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Ethics Adviser Role in Public Administration

Mădălina ALBU¹

Abstract: The paper presents a series of national considerations regarding ethics adviser role in ensuring integrity in public administration in Romania. Across all public authorities in Romania must be a constant concern to be identified causes of breaches of conduct by public officials. Accurate and timely identification of all causes of the breaches of conduct can lead to identifying the most appropriate ways to prevent violations of rules of conduct, namely the adoption of the most effective strategies and measures to reduce these cases. It is also indispensable as professional and efficient exercise of the function of ethics advice each institution and public authorities. The social relevance of the subject matter derives from the benefits of ethics counselling. The purpose of this paper is to present the main advantages of ethics counselling in public administration. The role of Ethics Advisers is extremely important in the context in which the level of public authorities and public institutions has been given less importance to analysing and individualizing the causes and consequences of civil servants' failure to comply with the rules of conduct. To be assured ethics in public administration at each designated institutions and public authorities is a public officer to monitor compliance with the rules of conduct and to provide advice on issues of ethics of civil servants from the institution. In this way ensures quality of service and relations with citizens, institutional image and prestige. As a result, the activity of the officials responsible for monitoring compliance with rules of conduct and for providing advice on ethical issues - ethics advisers - can play in this context is particularly relevant and responsible authorities should combine their efforts to ensure adviser ethics best framework to allow taking active, responsible and implementation of duties provided by law.

Keywords: Ethic, public administration, ethics adviser, legislation, public authorities.

1. General concepts on ethics and ethical management

The first ethics theories were formulated in antiquity. The first references to the concepts of ethics were formulated by the two great Greek thinkers, Plato and especially Aristotle.

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Everyday life is governed by laws and norms commonly called traditions and customs. Thus different behaviours are formulated in society.

Formal or informal rules, or their compliance, may be of greater or lesser relevance. But there is also a category of rules whose observance is imperative. Ethical codes used in public administrations of all modern countries lay down such rules that must be observed unconditionally.

In the literature it is stated that ethics is an area of science that studies moral principles, their historical development laws, their role in social life, and the totality of norms of moral conduct corresponding to the ideology of a society or a representative group within it (Sandu, A. 2012). Ethics has the task of achieving an optimal agreement between the nature and level of social existence and moral conscience, which involves the elimination of delayed mentalities and the contribution to shaping consciousness that overcomes the current social existence that thinks and acts prospectively.

Although the literature is not very tender in the field, a number of researches have been carried out in recent years to assess the activity of ethics counsellors within the public authorities and institutions in Romania. Also, at the level of the county councils, guides were made for the activity of civil servants with ethical counselling duties and monitoring of compliance with the norms of conduct.

One of the main reports was conducted within the framework of the "Ethics and Integrity Ethics Adviser in Public Administration" project, developed by the Center for Legal Resources in partnership with the Pro-Democracy Association and funded the Governments of Iceland, the Principality of Liechtenstein and Norway through the Financial Mechanism of the European Economic Area.

1.1. Functions of Ethics

The main determinants of ethics are: the epistemological and axiological model of science, the traditions of thought we refer to, the specificity of the object of ethics, the quality of the ethical values receiver, the nature of the moral issues, the receptivity and the personality of the individuals.

In view of these modelling factors, three distinct ethical functions are distinguished:

1. Cognitive function
2. Normative function
3. Persuasive function
Cognitive or cognitive function is the main function of ethics that precedes others. It can be accomplished on three successive stages:

- Descriptive
- Analytical-synthetic
- Explanatory

The normative function is the distinction that ethical thinking does or can do in moral life between values on the one hand and anti-valour, non-pseudo valour, on the other.

Through this function, norms can be created, according to their degree of value, indicating which are questionable or obsolete, which are valid and have a chance of generalization in the future.

The persuasive function in its optimal form is realized from the beginning into and through the realization of the first two functions, the cognitive and the normative one (Popescu, 2006).

Exercising the persuasive function involves calling on a number of strategies.

By constraining or repressive strategy, the subjects are drawn to the consequences of manifestations contrary to recognized moral norms. It can draw attention to the consequences of the deviant behaviour of the individual himself.

The stimulus strategy can use a series of persuasive procedures, including: the perspective of collective harmony, the moral climate that promotes collective values through desirable behaviours, stimulates the moral sense of dignity that a positive image of self, Based on correct behaviour and on the positive appreciation of the collectivist, there are evocative examples.

The heuristic strategy is more complex and starts from the premise that the subject is potentially moral and that its morality can be revealed, crystallized, based on problematic, dialogue or colloquial dispute.

1.2. Ethical management

In the last decades, the issue of the ethical dimension of the life of organizations has been strongly challenged in the business environment. Ethical codes, ethical audit, ethics committees, employee ethics, institutional culture, have become more and more widespread. This stems from the fact that these issues have been imposed politically and, in many countries of the world, these concepts have been formalized by receiving legal force. The internalization of these concepts in people's habits does not have high rates,
but the process is ongoing. Institutionalizing ethical concepts is a new reality for which all employees need to be trained.

Ethical management is one of the key disciplines of management, and is concerned with the development of leadership tools that have the capacity to contribute to the ethical development of an organization and the development of methods that can be used to determine the direction that all organizations should develop.

Ethical management requires both the description and the analysis of the current ethical situation in the organization, as well as the decision on those measures that should be adopted in order to achieve it, in perfect relation to the other forms of management. Ethical management is the result of implementing responsibility in life with responsible organizations, which is seen not as a decorative element, but as a prerequisite for the existence of organizations. Any organization can only demonstrate moral responsibility when it subordinates its own interests to the interest of society (Kaptein, 1998).

According to business ethics teacher Ronald Jeurissen (2005), ethical management has the role of improving decision-making processes as well as procedural and organizational structures so that all activities in an organization are linked to ethical principles. The tools used for this are ethical codes, ethical audit, and other possible strategies that organization can use for morality.

Business ethics is both an area studied in universities and a subject of public debate. The concept of "business ethics" is an American "invention". The American origin of the new discipline can be a guarantee of seriousness, quality and performance. Business ethics quickly grew in North American space, and then spread all over the world. In Europe, interest in business ethics emerged after 1980.

Ethical behavior in business can be considered both a problem of the organization and a single responsibility of individuals. In order to increase the ethical level of the organization, ethics must be set at the institutional level, being in line with the company's business. This basically means introducing ethics into the business life of any organization.

This can be done by the following methods:
• the existence of a specific company policy or ethical code;
• Creating an ethics committee made up of members of the board of directors;
• Adopting a managerial development program that includes ethics.
2. Implementing ethics in the public sector

Public organizations cannot exist outside a system, they are influenced by the components of the system they are part of and they significantly influence each subsystem. The integrity of a system is strongly determined by a set of fundamental values and principles that specify, through their content, the basic coordinates between which the components of the whole function.

The public sector is a component of the macro system with major implications for the functionality of the ensemble. This is obvious when considering the diversity of areas of activity integrated in the public sector.

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As well as managerial decisions must always keep in mind limiting the possibility.

Equally important is the education of those working in the public sector, both pre-career and career careers. Anti-corruption specialists insist on the importance of regular ethics courses for a healthy climate within the institution. Also, regular discussions are required on the risks associated with unethical behaviour, about the functioning of the institution that is vulnerable to corruption.

The integration of young people into the collective should be treated with the utmost care to avoid exposing them to examples or temptations of corruption.

The direct relationship between citizens and public sector employees also plays an important role in this, with the latter being able to react directly to the way customers appreciate their work. Another consequence of the violation of ethical norms is the decrease of citizens' trust in public institutions. This mistrust may cause problems in implementing public policies or worse forms of civil disobedience such as refusing to pay taxes, fees or charges, sometimes even in violent protests.

It can be assumed that the ethic of the state starts from the idea that the happiness of individuals is realized only as part of the general happiness of the community (Johnston, 2007). According to this idea, it can be said that behaviours that affect the power of the state or its actions are considered unethical.

In many situations it has been proven that ethics is a necessity and that observance of all ethical principles leads to the best results. Practice has shown that the application of ethics in public sector activities has a
particularly favourable long-term effect and creates a favourable image for any institution.

The decisions adopted and the behaviour of the individual who is responsible for a group of colleagues is different from those involving friendships, interpersonal relationships. Within the organization, each individual acts in a dependent manner on the actions of others, and the results of individual behaviour manifest themselves on others (inside or outside the organization).

3. The Role of the Ethics Adviser in Public Administration

According to law no. 50/2007, each public institution must designate within the human resources departments a civil servant to deal with ethical counseling and monitoring compliance with the rules of conduct.

The Ethics Adviser has the role of ensuring integrity and balance in public administration.

3.1. Ethical counselling

Ethical counselling consists in providing advice and assistance to civil servants within the framework authorities or public institutions regarding compliance with the rules of conduct. Every authority or public institution there should be an ethics adviser. The Ethics Adviser works with the people in charge of the institution to ensure integrity management.

The main advantages of personal ethical counselling are:

- To correctly interpret and apply the rules of ethical conduct and public integrity;
- Prevent situations of conflicts of interest, incompatibilities, non-declaration of goods and violations of conduct rules;
- Helps identify early incidents of integrity;
- Be informed about the consequences of non-compliance with the rules of conduct;
- Adopt a correct attitude towards the beneficiaries of the institution and stakeholders
- Information on the possibility of participating in decision-making;
- Identifying alternatives to resolve any uncertainty, blur or dilemma that may arise in relation to any aspect of your own activity and conduct;
- Treating with respect, confidentiality and trust;
- The mediation of the ethics counsellor in conflict situations with other civil servants, thus avoiding disciplinary procedures and affecting tensions and team spirit;
• Strengthening the presumption of good faith if the counselling session takes place prior to the public interest warning.

The advantages of ethical counselling at the organizational level are:
• Increasing trust, stimulating dialogue and team spirit;
• Developing organizational culture;
• Enhance organizational image;
• Ensuring an optimal working climate;
• Effective use of resources;
• Increasing the quality of the services offered;
• Stimulating cooperation between managers and teams;
• Interpretation and uniform application of ethical conduct and public integrity rules;
• Increase the capacity to make the best decisions in the field of ethical conduct and integrity public;
• Increasing the ability to learn and adapt team members.

3.2. Ethics Adviser

The basic legal regulation for the ethical advisers to exercise their legal powers is Law 7/2004 on the Code of Conduct for Civil Servants, as amended and supplemented by Law 50/2007.

The Ethics Adviser has the role, in addition to ethical counseling, to monitor the application of the Code of Conduct for civil servants within the public authority or institution he is a member of, as well as to draw up quarterly reports on compliance by the civil servants within the framework of the public authority or institution (Albu, 2010).

Duties of the Ethics Adviser:
• deals with providing civil servants with assistance in complying with ethical conduct rules;
• contributes to the amicable resolution (through managerial measures) of ethical / ethical dilemmas violations in the institution
• Monitors the application of the code of ethical conduct, compliance with the conduct of civil servants;
• Draws up quarterly reports to the National Public Finance Agency resulting from the exercise of its duties in order to eliminate violations of the rules of conduct.

The main competency criteria for designating the Ethics Adviser are:
• Professional motivation towards the subject and activity;
• Appropriate abilities (communication, analytical spirit, formal logic, legal logic, mediation) and professional experience;
• Ability to design appropriate internal tools, processes and procedures (questionnaires, diagnostics, matrices, prioritization, case studies);
• Appropriate knowledge (initial training) and continuous training;
• Fairness;
• Internal legitimacy (a person known and appreciated in the professional team).

Current legal regulations in the areas of ethical counseling and ethics counsel are:
• Law 7/2004 on the Code of Conduct for Civil Servants, as amended and supplemented by Law no. 50/2007, establishes, on the one hand, that the National Agency of Civil Servants is the authority that "coordinates and controls the application of the norms provided by The Code of Conduct for Civil Servants" and, on the other hand, that at the level of each institution and public authorities, for the purpose of effectively implementing the provisions of the Code of Conduct, "a" civil servant, usually within the human resources department, for ethical counseling and monitoring compliance with standards of conduct. "Ethics advisers" have as their main tasks to advise and assist civil servants to comply with the rules of conduct, to monitor the implementation of the Code and to draw up quarterly reports on compliance by the civil servants within the public authority or institution.

• Law No. 477/2004 on the Code of Conduct for Contract Staff in Public Authorities and Institutions establishes the authorities responsible for the "coordination and control of the application of professional conduct rules", but unlike the regulation on the implementation of the civil servants' Designate an "ethics adviser" to advise contract staff, monitor the implementation of the Code and prepare quarterly reports on compliance by contract staff within the public authority or institution.

Regarding the current regulations establishing the appointment of ethics advisers for the implementation of the Civil Servants Code of Conduct, a number of shortcomings and inaccuracies of the regulations in question (deficiencies and inaccuracies that are to be found, as will be shown below, and in the case of other regulations establishing the designation of persons exercising similar legal powers in the field of public integrity, access to information, participation in decisions). One of these shortcomings lies in the fact that the designated persons fulfil these tasks by the cumulative ones with the "basic" ones, which legally fall under the job description, which leads to an overloading of their work - with inevitable repercussions including on the quality of their activity people (Matei, 2011).
It may be considered that carrying out a national analysis of the situation and the way in which legislation is applied to civil servants designated for ethical counseling and monitoring compliance with the rules of conduct could provide new opportunities for finding solutions to a range of issues that do not they were still well set up.

4. Conclusions

In the last decades, the issue of the ethical dimension of the life of organizations has been strongly challenged in the business environment. Ethical codes, ethical audit, ethics committees, employee ethics, and institutional culture have become more and more widespread. This stems from the fact that these issues have been imposed politically and, in many countries of the world, these concepts formalized by receiving legal force. The internalization of these concepts in people’s habits does not have high rates, but the process is ongoing. Institutionalizing ethical concepts is a new reality for which all employees need to be trained.

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The public sector is a component of the macro system with major implications for the functionality of the assembly. This is obvious when considering the diversity of areas of activity integrated in the public sector.

All the theoretical aspects presented, combined with the requirements of the legislation in force, represent arguments in favor of the concept of ethical counseling, which generates at the level of the institutions of the public administration, the need of the ethical adviser function.

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