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in co-operation with

THE PRESIDENCY OF THE GOVERNMENT OF TUNISIA

Regional seminar for senior public officials

UniDem Med

**“ PERFORMANCE, MERIT AND EQUALITY
IN THE CIVIL SERVICE ”**

**Hotel Dar el Marsa
La Marsa, Tunisia**

27 - 30 March 2017

**TOWARDS A NEW PUBLIC MANAGEMENT ?
NEW CHALLENGES AND NEW MISSIONS FOR THE CIVIL SERVICE**

by

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5th Regional Seminar for Senior Public Officials – UniDem Med

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The Principles of Public Administration – Performance, Merit and Equality in the civil service

Lech Marcinkowski - SIGMA

Tunis, 27 March 2017



Content

How do the Principles of Public Administration promote *Performance, Merit and Equality* in the Civil service?

- Presentation of SIGMA and the Principles of Public Administration
- Focus on the Principles for Public Service and HRM Area
- Focus on sub-principles ensuring *Performance, Merit and Equity*.
- Can *Performance, Merit and Equality* be measured?

What is SIGMA?

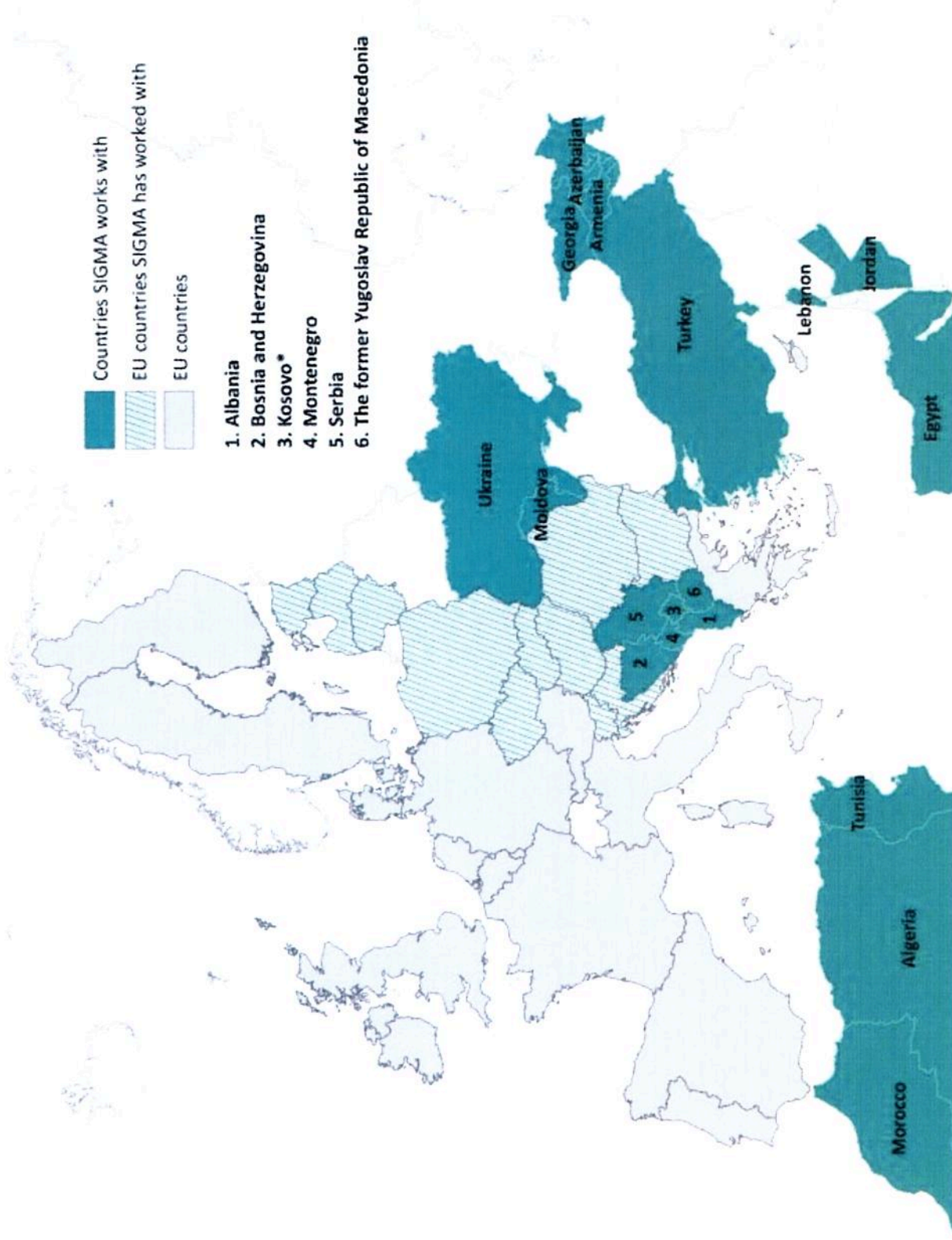
- Support for Improvement in Governance and Management - a joint initiative of the EU and OECD
- Experts from EU public administrations
- Working with countries to strengthen public governance systems and public administration capacities for almost 25 years to support socio-economic development through public administration reform (PAR)



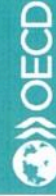
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SIGMA = 25 years working together to improve public administrations



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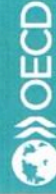
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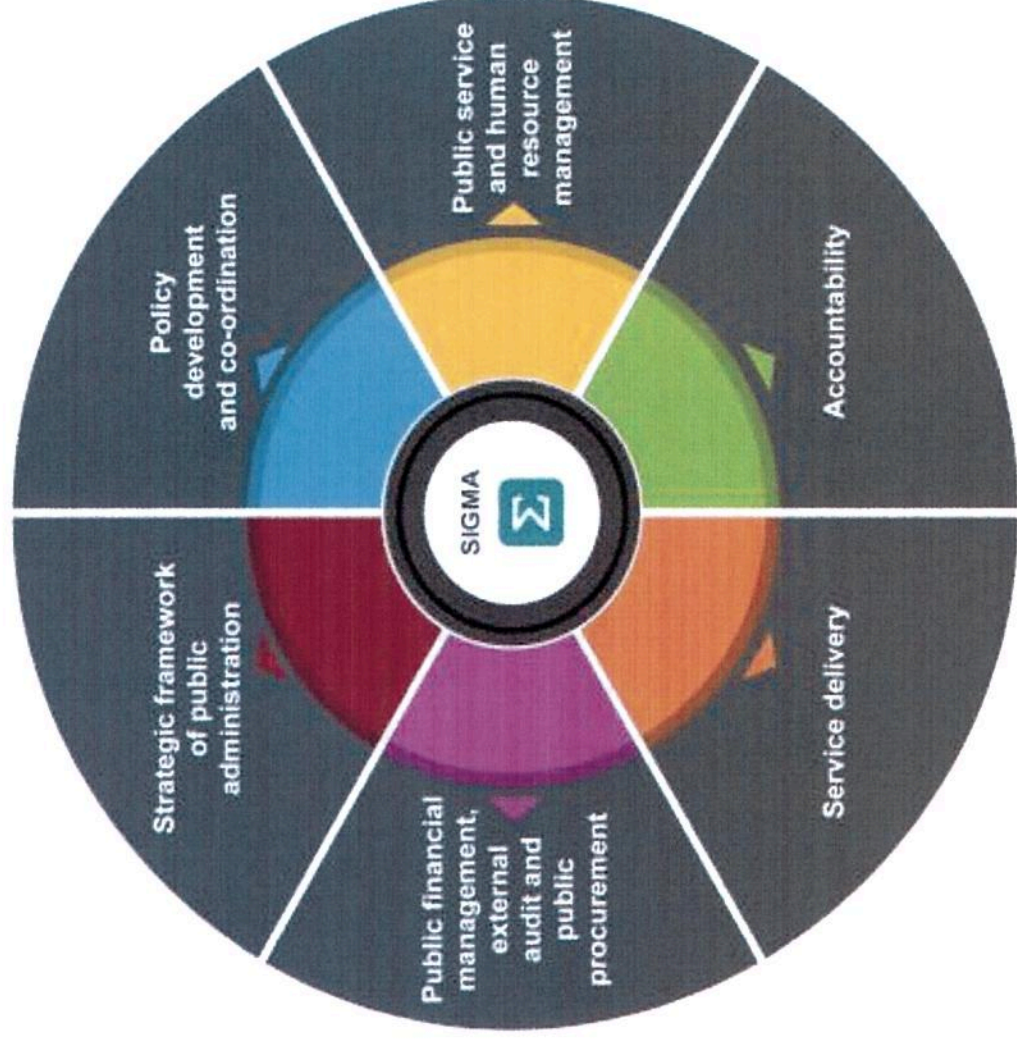
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Why did SIGMA develop the Principles?

- Each country has its own priorities for public policies which change over time.
- For a government to deliver on its priorities, good public administration is a key success factor.
- A comprehensive, holistic and cross-sectoral framework was needed to define good public administration and support reforms in different countries.
- The Principles provide you with a complete conceptual framework.
- As a minimum benchmark of good administration, countries should pursue compliance with these fundamental Principles

Areas of public administration reform that SIGMA works in



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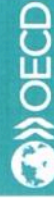


The Six Core Areas are about..

- An administration focused on constantly improving its own functioning
- Helping governments to make good decisions
- People with the skills and knowledge to get things done
- An administration that allows citizens to get things done, for their benefit
- Good, accessible public services for citizens
- Public administration using money wisely



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Structure of the Principles

- Six core areas as defined by the EC
- Key requirements
- Principles
- Subprinciples
- *Methodology*
 - *Indicators*
 - *Sub-indicators*



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Two versions of Principles





PSHRM Principles (IPA – ENP)

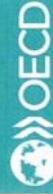
<p>1. The scope of public service is adequate, clearly defined and applied in practice</p>	<p>1. The policy and legal frameworks for a professional and coherent public service are in place; the institutional set-up enables consistent and effective human resource management practices across the public service</p>
<p>2. The policy and legal framework for a professional and coherent public service is established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service</p>	<p>2. The scope of public service is adequate and clearly defined</p>
<p>3. The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit</p>	<p>3. The recruitment of public servants, including those holding senior managerial positions, is based on merit and equal treatment in all its phases; the criteria for demotion and termination are explicitly stipulated by law and limit discretion</p>
<p>4. Direct or indirect political influence on senior managerial positions in the public service is prevented</p>	
<p>5. The remuneration system of public servants is based on the job classification; it is fair and transparent</p>	<p>4. The remuneration system of public servants is based on the job classification; it is fair and transparent</p>
<p>6. The professional development of public servants is ensured; this includes regular training, fair performance appraisal, and mobility and promotion based on objective and transparent criteria and merit</p>	<p>5. The professional development of public servants is ensured; this includes regular training, fair performance appraisal, and mobility and promotion based on objective and transparent criteria and merit</p>
<p>7. Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place</p>	<p>6. Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place</p>

Principle 1

The policy and legal frameworks for a professional and coherent public service are in place; the institutional set-up enables consistent and effective human resource management practices across the public service

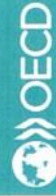


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Principle 2

The scope of public service is adequate and clearly defined

Horizontal

Vertical

Material

Principle 3

The recruitment of public servants, including those holding senior managerial positions, is based on merit and equal treatment in all its phases; the criteria for demotion and termination are explicitly stipulated by law and limit discretion

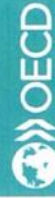


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Principle 4

The remuneration system based on job classification; it is fair and transparent.

Principle 5

The professional development of public servants is ensured through regular trainings, fair performance appraisal and mobility and promotion based on objective and transparent criteria and merit.



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Principle 6

Measures for promoting integrity, and preventing corruption and ensuring discipline in the public sector are in place.



Purpose of the Methodology

- Without knowing the starting point it is hard to decide **what needs to be changed**
- Without analysing progress over time it is impossible to say **what has been achieved**
- Therefore, the purpose is to provide a methodological tool which allows countries to evaluate their current state of affairs and progress over time
- Next slides: examples from the IPA countries methodology





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Measuring the Principles

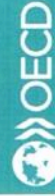
- One composite indicator to provide a balanced measure of each Principle (in a few cases two)
- Mixed methodology,
 - Administrative data
 - Interviews, focus groups
 - Test of practice/behaviours
 - Survey methodologies
 - Official statistics
- Systematic data triangulation

Equality in the Principles

- Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases.
 - 3.4: **Protection against discrimination** of persons applying to the public service and those employed is ensured by all administrative bodies in accordance with the principle of **equal treatment**. In the cases explicitly established in the law, comprehensive **equitable representation** is taken into account in the recruitment process.



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Equality in the recruitment process (1)

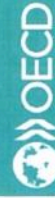
We measure it by analysing legislation to see if:

- Clear and non-discriminatory eligibility criteria for accessing civil service positions are established
- Positive discrimination of people from disadvantaged groups is promoted (e.g. for the disabled)
- The secondary legislation is detailed enough to guarantee a uniform approach to selection across the civil service
- Anonymity of written examinations is guaranteed

and...



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Equality in the recruitment process

- ... by reviewing a sample of files to see if in practice (inter alia):
 - The deadline to submit applications is defined as at least ten working days from the date of its announcement
 - Job announcements contain requirements based on legislation and job descriptions
 - There is evidence that uniform and professional recruitment practices were pro-actively supported
 - Selection encompassed both written and oral examinations (in the form of structured interviews)
 - Written testing was anonymised
- Also by checking if all civil service announcements are accessible on the single user friendly web portal



Equality in remuneration (1)

Equal pay for work of equal value is ensured; any type of discrimination related to gender in remuneration is avoided

- Analysis of legislation and two sources of quantitative data:
 - Monthly base salary for similar job positions in selected public bodies, broken down by gender.
 - Gender pay gap for similar positions, calculated as the difference between the average gross monthly salary
- Based on available government data (if exist)²³

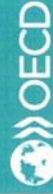


Equality in remuneration (2)

- Managerial discretion in assigning different elements of salary, allowances and benefits to individual public servants is limited to ensure fairness, transparency and consistency of the total pay
- Measured by verifying if:
 - The percentage of bonuses in total remuneration is below 20%.
 - The legislation contains clear and non-discriminatory criteria for allocating bonuses.



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Measuring equality (1)

- Within Principle 2, indicator *Adequacy of the policy, legal framework and institutional set-up for professional human resource management in public service* measures “availability of data”
 - The annual report on the civil service is based on relevant and updated data, including at least information on the total number of civil servants, the total turnover of civil service, **gender balance in the civil service**, the number of candidates per position, training statistics, and data on appeals, appraisals, dismissals and salaries

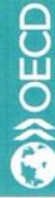


Measuring equality (2)

- **Women in senior civil service positions (%)**
 - The number of women in senior civil service positions divided by the total number civil servants in senior level positions in the assessment year, expressed as a percentage. Data relates to government administration only.



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Merit in the Principles (1)

- Principle 3: Sub-principle 3.1
 - The recruitment and selection process in public service, either external or internal and regardless of the category/class of public servants, is clearly based on **merit**, equal opportunity and open competition.
 - The public service law shall clearly establish that any form of recruitment and selection **not based on merit** is considered legally invalid.



Measuring *merit* in the recruitment process

We measure it by:

- reviewing the legislation to see if:
 - The civil service legislation includes the principle of merit to access all civil service positions
 - Competitions are established by law as the unique way of becoming a civil servant
 - The best-ranked candidate is appointed to the position
- analysing a sample of actual recruitment files
- Sub-indicator **Meritocracy and effectiveness of recruitment of civil service** (3.3.1)



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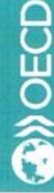
Merit in the Principles (2)

We recommend that:

- Dismissal due to restructuring or downsizing is possible only based on **objective** technical, economic and organisational reasons. Individual dismissal decisions are taken based on principles of **merit** and **non-discrimination**
- Dismissal due to **low performance** is possible, but only as a result of **recurrent negative appraisals** over a sufficiently long period of time



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Measuring merit in dismissal cases

We measure it with Sub-indicator ^{3.3.2} Merit-based termination of employment and demotion of civil servants, verifying both the legislation and the practice

- For each of the three criteria above, 2 points are awarded when they are fully met. One point is awarded for each criteria in the following situations:
 - The provisions are in place, but are of poor legal quality, allow for different interpretations and lack precision, or the process set in secondary legislation (for example related to disciplinary procedures or appraisals) does not fully guarantee decisions based on merit.
 - There are official, well-documented reports or reliable academic studies that show significant shortcomings in the practice of dismissals.



Merit and equality in recruitment and dismissal of senior civil servants

- The criteria for recruiting persons to the senior managerial positions are clearly established and disclosed.
- The recruitment and selection process to the senior managerial positions, either external or internal, is based on merit, equal opportunities and open competition.



Measuring Merit in SCS

- **Merit-based recruitment and dismissal of senior civil servants (IPA specific)**
 - Legal framework and organisation of recruitment
 - Sub-indicator: **Adequacy of legislative framework for merit-based recruitment for senior civil service positions** - 11 criteria, including:
 - The principle of merit is included in the civil service legislation as a criterion for access to senior civil service positions
 - Application in practice of recruitment procedures for senior civil service
 - Review of recruitment files



Adequacy of legislative framework for merit-based recruitment for senior civil service positions (**IPA specific**)

- 1) **The principle of merit** is included in the civil service legislation as a criterion for access to senior civil service positions
- 2) Clear and **non-discriminatory eligibility criteria** for access to senior civil service positions are established
- 3) **Competitions** (internal or external) for senior civil service positions are established by law as the only way of accessing the senior civil service
- 4) The deadline to submit **applications** is defined as at least ten working days from the date of the announcement
- 5) If the legislation allows for **acting senior civil servants**, it sets a maximum non-renewable time limit of no longer than six months



Adequacy of legislative framework for merit-based recruitment for senior civil service positions (2)

- 6) The law guarantees professional well-defined composition and functioning of **selection committees, with no political interference** (political appointees cannot be members)
- 7) The legislation foresees that recruitment procedures to assess candidates to senior civil service positions include both **written and oral assessments**
- 8) The **highest-ranked candidate is appointed** or (only if the average number of candidates for senior positions is higher than three) one of the two or three highest-ranked candidates is appointed, with obligatory written justification
- 9) One of the two or three highest-ranked candidates is appointed without obligatory written justification (only if the average number of candidates for senior positions is higher than three)
- 10) The right of candidates to **appeal** recruitment decisions is included in the applicable legislation
- 11) There are **at least two appeal instances**: an administrative instance and the courts





Merit in the Principles (4)

The functional promotion of public servants is established in the legislation, based on the **merit principle and objective and transparent criteria** (Principle 5.4)

- Review of the legislative framework and practice (actual files), to see if:
 1. The **primary legislation** establishes that vertical promotion is based on merit, objective and transparent criteria; civil servants cannot be promoted to the higher category, without formally checking their competences.
 2. The **procedures** (secondary legislation) ensure merit-based promotions
 3. Political interference is absent

Performance in the Principles (1)

- Principle 5, sub-principle 2: The principles of performance appraisal are established in law to ensure the coherence of the whole public service.
 - The detailed provisions are established in secondary legislation.
 - The performance appraisal of public servants is carried out regularly.



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Verifying if *performance* is adequately measured

Professionalism of performance assessments (sub-indicator 6.1.5)

- Percentage of civil servants whose performance was appraised during the last year
- Performance results (the number of performance appraisals on each level of the appraisal scale in the assessment year).



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What is recommended?

- Performance assessment **system** fulfils the following **requirements**:
 - a) performance is assessed against clear individual objectives aligned with the functions and level of responsibility of the position;
 - b) civil servants are duly informed about the objectives against which they will be evaluated;
 - c) managers have the knowledge and the capacity to conduct appraisals and to use the results;
 - d) the results are recorded in written form; and
 - e) interviews between the civil servants evaluated and their managers are compulsory
- In practice, performance appraisal is **applied to** at least 70% of eligible civil servants.
- In practice, the proportion of **results** falling into the higher performance rates is not over 60%.

Performance in the Principles (2)

- Fair and transparent remuneration system (sub-principle 4.5):
 - The remuneration system of public servants provides reasonable conditions for recruiting, motivating and retaining public servants with the required competencies.
- We recommend **Motivational character of bonuses** (sub-indicator ^{5.1.7}), measured by:
 - Percentage of civil servants who received bonuses during the assessment year (<50%, <70%)



Feedback?

- Do you think that the Principles provide a useful conceptual framework for *Performance, Merit and Equality*?
- Do you think that *Performance, Merit and Equality* can be measured accurately and how best to do it? What else, besides our proposals, should be measured to provide an objective picture of the situation at a country level?



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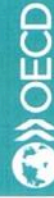


Relevant links:

- SIGMA Principles for ENP countries
<http://sigmaweb.org/publications/principles-public-administration-european-neighbourhood-policy.htm>
- SIGMA Principles for IPA countries
<http://sigmaweb.org/publications/principles-public-administration-eu-enlargement.htm>
- Monitoring reports:
<http://www.sigmaweb.org/publications/public-governance-monitoring-reports.htm>
- WeBER animation on PSHRM Principles:
<https://www.youtube.com/watch?v=Rauwn4V5Fo8>



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More information can be found at:

www.sigmaweb.org

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