000 km²
Number of counties: 20
EU entry: 1995
GDP: 302 billion Euros
Population: 9.1 million
Number of public sector employees: 1.125 million



- **administrative and political organisation**

Sweden is a **constitutional monarchy** with a **parliamentary regime**.

Sweden is a **unitary State**.

There is a two-level administration system **at central government level**. The size and number of **ministries** is traditionally small. **Agencies** account for most operational activities and staff, and have a high degree of autonomy in terms of decision-making. Each of them is managed by an executive manager and normally has a board of directors appointed by the government. Ministries account for 4,500 staff whereas some 240,000 staff is employed by agencies. Agencies may have central, regional and local offices.

There are three political levels in Sweden, each of them with elected assemblies and an administration of their own. The second level encloses **20 County councils** with mandatory competences in areas such as healthcare, and regional public transport. The third level, the 290 **municipalities** are in charge of matters such as education, day care, elderly care, roads, waste management and the environment in particular.

The County councils and municipalities are represented by their mutual organisation Swedish Association of Local Authorities and Regions (SALAR), which among other things negotiates the central agreements with the more than 20 unions in the municipal sector.

In the following this fact sheet concentrates on the central state administration, the civil service.

- **CIVIL SERVICE**

- **status and categories of public sector employees**

The conditions of employment in the civil service are governed by **collective agreements** concluded between the Swedish Agency for Government Employers on one side, and union organisations on the other. Most agreements defining the direct working conditions of central government employees are signed at decentralised level within the framework of central discretionary agreements.

The rules applicable to public sector employees are nearly identical to those applicable to private-law employees in Sweden, there is no specific civil servant status. A *1994 civil service law* lays down a minimum of specific rules for public employees and processes for handling misbehaviour and disciplinary action.

- **rights and obligations**

Swedish public sector employees have the right to **union membership**, to **strike** and to negotiate their employment conditions. They are also entitled to express their opinion publicly, even if this differs from that of their employer. The Constitution stipulates **freedom of speech and freedom of access to public documents for citizens**, which is why employees are allowed to offer information in their possession to third parties within certain limits (information about individual citizens, matters that might challenge national security, and certain sensitive business matters).

Public sector employees do **not enjoy guaranteed employment**. Redundancies are possible if there is a "just cause" (departmental reorganisation, job cuts). Since 1996 the Job Security Foundation requalifies employees who are made redundant and guides them in their search for new employment (see FOCUS).

- **social dialogue**

During negotiations the 250 employers are represented by the SAGE (Swedish Agency for Government Employers), of which all agencies and government institutions are required to be members. Subjects dealt with concern remuneration, general working conditions pensions, job security and the rules of play for the negotiations, . All the parties are covered by the agreements, which are generally concluded for 3 years or more.

About 80 % of the public sector employees are unionised.

As a member of the CEEP¹, the SAGE also participates in European cross-sector social dialogue.

¹ European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

- recruitment and training

The Swedish constitution stipulates that only objective criteria such as **merit and skills** are valid in the selection of an employee.

Each local government, ministry or agency is **free to recruit its staff** and defines the competences required according to the positions vacant.

Recruitment must be **transparent** and normally made via a **published call for applications**.

Generally the system is position based and recruitments are made on the labour market to the vacant position. Still there are some career based systems e.g. for judges and diplomats who are recruited via a competitive exam procedure.

Continuous training is organised by each employer which seeks training centres **on the market**, creates **internal training centres**, or develops on the job training programmes **at the workplace**.

- remuneration and advancement

Collective agreements about pay are initially negotiated at central level, then within each agency and finally individually. The aim is to ensure that remuneration is as attractive as in the private sector at equal levels of competence.

There is an ongoing development towards decentralised pay in order to use pay formation as a tool for an effective business. A development towards direct pay setting dialogues between each manager and subordinates is under way – strongly promoted by SAGE. If pay is agreed between the manager and subordinate in such a system, no further negotiations are made. If not agreed the pay level for the individual will be negotiated by the local social partners.

A **general framework agreement**, negotiated at central level, determine the procedures and stipulate overall values for pay setting. **Local agreements** negotiated at agency level then determine individual remuneration and other employment conditions.

Since **automatic promotion does not exist**, individual pay rises are based on **results and qualifications** assessed at an **annual interview with the employee**. Recruitment and promotion take place through open competition and are open to anyone with no prior condition, except that of meeting the requirements of the position. There are no discretionary appointments.

• CURRENT REFORMS

A **new public pension system** has been under way in Sweden since 1 January 1999. This reform created two obligatory contribution systems, one based on the contributory principle and the other on the principle of self-funding.

All employees born after 1954 reaching the age of 61 after 2015 will come under the new system.

Each employee's contributions are now entered into an **individual account**. The total amount accumulated on retirement is transformed into a pension which takes into account the forecast growth in income and life expectancy in the person's cohort.

At the same time, there is an **automatic balance mechanism** ensuring a fixed contributions rate, to offer an adequate pension system to current retirees.

• FOCUS: the Job Security Foundation

The Job Security Foundation, "Trygghetsstiftelsen", was founded on 1st April 1990, when a new collective agreement on job security for state employees came into effect. The Foundation's activity is based entirely on that agreement, which was signed by the social partners in the central government sector: It is financed by employer subscriptions, which are a percentage of the total wage sum. The parties to the agreement are also represented on the Foundation's board of management.

The Foundation's main mission is to provide support to state employees who are in danger of being made redundant for economic reasons or due to reorganisation, and to prevent them from being unemployed. The Foundation does not replace the public employer concerned, but provides support and additions to existing aid schemes, particularly the services of the National Employment Agency (AMS). Another necessary condition is that the person made redundant takes himself in hand and does his or her best to improve the situation.

WORKING METHODS

The key feature of the Foundation's activity is that it gives priority to the "employment parameter". Its action aims above all to help employees who have been made redundant to find new employment on the whole of labour market. To better establish to what extent the person concerned is in need of assistance, the Foundation takes part in an evaluation of his or her qualifications, skills and ambitions. This examination must be the basis for the preparation of an individual action plan. The decision to provide individual assistance is taken rapidly without administrative complications, usually in the course of a simple interview at the workplace. One of the Foundation's most important tasks is also to provide information to employers responsible for the redundancy process and employees threatened with redundancy.

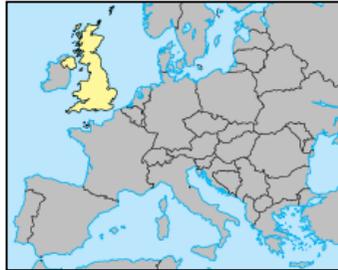


UNITED KINGDOM

• GENERAL DATA

- geographic, economic and demographic data

Surface area: 244,100 km²
Number of regions: 4
EU entry: 1973
GDP: 2,025 billion Euros
Population: 60.7 million
Number of public sector employees: 2.75 million
(20% at central level)



- administrative and political organisation

The United Kingdom is a **constitutional monarchy** without a written constitution.

The United Kingdom is a **unitary State with some features of a federal state**, since the start of the **decentralisation program of 1997** in Scotland, Wales and Northern Ireland.

The **State services** are performed by the **ministries and agencies**. There is no central government representation at local level, but central administration departments are located throughout the UK.

At **regional level** and depending on the region, various institutions with **varying levels of competence have existed** since 1999. The **Scottish Parliament** has legislative powers on matters of education, health and the environment. The **Welsh Assembly** can legislate on questions of agriculture, economic development and culture in particular. The **Northern Ireland Assembly** is competent in matters of health, education and agriculture. Finally, in **England**, the **Greater London Authority** deals with matters such as transport and sustainable development.

• CIVIL SERVICE

- status and categories of public sector employees

Strictly speaking, only those working for the ministries or their executive agencies are **civil servants**. They represent about 9% of public sector employees. Until very recently, the rules governing their status were based on tradition and there was no actual civil service code. The working conditions in the civil service and the rules regarding human resources management were codified in the Civil Service Management Code in 1996.

Most public sector employees or "**public servants**" are employed on a **contractual** basis and subject to general labour code legislation. Employment conditions vary considerably between public employers.

- rights and obligations

The rights and obligations of British civil servants were **codified** in the Civil Service Code in **1996**. In compliance with the principles laid down in this code, **each ministerial department or agency drafts its own rules**, which are stipulated in a staff handbook.

The civil servants must observe a **duty of neutrality**. Depending on their degree of proximity with a minister or with the public, they may not have the right to engage in national political activities.

The **right to strike** is **recognised in practice** although it does not appear in any legal texts.

Public sector employees are entitled to remuneration and a pension, and compensation in the event of redundancy.

Finally, 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.

- social dialogue

The **rate of union membership** in the UK is **much higher** in the public sector than in the private sector. The four main unions representing civil servants are the PCS (Public and Commercial Services Union), Prospect, the POA (Prison Officers Association) and the FDA (Association of First Division Civil Servants). The PCS claims to have 260 – 270,000 members in the civil service. The main public servants' union is Unison (1.3 million members).

The Civil Service unions are consulted by the government (Cabinet Office and Treasury) on issues which have civil service wide implications, an example of this is a significant national agreement which was signed less than 6 months ago on a range of protocols to minimise recourse to compulsory redundancy, otherwise civil service departments and agencies operate in a delegated environment, and issues such as pay are negotiated at a departmental/agency level.

As a member of the CEEP¹, central government also participates in European cross-sector social dialogue.

- recruitment and training

Recruitment in the civil service is subject to conditions of nationality (75% of posts are open to EU citizens), moral character and physical health.

Recruitment is based on a **decentralised procedure** and according to merit. Recruitment practices are based on open competition: job vacancies must be advertised in the press and a **call for applications** must be launched. The only conditions that can be imposed are the general criteria of the public sector related to the employment grade and the position concerned. Recruitment and assessment processes may vary depending on the entry route and post. The United Kingdom has been focusing on **continuous training** since the 1980s. The management and financing of training are **decentralised**, but there is a **National School of Government**.

¹ European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

- remuneration and advancement

The British system is essentially **position-based**. Promotion based on merit and seniority exists, but public servants must apply for vacant positions to move up the ladder.

Pay is not based on seniority but on the level of responsibility exercised (with pay scales by level of responsibility similar to French grades) and on performance. The ministerial departments and executive agencies have delegated authority to determine their employees' pay scales under the Civil Service Management Code. This enables individual departments and agencies to determine reward arrangements for their staff outside the Senior Civil Service that best meet their own business needs.

- special provisions for the Senior Civil Service

A new pay system for the senior civil service was established in the UK in **1996**. It groups together about 4000 employees. While they are mainly recruited and employed by the different supervising ministries, senior civil service officials form a cohesive group with a **common performance evaluation system** and a **single salary scale** (which is reviewed by an independent Senior Salaries Review Body).

• CURRENT REFORMS

The Capability Reviews Programme

Background

In October 2005, the Cabinet Secretary announced that one of his key priorities as Head of the Home Civil Service was to improve the capability of the Civil Service to meet today's delivery objectives and to be ready for the challenges of tomorrow.

Objectives

The Capability Reviews programme is part of the wider reform of the Civil Service. The objectives of the programme are to:

- Bring about a step change in the capability of departments for future delivery.
- Improve the capability of the Civil Service to be ready for the challenges of tomorrow as well as to meet today's delivery challenges.
- Assure Ministers that departments' civil service leadership is suitably equipped to develop and execute Ministerial strategies.

The overarching aim is to achieve a Civil Service which is better at delivery – that can deliver its existing targets, understand its future challenges and rise to meet them efficiently and effectively.

The Programme

The review programme targets underlying capability issues that impact on effective delivery, such as:

- Do departments have the right strategic and leadership capabilities?
- Do they know how well they are performing, and do they have the tools to fix their problems when they underachieve?
- Do their people have the right skills to meet both current and future challenges?
- Do they engage effectively with their key stakeholders, partners and the public?

Between January 2006 and December 2007 all major government departments have been subject to a programme of Capability Reviews that assess how well equipped departments are to meet their delivery challenges and provide targeted support to make any improvements required. In all, 17 departments have been reviewed covering over 90% of the Civil Service.

All reviews are published to ensure the process is open to scrutiny and comment. Following publication, progress is driven forward by the Cabinet Secretary through a regular series of stocktakes with departmental boards which are augmented by regular one to one sessions with departmental permanent secretaries.

By assessing the capabilities required for future delivery of Government priorities, the reviews point starkly to the areas where the Civil Service needs to improve. However, they also clearly articulate and lend credibility to its strengths. An independent evaluation by the Sunningdale Institute said that Capability Reviews are starting to have an impact and that few previous attempts of this kind of reform have had such a good start.

The next stage of the programme is to re-review each department 18-24 months after their original Capability Review. The three departments which have so far completed these re-reviews (Home Office, the Department for Children, Schools and Families, and the Department for Work and Pensions) have all shown improvements across the capability model.

In December 2007, a '*Progress and Next Steps*' report was published that:

- focused on improvements made within departments,
- highlighted common themes emerging from reviews, and
- looked towards the future of the programme

• FOCUS: the Fast Stream

The Fast Stream is an accelerated development program.

Those accepted on the program rapidly access a range of positions, such as advisor, project manager or expert in different areas. These employees must **change position every 12 to 18 months**. They must also do about **15 days of training a year** (often at the National School of Government) and are allocated **self-training** periods.

This program is often aimed at graduates and conditions of nationality are imposed. The program is **open to anyone who meets the eligibility criteria**. Serving civil servants can apply via an internal Fast Stream competition. If successful, they tend to stay in their original administration.

The Fast Stream is divided into four programs:

- **The Graduate Fast Stream** is the largest of the four programs in terms of recruitment. It is an entry route to central administration positions, positions in the diplomatic service and parliament and assignments relating to science and engineering.
- **The Economist Scheme** is for employees wishing to specialise in macro-economics, international finance, taxation, etc.
- **The Statistician Scheme** is an entry route to statistics and survey positions.
- **The Technology in Business Scheme** trains employees in supporting change in the public sector.



Public Service: Facts and Figures

The "Facts and Figures" collection, an invaluable reference for public service analyses, consists of the first volume of the annual report on the status of the public service (*Rapport annuel sur l'état de la Fonction publique*), from which "key figures" are taken. This review provides information on year-by-year trends in public service employment and is essential reading for decision-makers, members of parliament, trade union officials, managers, but also anyone interested in public service.



Public Employment Policies

This report, comprising volume II of the *Rapport annuel sur l'état de la Fonction publique*, covers the entire range of issues concerning human resources management planning, for the three categories of public service, with both their common and specific features. It also presents current projects in a variety of fields from knowledge management to competencies management.



Human Resources

This collection compiles summary data on recruitment, careers, training, compensation and public service employee management, presented in the form of brochures and information sheets (*fiches pratiques*) for the general public.



Surveys and Outlook

This collection presents surveys and reports that the DGAFP has undertaken to track trends in public service from all angles (demographics, occupations, management dialogue, information systems, impact of European law, etc.).



Statistics

This collection comprises two different publications. "Points Stat", a tool popular with decision-makers and managers, sums up the key concepts in a few pages. "RésulStats" presents the complete research findings for those seeking more detailed information. It is particularly useful for researchers and statisticians.



Highlights

This collection provides in-depth analysis on a given topic or project, supported by figures and references.



Intr doc

This collection, for internal use only, is a compilation of all DGAFP working documents used in connection with inter-service meetings, seminars, workshops and other meetings.