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MANAGING THE CIVIL SERVICE **Roles, Mechanisms and Capacities – Central Capacity and Line Ministries**

Tatjana Trendafilova
Consultant, Republic of Macedonia

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This paper was prepared for the workshop on “Building a professional Civil Service in Kosovo” (Pristina, 26-27 June 2008), co-organised by Sigma and the Ministry of Public Services of Kosovo, with an objective to introduce different models for establishing and developing a central capacity to manage and coordinate a civil service system, its main roles and capacities needed to perform them.

It presents examples of different institutional arrangements for civil service management found in some EU member countries with developed systems of professional, merit-based civil services. It also gives an overview of the systems established for the overall management of the civil services in the Western Balkan countries and the division of the roles between different institutional actors. Finally, it focuses on the capacities of the central management bodies and line ministries/state organisations in the Western Balkan countries and tries to explore some of the main problems that hinder the development of a sound system for civil service management.

1. Management of the civil services in the EU countries with developed professional and merit-based civil service systems

The issue of civil service management is linked to the role and responsibilities of the state as an employer. Regardless of the scope of the civil service or the civil service model (career or position-based), in its capacity of an employer the state requires rules and policies that introduce common standards of human resources management across the civil service and sound management mechanisms and capacities that guarantee the uniform application of these standards.

In the EU member countries with well-developed professional and merit-based civil service systems, in general, there are consolidated institutional arrangements for regulation and supervision of the personnel management in the civil service. In some EU member countries, these institutional arrangements are defined in the civil service laws (primary legislation) and in other countries the institutional set-up is regulated by other legislation.

There is a different mix of institutional players in different countries charged with the management of the civil services. In general, the management of the civil service involves relationship and division of roles between two, that is, three institutional actors: a central civil service management capacity, an independent civil service commission and the individual ministries/agencies that employ civil servants. Depending on the level of centralisation/decentralisation of the civil service system, there are different roles assigned to these institutional actors.

What is commonly found, however, is that the central civil service management capacity is in charge of the overall civil service management issues, which usually involve proposing legislation and personnel policies, coordination and monitoring of the implementation of human resources management rules and policies at individual agencies level, organising or monitoring of recruitment, negotiating with civil service unions on behalf of the government and organisation and management of training for civil servants.

The central civil service management capacity is usually part of the executive, i.e. accountable to the government. Its institutional character differs from country to country, but in general, it is either a ministry or part of the institutional structure of the “centre of government”.

In Spain, Luxembourg and Norway, for example, there is a specific ministry of public administration dealing with the general aspects of the civil service management (the Ministry of Public Service and Administrative Reform in Luxembourg, the Ministry of Public Administrations in Spain, and the Ministry of Government Administration and Reform¹ in Norway).

The Ministry of Finance is the central civil service management capacity in countries like Denmark², Finland³, Sweden⁴ or Ireland, although it would be more correct to say that the Department of Finance and the Department of the Prime Minister in Ireland play the role of the “centre” for civil service management in this country. In Portugal, it is the Ministry of Finance and Public Administration⁵ that deals with civil service management issues.

Ministries of the interior act like central management bodies in countries like Germany and the Netherlands, for example. The Federal Ministry of Interior in Germany deals with issues related to the status, employment legislations, pensions and salaries of the federal civil servants; the Ministry of Interior and Kingdom Relations⁶ in the Netherlands coordinates the national policy on public sector employment.

In Belgium at federal level the Federal Public Service Personnel and Organisation is the central human resources body for the entire federal administration. It is one of the “horizontal” federal public services (ministries) which develops policies and tools for human resources management and organisational development and encompasses, among other organisational units SELOR - a government recruitment agency “exclusively designated to select the statutory and contract based personnel for the federal authority”⁷, and the Federal Training Institute which provides general and specialised training for the federal civil servants.

In Austria, at present, at federal level, there is a special Ministry for Women, Media and Civil Service, headed by a federal minister for Women, Media and Civil Service. The Ministry, however, is part of the Federal Chancellery. A separate division within the Federal Chancellery is responsible for the civil service management issues, i.e. for coordination of staff management and preparation of service regulation laws and other standards.⁸

The Cabinet Office in the U.K. oversees staff management throughout the Civil Service. The Cabinet Secretary is also the Head of the Home Civil Service and chairs the Permanent Secretaries Management Group and the Civil Service Steering Board (established in 2007), which are the two key governing bodies for the Civil Service. Their task is to ensure a clear direction and coherency and effectiveness of the civil service.

In the civil service systems of some European countries, like the U.K. and Ireland, the roles of the central civil service management capacity related to recruitment and

appointment of civil servants are assumed by another institutional actor – an independent commission (not a part of or reporting to the government), whose main role is to ensure that recruitment and selection is carried out by fair, open and merit-based means.

In the U.K. where the recruitment is decentralised, i.e. it is the responsibility of individual departments and agencies, the Civil Service Commission plays a role of a regulatory body. It prescribes a recruitment code and ensures compliance with the code by the departments, chairs and oversees the process of selection of senior civil servants, approves exceptions to the recruitment principles and carries out audit of individual departments recruitment systems and practices. It also hears appeals under the Civil Service Code.

In Ireland, under the recently adopted civil service recruitment and appointment legislation⁹, the Commission for Public Service Appointments and the Public Appointments Service replaced the Civil Service Commissioners and the Local Appointments Commissioners. The Public Appointments Service is a centralised recruitment, assessment and selection body for public service departments who choose not to recruit directly. The Commission is a regulatory body which sets standards for recruitment to the civil and public service to maintain the probity of the recruitment process and monitors compliance with standards. Since the legislation introduced possibilities for decentralisation of the system of recruitment through granting recruitment licenses to public service bodies, the Commission is also empowered to issue instructions to licence holders if possible compromises of the recruitment process are discovered¹⁰.

The responsibilities of line ministries and agencies for personnel management depend on the level of centralisation or decentralisation of the overall civil service system. The minimum responsibilities include initiation of recruitment and selection or initiation of salary increases in centralised systems, or quite a broad range of human resource management functions, such as recruitment, pay, trade union negotiations, etc. in more decentralised systems.

2. Management of the civil services in the Western Balkan countries

The idea for establishment of professional and merit-based civil services in the Western Balkan countries¹ re-emerged highly on their political agendas in the late 1990s and at the beginning of this century, when legislation to regulate the status, conditions of employment, rights and duties of civil servants was also adopted.

The civil service laws of all of these countries - with no exception, define a central body in charge of the overall civil service management, and the rest of the institutional arrangements for regulation and monitoring of the civil service management at ministries and agencies level.

¹ The paper reports on Croatia, Macedonia, Serbia, Montenegro, Bosnia and Herzegovina and Albania.

The following is a brief overview of the institutional arrangements for civil service management in each of the Western Balkan countries covered by this paper, including their main tasks and responsibilities.

Croatia

The Central State Office for Administration (CSOA) plays the role of a central management capacity under the Civil Service Act (CSA) of 2005. It is part of the executive branch structure of administrative bodies. The CSOA is tasked with overseeing the implementation of the CSA, monitoring the status and proposing measures for the development of the civil service. For the bodies with less than 50 employees it is responsible for direct human resources management (conducting recruitment, maintenance of personal records, preparation of admission plans, etc.). It develops the recruitment policy and monitors state bodies with regard to the adequate implementation of the prescribed recruitment rules and regulations and is represented in all recruitment commissions. The CSOA reviews classification and staffing plans and compiles a unified civil service admission plan for the entire civil service. It also keeps a central personnel registry.

The Civil Service Board decides the complaints of dissatisfied applicants in the recruitment procedures and on the appeals of civil servants against decision related to their rights and duties. It is an independent body seated within the CSOA, composed of civil servants appointed by the Government.

The Civil Service Tribunals (established for one or more state bodies) and the Higher Civil Service Tribunal decide in serious disciplinary offences/procedures in the first and second instance, respectively. Their members are appointed by the Government.

Administrative Inspection controls the lawfulness of the decisions on admittance, job placement, transfer, disposal, termination and on other rights and duties of civil servants.

A Civil Service Training Centre was established in 2005 within the CSOA to centrally manage and deliver general training to civil servants.

Albania

The Department of Public Administration (DoPA) manages the civil service in the institutions of the central administration. Independent institutions, to which the 1999 Law on Civil Service apply, perform this function through their human resources management units. The DoPA was initially positioned under the Prime Minister's Office, but at the end of 2005 the government decided to transfer it to the Ministry of the Interior. DoPA has the task of developing and overseeing the implementation of the civil service policies, preparation of civil service regulations and issuing general instructions related to recruitment, performance appraisal, job description and job evaluation, disciplinary measures and salary structure. It supervises the implementation of civil service regulations by the ministries and reports annually on the general situation of the civil service to the Government. DoPA organises centrally the recruitment for the institutions of the central administration and nominates the

civil servants. It keeps and manages a Central Registry of Personnel and jointly with the Ministry of Finance negotiates with the civil service trade unions.

The Civil Service Commission is the other institution charged under the 1999 Law on Civil Service with supervisory responsibility over the management of the civil service at all the institutions covered by the Law. It supervises the legality of management decisions concerning the civil service and hears the appeals of civil servants on all issues related to their status, such as recruitment, probationary period, performance appraisal, disciplinary measures, etc. The Civil Service Commission is an independent body reporting to parliament.

The Training Institute for Public Administration manages and organises the training of civil servants. It is under direct supervision of the DoPA, as it approves its annual and multi-annual working programmes and its annual reports on the training delivered.

Montenegro

The Human Resources Management Authority (HRMA), as a central civil service management capacity in Montenegro, was reporting to the Ministry of Justice. At the end of 2006, however, it was placed under the responsibility of the Ministry of the Interior, Administration and Self-government. The HRMA monitors the implementation of the civil service legislation; gives opinions on the organisation and systematisation of jobs in the state bodies; issues vacancy announcements, manages the recruitment procedure and prepares a shortlist of candidates; maintains records and manages the internal labour market; maintains the civil service registry; prepares training programmes; advises the government on human resources management issues and assists the state bodies in implementing the personnel policy, training and personnel development.

The Appeals Commission decides on the appeals of civil servants against decisions related to their rights and duties. Its seven members (all lawyers, one of whom should be a representative of the trade unions) are appointed and dismissed by the Government for a non-renewable term of four years.

Administrative Inspectors carry out supervision over the implementation of the civil service legislation, including supervision of the recruitment procedures, promotions, performance assessments and assignment of civil servants.

There is no government training institution for the civil servants in Montenegro, but a training department within the HRMA which coordinates and organises training.

Serbia

Based on the Civil Servants Act which came into force in July 2006, the Human Resources Management Service (HRMS) replaced the Ministry of Public Administration and Local Self-government in the role of a central management capacity for the civil service in Serbia. The HRMS is a service of the Government, the director of which is accountable directly to the Prime Minister. It is responsible for: advertising internal and public competitions; preparing the general human resource

plan for the Government and ensuring proper implementation of the adopted plan; carrying out a coordinated modernisation of the state administration, including the development of the civil service system, participation in the drafting of civil service legislation and issuing opinions on the rulebooks of internal organisation and systematisation of jobs of the individual state bodies; advising and assisting the individual bodies regarding personnel management and internal organisation; managing the central personnel registry of civil servants and public employees; managing the internal labour market; drafting the general training programme proposal for the Government and organising training in line with the adopted programme. It serves as a secretariat to the High Civil Service Council and to the Government Appeals Commission. Except for the highest senior civil service positions, the HRMS has a monitoring role in the recruitment of civil servants which is decentralised, and a representative of the HRMS participates in all competition panels.

The High Civil Service Council, whose members are appointed by the Government, works as an independent (regulatory) body. Its main task is to prescribe the types of professional qualifications, knowledge and skills to be assessed in competitions for filling vacancies, the manner of their verification and the selection criteria, but also to prepare a Code of Conduct for the civil servants. In addition, the Council decides on the rights and duties of the senior civil servants who head the state bodies (and has an important role in their selection, i.e. it nominates the selection panels and prepares shortlists which are sent to the ministers) and conducts disciplinary procedures against high-ranking civil servants appointed by the Government.

The Appeals Commission of the Government is another independent body whose members are also appointed by and accountable to the Government. Its responsibility is to decide on civil service appeals against decisions related to their rights and duties and appeals of dissatisfied applicants in the internal and public recruitment competitions.

The Administrative Inspection controls the implementation of the Civil Service Law, that is, the lawfulness of the recruitment procedures, of the decisions on recruitment, job placement, transfer, promotion and other issues related to the rights and duties of civil servants.

Bosnia and Herzegovina

The Civil Servants Agencies (CSAs) at state and entity level in Bosnia and Herzegovina are defined by the respective civil service laws as the central civil service management capacities for the civil services at each of these levels. The three CSAs are independent bodies reporting to and under the Council of Ministers (BIH – state level) or the government (FBIH and RS – entity level). They are all tasked with ensuring the implementation of the civil servants laws and development of amendments to the legislation, including development of uniform rules for recruitment and promotion. They provide opinions on the rulebooks on systematisation of jobs in the individual government bodies – a task which is linked to classification of the civil service positions and preparation of the annual personnel budgets, and organise and deliver training to the civil servants. They are involved in the recruitment (advertising of vacant positions, administering examinations,

nominating and assisting the selection committees), and all of the CSAs have developed and maintain a civil servants registry.

The Civil Service Appeal Board at state and FBIH-level is the body reviewing the decisions of the individual bodies or Civil Servants Agencies related to civil service matters, upon request of the civil servants or the administrative bodies. The members of the Board are appointed by the government. There is no such body in RS.

The administrative inspections at all three levels examine the lawfulness of the organisation of administrative bodies, including their systematisations of the civil service jobs and the recruitment procedures.

All three CSAs rely on their training departments for development and delivery of training for the civil servants.

Macedonia

The Civil Servants Agency (CSA) was established in 2000 under the Law on Civil Servants of the same year. Unlike all other institutional arrangements mentioned so far, it is an autonomous state body accountable to the Parliament, executing expert, administrative and other activities related to the status, rights, duties and responsibilities of civil servants. The reasoning behind such an institutional arrangement for the CSA was that the status of an autonomous state body and the lines of accountability towards the Parliament would provide it with more independence in promoting the implementation of the civil service legislation across all three branches of power and the local authorities the administration of which is under the scope of the Law, than being placed under the Government.

The competencies of the CSA can be broadly grouped into the following categories:

- developing policies related to human resources management in the civil service (it develops and adopts secondary legislation related to civil servants, following prior opinion and consultation with the individual state bodies; develops policies and offers guidelines related to positions and job descriptions of civil servants, selection, employment and termination of employment, equitable representation, salaries and allowances, performance assessment and disciplinary liability);
- safeguarding the system of civil service defined in the Law (it gives written consent on the rulebooks on internal organisation and systematisation of jobs of the individual state bodies; it monitors and takes care of the uniform application of the laws and regulations applying to civil servants and points out the inconsistent application to the individual state bodies; it organises and administers the recruitment and decides on appeals and complaints as a second-instance body); and
- promoting the development of civil service (it promotes the efficient and effective performance of civil servants and coordinates training and other professional development activities for civil servants).

In order to be able to execute these functions, it is also obliged to keep Civil Servants Register and to compile and process data on employees in the state bodies that belong to the minority communities. The CSA should give recommendations and assist the

state bodies in collective bargaining for the employees who do not have a status of civil servant - a competence that was so far never exercised by the CSA.

One of the most frequently stated arguments related to the unusual position of the CSA is about the seemingly conflicting roles it has: it participates in the most important first-instance procedures on employment and disciplinary liability of civil servants and it also decides in second-instance on appeals stemming from these procedures. So far, however, this arrangement seems to work well. On the one hand, the independent operation of the CSA second-instance appeal commission is ensured since its members are civil servants working in the CSA and care is taken that they do not participate in the first-instance procedures on employment or disciplinary liability. On the other hand, it seems too important for the CSA to give up its role in the first instance procedures at a time when the civil service has just been established and begins to develop. It appears that the CSA representatives in the disciplinary or employment commissions have the role of ensuring the proper application of the Law, safeguarding the principles and uniform standards across the civil service, having in mind that these are ad hoc commissions, in many instances composed of civil servants who do not have the necessary skills or enough knowledge of the civil service system.

Labour Inspectorate is tasked with the control of the civil service recruitment procedures.

This brief overview shows that one general feature of the management systems in the Western Balkan countries is that, with the exception of Macedonia, all of the central civil service management bodies belong to the executive, i.e. they are accountable to the government. All of them share a set of common core functions, which include:

- development of policies;
- drafting of legislation (primary and secondary);
- organisation of /participation in /and monitoring of the recruitment and selection procedures;
- involvement in establishment control;
- providing/coordinating training of civil servants; and
- maintaining civil servants registers/databases.

They all rely on a network of human resources management units (HRM units) in the individual administrative bodies for the effective and efficient execution of these tasks which, in the systems of civil service that can be generally described as fairly decentralised, are responsible for a significant number of human resources management tasks (including planning of staffing, initiating and deciding on recruitment, carrying out performance assessment, conducting training needs assessment and preparing training plans, etc.).

However, they all share a number of common problems that inhibit them to effectively manage horizontally across the civil service and face similar challenges in fulfilling their main role of promoting the development of a merit-based and professional civil service. A part of these problems are a consequence of the inherited administrative tradition and culture of the former system which are still hard to overcome, while others can be associated with the “youthfulness” of the civil service systems and the insufficiently developed capacities and skills for its management.

The first and most serious problem they face is the lack of political will for development of a merit-based, professional and politically neutral civil service. Despite the declarative commitments of successive governments in these countries and the existence of civil service legislation, it seems that it is very hard for politicians to accept the fact that their involvement in the personnel recruitment and management should not stretch to the lowest hierarchical levels of the administration like in the previous system and that, except for the very political and highest managerial positions in the administration, the rest of the civil service positions are not spoils to be shared among the winning political parties¹¹. Consequently, politicisation of the civil service is still the major problem present in these countries¹² and the inventiveness of politicians in finding ways of circumventing the adopted civil service legislation or using the formally prescribed legal ways to contravene the spirit and objectives of the civil service law contribute to its very slow resolution¹³. Although governments and government coalitions of different political provenience changed in the period over the last decade when the civil service legislation in these countries was adopted, what did not change was their attitude towards the civil servants – they are hardly regarded by the politicians as professionals who can be trusted and delegated the authority to discharge the government functions efficiently and effectively to the benefit of the citizens¹⁴. It is not uncommon that in some of the countries such mistrust in the professionalism and capacities of the civil servants results in increase of the personnel numbers after each elections, albeit mostly in the numbers of the contracted personnel with close ties to the ruling political parties, which adds up to the numbers of permanent civil servants who are protected by the civil service legislation and can not be easily dismissed¹⁵. It is a vicious circle which needs to be interrupted in order to demonstrate real political will for development of a merit-based civil service.

This is not a very favourable environment for the efforts of the civil service management bodies to establish and promote a civil service based on the principles of merit and professionalism. In general, their role is not properly respected and their work is undermined by the lack of sufficient political commitment on the goals they strive to achieve, along with the allocation of insufficient operational budgets for execution of their functions and for their proper staffing¹⁶. Furthermore, their close institutional relations with the government (being governmental or ministerial services accountable to the government), and possibilities of political interference and pressures on their operation, reduce their abilities to act independently in practice, as formally required under the civil service legislation.

Another problem associated with the administrative traditions is that along with the strong tendency to de-professionalise the administration working for the state, a prominent feature of the state administrations in Western Balkan countries that belonged to former Yugoslavia (as in the other countries of Central and Eastern Europe in the years before 1990) was the highly fragmented/decentralised management of the human resources and lack of a minimum set of common standards that would guide the most crucial aspects of personnel management, such as selection, recruitment, promotion, or pay. In such a situation, there was obviously no need for a central management capacity that would propose unified rules and regulations, as well as policies for human resources management in the state bodies and would oversee and monitor their application. Such an inheritance created a confrontation between the

traditional notion that the administration working for the state does not require management beyond the then standard “management of the cadres” and the notion of the civil service as a unified system that requires homogeneous and horizontal management. Despite the newly created legal rules, the concept of the state as the common employer of all civil servants that fulfils the responsibilities of an employer based on harmonised personnel management rules (and standards) enshrined in public law regulations was hard to accept. Therefore, it was also hard to accept the central civil service management bodies that were created under the new civil service legislation in order to horizontally manage, i.e. uphold, monitor and oversee the application of the common human resources management standards in the civil services on behalf of the “state”.

The effective performance of the coordination and monitoring role of the central management capacities which are crucial for the application of common human resources management standards across the civil service, depends to a great extent on their cooperation with a network of human resources management units in the individual state bodies employing civil servants and their capacities to carry out a broad range of HRM tasks. Even more so in the civil service systems of the Western Balkan countries which are decentralised to a fairly large degree. The set up and functions of the so-called “personnel offices” that usually existed at government level and in few larger ministries during the old system in former Yugoslavia countries were, however, totally different from the HRM tasks they got under the civil service legislation that was adopted. They were traditionally regarded as personnel registration offices with no management functions, since their main responsibilities were related to registering the staff in the administration in the different employment, social and health services and keeping personnel files, in addition to executing the orders of the highest political heads of the bodies related to recruitment, promotion or dismissal of “politically unsuitable staff”. The notion of human resources management and the related notions of personnel planning, career management and development, performance assessment, development of training policies and alike were as unfamiliar words as there were no skills at all for job evaluation, job description, training needs assessment, to mention only a few. Thus, an additional problem for the horizontal management of the civil service was first the absence of HRM units and then the slow pace of their establishment in all individual ministries/agencies, with the end result being either not fully or not properly staffed HRM units. More importantly, it can be argued that the capacities of such units are at a minimum limited and insufficient in all Western Balkan countries at present, although in many of them serious efforts to improve the skills of the staff working in these units have been undertaken¹⁷. The effect of the training and capacity building efforts is, however, hampered by the frequent turnover of staff in these units – a problem which is common to most of the Western Balkan countries.

This is coupled with the low capacities of the central civil service management bodies themselves, which in addition to being not fully staffed, lack skills, i.e. well trained and experienced staff in order to carry out their tasks defined in the civil service legislation¹⁸.

Finally, establishing good working relations and cooperation with the Ministry of Finance is yet another necessity, but also a problem for the central management capacities in some of the Western Balkan countries. Given the fact that, pressed with

budgetary considerations, the usual position of this ministry which plays a central role in the development and implementation of the policies related to civil service pay and staffing in all of the countries, is that the civil servants are considered just as numbers and an expenditure item in the budget, rather than a productivity factor in the delivery of the public services, it is essential for the central management capacities to create partnership position and participate on equal footing with the ministry in the development of these policies. Otherwise, the problems of staff motivation, attracting and retaining qualified and talented staff in the civil service and fighting corruption which are mainly a consequence of the present inadequate pay policies, low and uncompetitive with the private sector salary levels would be aggravated once the public sector loses its only advantage over the private sector it currently has due to the high unemployment levels and its limited development in these countries – job stability.

Given the current realities, the key challenges in the development of the young civil services for the central management capacities in the Western Balkan countries are to safeguard the merit principle of recruitment and promotion, thus enabling the development of a professional and politically neutral civil service and to ensure the coordination of civil service policies and personnel management practices, thereby ensuring the application of common standards and unity of the civil service. Tackling these challenges effectively would require further improvements of the civil service legislation in some countries (such as Montenegro, Albania or Macedonia) in order to vest enough powers and mechanisms with the central management capacities to exercise control and monitoring and effectively manage across the civil service, but also allocation of sufficient budgets and staff, along with significant efforts for their training and development. None of these is as important, however, as the clearly demonstrated political will to pursue the development of a merit-based and professional civil service, which would contribute a lot to the achievement of this goal even in circumstances of a more or less defective legislation and not enough developed management capacities.

Endnotes:

¹ The Ministry of Government Administration and Reform is responsible for, among other, the Government's administration, personnel policy, collective wage negotiations and working conditions for State employees. The Department of Employer Policy within the Ministry "has the chief responsibility for the management and development of laws and regulations, agreements, administrative provisions, general conditions, etc. for the government's personnel and employer policy. The department also plays a central role in instigating, advising and supporting restructuring, adjustment and organizational development in public administration, personnel matters, management development and information policy." Source: <http://www.regjeringen.no/en/dep/fad/About-the-Ministry/Organisation/Departments/Department-of-Employer-Policy.html?id=1590>

² The State Employer's Authority, set up in 2000 as an agency in the Ministry of Finance, is the central employer in the central government area. It prescribes and interprets rules in the area of personnel, and concludes collective agreements regarding pay and employment conditions. It provides general and specific advice to ministries and agencies on personnel-related matters.

³ The Department for Government Personnel Management at the Ministry of Finance, i.e. The Office for the Government as Employer, is responsible for policy definitions concerning central employer

functions at the state level. “In its role as the Office for the Government as Employer, the Ministry of Finance's Department for Government Personnel Management is the central unit responsible for formulating employer and personnel policy for central government. The Office for the Government as Employer represents the State employer in collective bargaining and preparations thereof, concludes collective agreements for civil servants and other State personnel at central level and supports and guides the central government agencies in collective bargaining and other employer activities. The Office for the Government as Employer is also responsible for preparing and implementing State personnel policy and for ensuring the implementation of these policies. It is also responsible for drafting related legislation and evaluating the personnel costs in the Budget as well as developing personnel administration information systems and statistical cooperation. Its responsibilities cover on-budget operational units (altogether some 150), with a total personnel of around 122,000 (agencies, departments, universities).”

Source:

http://www.vm.fi/vm/en/12_government_as_employer/02_Office_for_the_Government_as_Employer/index.jsp

⁴ The Ministry of Finance is responsible for matters connected with state employees pensions, labour legislation, education and training, and pay. The Ministry of Finance sets general standards for employer responsibilities and monitors the personnel policies pursued by government agencies. Source: <http://www.sweden.gov.se/sb/d/2102/a/20613>.

⁵ The Ministry, *inter alia*: defines, coordinates and evaluates the human resources policies in the Civil Service, in particular with regard to the regimes of public employment and professional qualification and development; defines, coordinates and applies policies relative to the Civil Service, in particular in the areas referent to the organisation and management of services, with a view to increasing efficacy and efficiency, the rationalisation of the administrative activity and the promotion of quality in the public sectors; manages the health subsystem of the Civil Service; assures complementary social actions for Civil Service employees. Source: http://www.min-financas.pt/english/li_ministerio.asp

⁶ The minister of the Interior and Kingdom Relations coordinates national policy on public-sector employment. Coordinated policy areas include terms of employment, social insurance, recruitment, and the integrity of public servants. Source: <http://www.minbzk.nl/bzk2006uk/subjects/working-in-the>

⁷ *Philippe Vermeulen* “The Belgian Civil Service System”, 2008, unpublished text.

⁸ Division III: Civil Service and Administrative Reform within the Federal Chancellery is responsible for the following matters: drafting of laws governing the service, pension, remuneration and service contracts of federal employees, equal treatment, employee protection, social welfare, staff representation, and travel allowances for federal employees; participation in human resources management (grading and allocation of posts, service allowances, special contracts etc.); plan of established posts and its implementation; mobility promotion, federal civil service job exchange, employment opportunities and vacancies at the European Union (promoting Austrians for European Union jobs); output controlling, staff performance indicators, conceptual responsibility for the human resources software and human resources management information systems; provision of in-service further education and skill-enhancement programmes and development of management training programmes for federal staff; administrative development, administrative reform programme of the Federal government, human resources development projects, administration of the [virtual citizen service programme](#); conducting the business of the supreme disciplinary board, the appeals board and the staff representation oversight board. Source: <http://www.austria.gv.at/site/3858/default.aspx>

⁹ Public Service Management (Recruitment and Appointments) Act 2004.

¹⁰ The competencies of the Commission are to: set standards of probity, equity and fairness in recruitment and selection through the publication of Codes of Practice; monitor, audit and evaluate the recruitment and selection process; set down review procedures; grant, amend and revoke recruitment licences; oversee the use of recruitment licences; publish a list of approved private sector recruitment agencies; issue instructions and advices to licence holders; maintain order in the recruitment market. Source: <http://www.cpsa-online.ie>

¹¹ SIGMA reports on major staff turnover of between 30-35% after a new government in Albania took the office in July 2005, “which severely damaged the continuity of public services and the stability of the public administration and maintained a tradition of general disrespect for the law. Civil servants were either dismissed or demoted to lower positions, or they resigned.” (SIGMA, Public Service Assessment, June 2006, page 2)

¹² Politicisation is pointed out as a problem in the most recent SIGMA civil service assessment reports on all of the Western Balkan countries. For example, for Montenegro they state that “... it is very difficult to be recruited or promoted without having personal or political connections with those in the ruling party. As the current party has been in power for some 17 years now, a strong patronage web has developed, which dominates any recruitment and promotion processes in the state administration.” “Patronage networks, clientelism and politicisation dominate recruitment and promotion practices.” (SIGMA, Montenegro Public Service and the Administrative Framework Assessment June 2007, pages 4 and 5) Regarding Albania, the SIGMA Public Service Assessment, June 2006 notes that “... the civil service is very politicised and hindered by a pervasive lack of understanding of the need for, or by a willingness to implement, a real separation between political and administrative levels.” (page 4). In Macedonia, “With the change of government (*in 2006*), the dismissal and appointment of directors in the various public services, without reference to legally determined criteria, were recorded. In addition, legal provisions forbidding any attempt to influence the election results, the appointment and dismissal of persons holding managerial positions, and the employment, allocation and dismissal of officials during the electoral campaign and after the elections were not respected. The disrespect of these provisions is in itself an indication of the strong politicisation existing within the administration, which leads to undesirable consequences (lack of professionalism, neutrality or responsiveness of civil servants and instability in the administration due to a turnover that is dependent on party membership) and to non-enforcement of the law.” (SIGMA, Macedonia Public Service and the Administrative Framework Assessment, June 2007, pages 6 and 7). In Serbia, for the period before mid 2006 and the introduction of the new civil service legislation which transferred some managerial positions under political appointment to the professional civil service regime, SIGMA notes the following: “It was indicated that some political appointments, who held and still hold (until the completion of the recruitment process) senior management positions, had hardly finished secondary school, but their political party relations had been instrumental in securing their appointment.” (SIGMA, Serbia Public Service and the Administrative Framework Assessment June 2007, page 5). Regarding Croatia, SIGMA notes that: “.....political and other influences on personnel decisions remain high.” “Also in 2006 politicised recruitment to senior positions continued to prevail, and furthermore other positions covered by the Civil Service Act were often filled on the basis of political affiliation. There seems to be only limited commitment at the political level to implement the new Civil Service Act in an adequate way so as to enhance the professionalism and efficiency of the civil service.” (SIGMA, Croatia Public Service and the Administrative Framework Assessment, June 2007, pages 1 and 3).

¹³ The Law on Civil Servants and State Employees of Montenegro, for example, allows that in exceptional cases the examinations accompanying the recruitment process are not carried out. “The appraisal of this exception is discretionary, which has led to abusing this exceptionality legal clause to the point of almost turning the exception into the general rule. Neither in formal legal terms nor in practice is the recruitment scheme sufficiently transparent and merit-based. Moreover, it seems that terms of reference for recruitment are often tailor-made to fit the desired candidate.” (SIGMA, Montenegro Public Service and the Administrative Framework Assessment June 2007, page 4)

¹⁴ For Montenegro SIGMA notes that “...hardly any responsibility is delegated to the staff, i.e. the minister signs nearly everything and often takes responsibility for routine decisions.” (SIGMA, Montenegro Public Service and the Administrative Framework Assessment June 2007, page 9) and for Croatia it states that “In general, civil servants still enjoy very restricted responsibilities, and any decisions are still taken only by the head of the institutions.... In fact, the political level remains very reluctant with regard to decision-making delegation.” (SIGMA, Croatia Public Service and the Administrative Framework Assessment, June 2007, page 1)

¹⁵ Taking of the office of the new government in Albania in July 2005, for example, resulted in major staff turnover. “... [T]he pattern followed by the government has been the dismissal of civil servants on grounds of their unsuitability.....and the subsequent recruitment of new staff without following the legal recruitment procedure. In many ministries a large number of employees have been hired

under labour contracts, thereby contravening the CSL (*Civil Service Law*). Several weeks or months after the new recruits have taken office the government usually applies the “formal” recruitment procedure.” (SIGMA, Albania Public Service Assessment, June 2006, page 2)

¹⁶ The average annual budget allocated to the CSA in Macedonia, for example, is around Euro 450,000, almost 70% of it spent on salaries of its employees. The amount of training, coordination, consultation and other activities which is undertaken on a yearly basis definitely outweighs its budget and is carried out thanks to foreign donor funds. Such dependence on non-budgetary funds to carry out many of its regular activities limits the effective operation of CSA.

¹⁷ “HRM units had already been created in most ministries and other administrative bodies...., but they are still not fully operational and their impact on HRM is – with very few exceptions – in general quite low.” (SIGMA, Croatia Public Service and the Administrative Framework Assessment, June 2007, page 1); “One issue is that the personnel in these units do not have the skills to communicate their findings and proposals effectively, with the result that they are hardly listened to by higher managers. However, the DoPA has organised several training sessions for them, but to little avail due to the high turnover in these units.” (SIGMA, Albania Public Service Assessment, June 2006, page 11); “In most administrative bodies the HRM units are insufficiently staffed.” (SIGMA, Serbia Public Service and the Administrative Framework Assessment June 2007, page 14).

¹⁸ “HRMA lacks the capacity and skills to fulfil its role in promoting and monitoring the implementation of the Civil Service Law and ensuring homogeneous human resources management standards across the state administration. Human resources management skills in ministries are still rather limited.” (SIGMA, Montenegro Public Service and the Administrative Framework Assessment June 2007, page 13); “...the HRMS will also need more staff to deliver its tasks in a professional and appropriate way.” (SIGMA, Serbia Public Service and the Administrative Framework Assessment June 2007, page 14); “The capacity of the CSOA is still insufficient for it to fulfil its monitoring role. Despite its creation in 2004, the CSOA is still inadequately staffed and it does not have sufficient political clout or possibly willingness to promote and implement PAR. In addition, existing staff are often inexperienced and not sufficiently trained to fulfil their assigned responsibilities.” (SIGMA, Croatia Public Service and the Administrative Framework Assessment, June 2007, page 13); “At the present time, as the CSA lacks the power and capacity to perform its functions even within its mandate in a broad, proper and permanent way, and as the human resources units are generally understaffed and not adequately skilled, the final result is that the overall capacity to manage the system is weak.” (SIGMA, Macedonia Public Service and the Administrative Framework Assessment, June 2007, page 9).