Expert Group on Managing Conflicts of Interest

VALUES AND ETHICS IN THE FINNISH STATE GOVERNMENT

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INTRODUCTION

The purpose of this paper is to highlight the Finnish model in strengthening core values and retaining and promoting high standards of ethics in the state administration. The Personnel Department of the Ministry of Finance, State Employer’s Office, has actively worked on this subject from mid 1990’s. One part of the work has been participation in the OECD work and creation of the ethics infrastructure. In Finland, the latest projects have focused on practical issues, especially on measures in human resource management. The goal is to find best ways for making general values of state administration as well as specified values of individual agencies to become real in work and work related activities of leadership and leaders and other civil servants. There are many areas on which it is necessary to concentrate. These issues will be discussed in more detail later in this paper, along with the results of a survey among leaders and personnel representatives in agencies.

The Finnish conflict of interest policy is included in this paper and described as part of state personnel policy lines, regulations and actions.

2. BACKGROUND FOR THE FINNISH WORK ON VALUES AND ETHICS

2.1. Objectives of the activities and projects

The overall objective of the Ministry of Finance of setting up a working group in 1998 was to look for ways of maintaining and promoting traditionally high quality ethics in the state government. Although generally speaking Finland doesn’t have problems in this area, based on studies, it was realised that for a variety of reasons there may be a risk of decreasing standards of ethics and integrity. These risks will be discussed further on. The aim was also to present a comprehensive picture of the values which the Finnish civil service ethics is based on as well as central norms and principles in the State government.

As an empirical part of the work the results of the ethics questionnaire survey forms the basis of the conclusions of the working party. The questionnaire survey on ethics and values of civil servants was addressed to both managers and representatives of personnel in the Finnish Ministries and government agencies.

The work was not intended to cover all the ethical questions of the public sector, but it was limited to the point of view of civil servants and authorities. Also, questions concerning political decision-making and the related interface of civil-servant drafting were excluded from the study. Nor does the report deal with the problematic relating to the operations of State business enterprises and State companies or the state of indirect State administration and the related ethical questions. The starting point is the actions of civil servants of central State administration and the related ethical questions. The work has a link to the ethics work of the OECD Public Management Committee (PUMA) in which the Finnish government has taken part from its launch in 1996.
2.2. Why is it important

Legislation and particularly the State Civil Servants’ Act contain provisions, which are important also as ethical norms of conduct. The Finnish state administration has a strong legal basis as well as tradition including principles on how to ensure that authorities fulfil their tasks properly. The provisions are not, however, very detailed. They allow interpretation and rather act as guidelines than strict orders on what individual actions are forbidden, etc. For example, concerning bribery, there are no exact money limits on the values of permissible and non-permissible gifts offered to civil servants as is the case in the United States.

In recent years, while the state personnel policy has been under reform, new approach on ethical aspects has been taken explicitly. The significance of ethical rules was clearly emphasised in the personnel strategy of the State [approved in autumn 1995] and its references to high ethical requirements. The personnel strategy provided guidelines for the personnel policy of State administration as a whole and gave the agencies and institutions principles which they could use when drawing up personnel strategies applicable to their own units.

The strategy has been revised by the Government Decision-in-principle of 30 August 2001. The decision is called “On state personnel policy line”.

In the new Government decision we can find a revised statement of values. The basic values of the state administration are:

- effectiveness
- quality and expertise
- the service principle
- transparency
- trust
- equality
- impartiality
- independence
- responsibility

The number of basic values has increased compared to the former Government Decision in 1997. When comparing the revised values to the traditional values, legislation and principles, we can notice, however, that two of them - effectiveness and quality - are new, i.e. representing the development in the 1990’s.

In Finland the role of central personnel policy lines has grown in importance in clarifying basic values as well as avoiding conflicts of interest in general. The Government decision states that amid an increasingly global environment, the state administration’s values are founded on democracy, rule of law and the Nordic welfare society. The aim of state personnel policy is to strengthen and draw on these basic values and a basically uniform operating culture. In addition, in the era of big cohorts of new staff entering the labour force and working communities growing more and more diverse in sense of increasing multiculturalism are needed to maintain a uniform operating culture and respect for traditional values.

In addition to the new personnel policy line, the main reasons for the importance of strengthening basic values and enhancing high standards of ethics are as follows:

**Building public trust and confidence in government:** As the parties exercising public power, it is the responsibility of an authority, an individual agency and civil servant to act so as to fulfil the requirements
of impartiality, independence and objectivity. At the same time effectiveness and results are being emphasised. Loss of confidence is often associated with acts, but it can just as well be due to omissions. Confidence is measured more and more by an outsider’s view of the actions, even though, as a basis of evaluation, it is insufficient and problematic. Merely the fact that the operations look good cannot be considered a guarantee of good governance. More important is that the operations actually fulfil the requirements of good governance and are appropriately justified.

**The impact of market orientation:** The rising trend of market orientation brings requirements for increased knowledge of the values and operating procedures of the business world as well as a deep awareness of values central to civil service. This raises for example questions on what kind of operating procedures are used in contacts outside the State administration, how tenders for public procurement are acquired and handled, how values are included in practical operations and management or which factors can endanger confidence in the actions of an authority or a civil servant in an individual agency.

**Improving performance:** This aim is related both to management and leadership development and to personnel policy measures in general. Every situation wherein a civil servant has to consider the appropriateness of his actions requires consideration and the weighing of different issues with respect to each other as well as an awareness of norms. This involves choices relating to ethical behaviour. Preventing corruption is naturally linked to this goal although cases of corruption are rare in Finland (cf. 3.4) and this dimension has not been raised particularly in the paper. The measures that are used to enhance high standards of ethics have at the same time an important corruption-prevention function.

**International impact and development:** Values and ethics of public service are being emphasised in a new way due to the development of the 1990s. The governments of both the OECD countries and the European Union Member States are increasingly worried that changes in administration may decrease the trust of citizens in administrative systems and increase corruption. Although corruption is not a problem in Finland at the moment, it is necessary to build management systems for example to identify potential risk areas and take actions when needed.

### 3. WHERE DID WE START FROM?

The purpose of this chapter is to highlight the basic elements of the Ethics Infrastructure, as defined by the OECD, in the concrete environment in Finland. A few notions are worth raising in order to help understand the background of the Finnish work.

**3.1. History and tradition: Ethical rules**

Among the oldest Finnish guidelines of professional ethics are the 450-year-old **Olaus Petri judicial instructions**. These instructions can even today be found on the first pages of the Laws of Finland and they are still significant. For example, the importance of the following instructions can also be considered more extensively from the point-of-view of the work of civil servants:

"What is neither just not equitable, cannot be the law; it is for the equity in the law that it is accepted."

"The good of the common man is the supreme law; and therefore, what is found useful for the common man shall be deemed the law even if the words of the written law would seem to order otherwise."

"He who acts against the purpose of the law acts against the law even if he seems to comply with the words of the law."
“All the laws have been enacted for the sake of justice and equity and not for fines. For a fine is to punish those who break the law; but the law prefers not to be broken and would willingly go without fines.”

In addition to legislation, the Finnish State functions are traditionally and strongly based on administrative principles that mainly relate to decision-making. They are taken into consideration in administrative decision-making as rules restricting discretion. These principles guide decision-making and other actions of a civil servant and provide an authority complementing the provisions of the law. The main principles of administrative law are the following:

*The principle of equality* is confirmed by the provision of the Constitution. Under it, citizens are equal before the law. In practice, the principle of equality means that in similar cases, when the same norms are applied, the decisions should have the same contents.

According to *the principle of objectivity*, the substantive contents of an administrative measure taken and a decision made in an administrative matter shall be objectively justified. The principle is implemented i.a. through the provisions on disqualification.

According to *the principle of proportionality*, an administrative measure shall be in correct proportion to the purpose of the measure. For example, an administrative measure relating to an individual citizen may not impact on the interests of the citizen more than the objective of the measure (in accordance with the norm) requires. Compliance with the principle of proportionality requires that the authority carefully considers the effects of an administrative measure or decision he is contemplating.

According to *the principle of being bound to the purpose*, an authority shall use his competence only for the purpose for which it has been provided. This principle is closely related to the principles of objectivity and proportionality.

### 3.2. Openness and transparency as a tradition

Openness is traditionally one of the basic principles of Finnish State Administration and Nordic administrative culture. The publicity principle dates from the 1700s. Decision-making is open and documents are public. Only matters and documents which have been separately prescribed as secret are to be kept confidential. The principle is confirmed by the constitution and by other legislation. So, unlike most other OECD Member countries, Finland has a strong tradition on transparency. This fact is one of the most important reasons for such a low rate of corruption in Finland.

New forms of openness are being developed while the legislation has been developed to even more open direction. Public organisations have to ask themselves whether their operating culture is up to date in this aspect. The new culture demands active ways of giving information for example to media.

### 3.3. The legal basis

There is a stable legal basis in the state government and compliance of provisions is highly respected.
The actions and conduct of civil servants are primarily governed by the Constitution, the State Civil Servants’ Act, the Administrative Procedure Act, the Act on Openness of Government Activities, the Act on Equality between Women and Men and the Act on Public Procurement. The Penal Code provides for the criminal liability of civil servants and the employees of public corporations. In addition to these, the general principles of administrative law are significant also as ethical norms guiding administration. The actions and liability of civil servants and the authorities are closely regulated by legislation. Judicial practice draws the line between legal and illegal actions in individual situations.

The basic acts which forms the ground for rights and obligations of civil servants and the demands for good governance are described more in detail in Annex I.

3.4. Authorities responsible for ethics

The centralised guidance of personnel policy within State administration is the task of the Personnel Department of the Ministry of Finance acting also as the State Employer’s Office. The Office is responsible i.a. for the general personnel policy of state administration and development of legislation relating to State civil servants.

There is no separate agency in Finland responsible for ethics. The legality of the actions of authorities and civil servants is supervised by the Chancellor of Justice of the Government and the Parliamentary Ombudsman.

According to the Constitution of Finland, it is the duty of the Chancellor of Justice to ensure that the authorities and civil servants, public employees and other persons, when the latter are performing a public task, comply with the law and fulfil their obligations so that no one’s legal rights are violated. The Chancellor of Justice submits an annual report to Parliament and the Government on his activities and observations on how the law has been complied with.

The Constitution also includes provisions on the Parliamentary Ombudsman. It is the duty of the Ombudsman to ensure that the courts and other authorities as well as civil servants, public employees and other persons, when the latter are performing a public task, comply with the law and fulfil their obligations. The Ombudsman monitors the implementation of basic rights and liberties and human rights. The Ombudsman submits an annual report to Parliament on his work including observations on the state of the administration of justice and on any shortcomings in legislation.

The Chancellor of Justice and the Ombudsman supervise the legality of the acts of the authorities both on their own initiative and through complaints filed by citizens. Every citizen has right to make a written complaint directly to either of the authorities mentioned above. In particular, the Chancellor of Justice supervises the legality of decisions made by the Government and for this reason he also attends the meetings of the Government.

The State Audit Office audits the legality and appropriateness of the financial management of the State and compliance with the budget. The Office prepares an annual report on its operations and submits information on its operations to the Parliament and to the Government. Until the end of 2000, the State Audit Office was subordinate to the Ministry of Finance. The Office was joined to Parliament on 1 January 2001. One goal of the change was to increase the independence of the State Audit Office.

3.5. Ranking excellent in the Corruption Perceptions Index
According to two latest Corruption Perceptions Indexes in 2001 and 2002, published by Transparency International, Finland had the lowest perceived corruption figures. The Index has been published since 1995. In the first two years, Finland was ranked as the fourth least corrupt country, and in the following four years as the second least corrupt State.

3.6. Changes in the state administration

Among considerable structural reforms since 1989, i.a. guidance systems, organisations and personnel policy have been targets of the reform of State administration.

Market orientation has increased considerably in the 1990s. The most significant implementation method has been to turn public operations suitable for open competition into business enterprises and companies. As a result of these measures, the number of State personnel fell from 215,000 in 1988 to 119,000 in 2001, i.e., by total of 45%. Over two thirds of the remaining personnel work in the six largest sectors: universities, national defence and frontier guarding duties, police and rescue services, financial management and insurance and financial services, research and business services. Market orientation has also been increased in State administrative agencies by making services subject to a fee as well as by implementing net budgeting for the operations subject to a fee. The operating procedures for public procurements are now governed by an Act aiming at competition and at ensuring the objective and non-discriminatory treatment of those participating in the tender procedure.

As a result of the reform of State personnel policy, the agencies have the authority to recruit their own personnel and to decide on their pay within the limits of the collective civil-servant agreements. Authority concerning resources and personnel policy has mainly been transferred to the agencies. This has meant a significant transfer of power and responsibility to the management of the agency, and the tasks of the directors of the agencies have approached those of corporate executives.

Due to the above-mentioned reforms, the actions of civil servants are much less guided by provisions, regulations and guidelines than previously. Today guidance is implemented by setting a certain framework for the operations and, by providing the necessary financial prerequisites and performance goals. In addition, the guidance of State business enterprises is looser than that of budget-financed agencies and it is based on performance and service-level guidance. The guidance of State companies is mainly limited to owner guidance.

4. WHAT DO CIVIL SERVANTS THINK?

4.1. Questionnaire survey in 1998

The purpose of this chapter is to present results of the survey made in 1998 as part of the Ethics Working group work in Finland. The questionnaire was sent to c. 170 agencies and institutions of central State administration. The targets were the top management and personnel representatives in those organisations.
A total 650 answers were returned, of which about 25% were from heads of agencies and an equal percentage from personnel representatives.

The reforms since the mid-1980s have brought clear signs of ethics and values assuming a more and more important role. In an earlier survey, 85% of the agency executives considered values and ethical questions important from the point-of-view of the operations of the agency.

The survey in 1998 was focused on the following issues:

1. changes in the values of governance
2. principles of civil service ethics
3. unethical practices and
4. Factors affecting civil service ethics.

### 4.2. Changes in the values of State administration in the last 10 years

The survey results support the assumption that the value basis of civil service ethics has changed in the last decade. The value basis was deemed to have remained the same by only a fraction of those who answered the questionnaire, only 3.0%. The change was estimated to be slightly stronger in one’s own agency than within administration on average (cf. Table 2). It may be asked: is this due to an actual change in values or only to a feeling of change as a by-product of other changes in working life?

<table>
<thead>
<tr>
<th></th>
<th>Strong change</th>
<th>Some change</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration in general</td>
<td>38.5</td>
<td>58.5</td>
<td>3.0</td>
</tr>
<tr>
<td>One's own agency</td>
<td>45.2</td>
<td>49.7</td>
<td>5.1</td>
</tr>
</tbody>
</table>

**Traditional values and new values**

According to the Trust in Government study by the OECD, there is a similarity among OECD Member countries in that they hold a combination of “traditional” and “new” public service values. “Traditional” values reflect the fundamental mission of the public service, while “new” values articulate the requirements of a new ethos. The results of the OECD survey indicate the new approach in the public management ethos. Newly stated professional values are for example service-mindedness and achieving results (Australia) or earning of citizens’ satisfaction (Hungary).

The Finnish survey proved the same tendency. Next to the traditional values, such as legality, impartiality and expertise, new values have appeared, of which the service principle has already made a breakthrough and result-orientation will follow.

**What are the most important values?**

The most frequently stated core public service values are very similar in the OECD Member countries. According to the OECD survey, impartiality, legality, integrity, transparency, efficiency, equality, responsibility and justice are the eight most frequently stated values. In the Finnish survey, however, also service and result-orientation were among the eight most important values as well as expertise. Service
was ranked significantly high, possessing the second place right after legality. Efficiency and equality were not given as alternatives in the Finnish survey.

The most important values according to the Finnish survey are studied in more detail in Figure 1. Over half of those who answered felt that the most important values of State administration are legality (65.5%), service (61.5%), expertise (58.1%), impartiality (57.5%) and justice (56.6%). In addition to these values, also openness (47.8%) result-orientation (42.3%) and integrity, i.e. incorruptibility, (33.7%) were emphasised. The opinions of the management and the personnel representatives were very similar: the five most important values were common, only their order was slightly different.

In the opinion of those who answered the questionnaire, the values of their own agency do not greatly differ from the general values of State administration. The only clearly distinctive feature was the fact that, instead of legality, expertise (82.1%) became the most important value. In the light of the documents, the values of different agencies are very different. As factors uniting the agencies one could mention customer-orientation, result-orientation and openness, which are presented as the most important values in nearly every other document. Every third document brought forth the importance of continuous development or the readiness for change, co-operation and expertise. Other values mentioned included quality consciousness, reliability, environmental protection and mutual respect. The values of the agencies are specific to their individual functions and they also supplement the core civil service values.

Figure 1:

As a conclusion of the comparison between the two surveys we can note that the core values are very similar. The main difference is that in Finland the “new” professional value service is already now considered as a core value and more important than in OECD Member countries in general. This might, however, be a question of a rising tendency: as service is defined as a new value it may become more popular in the near future. Also, it must be kept in mind that openness is an old value, unlike in most OECD Member countries where transparency is esteemed as a new one.
Values in practice

The majority of those who answered felt that the values of State administration and practical operations correlated fairly well (78.3%). In other words, it seems that double standards do not occur very often ("don’t do as I do, do as I say"). Those who answered feel that value discussions are necessary (91.2%). According to the data, values are discussed more often among the management (78.3%) than among the whole personnel (48.5%). The most usual fora for value discussions were executive groups, co-operation bodies, various value seminars and personnel magazines. On the other hand, values are always present in discussions, if only implicitly, and the recognition of a discussion explicitly as a value discussion requires certain conceptual readiness. This is why the probability of recognising values or ethical sensitivity increases with the level of education (correspondingly also the number of 'hard to say' answers decreases). In this study the distortion caused by differences in education is slight, however, because as many as 91% of those who answered had academic degrees.

As concrete actions, the Ministry of Finance launched a project in September 2002 with the objective of providing practical models for the determining of values and their incorporation in the practical activities of the agencies. The aim is to make the values common to the agency and part of their everyday activities. The project will be implemented as a so-called pilot project. A report will be drawn up of the work and the other agencies will be informed of the experiences. The project will be described more in details in chapter 5.

4.3. The clarity of the principles of civil service ethics

The Finnish managers and personnel representatives were asked about the clarity of ethical principles. Principles mean rules, rights and obligations based on values. A comparison between the Finnish system and the results of the OECD survey shows that most Member countries are more active in communicating basic values than Finland. After being revised last August there is, however, a good stage to inform them and among civil servants as well as citizens.

How do civil servants judge the situation – are the principles clear? The majority of those who answered felt that the principles of civil service ethics are sufficiently clear (61.0%), but a significant number of those who answered felt that they are fairly unclear (19.7%). None of those who answered felt that the rules were fully unclear. By combining the above-mentioned classes, the proportion of those who felt that the principles are clear is 62.4% and the proportion of those who felt that the principles are fairly unclear or for whom it is hard to say is 37.6%. This is most likely due to the fact that the central principles of civil service ethics cannot in fact be defined clearly unambiguously; they differ according to official status and administrative sector.
Two-thirds (67.5%) of those who answered estimated that ethical codes could be useful also in Finland. Among those who felt that civil service ethics are unclear, rules were even more in demand: 75.4% felt that rules are necessary.

The duty to declare one’s interests

One measure in avoiding conflicts of interest is the duty to declare one’s interests. A provision on this was amended in the Finnish legislation in 1997 and it concerns top civil servants in Ministries and heads of agencies. Those who answered the questionnaire felt that the duty to declare is justified (87.3%, Table 3). On the other hand, the extension of the system to other highest managers is not deemed necessary (31.0%).

Table 3: The necessity of the duty to declare one’s interests (%)

<table>
<thead>
<tr>
<th></th>
<th>Necessary</th>
<th>Not necessary</th>
<th>Hard to say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present situation</td>
<td>87.3</td>
<td>7.8</td>
<td>4.8</td>
</tr>
<tr>
<td>Extension</td>
<td>31.0</td>
<td>55.3</td>
<td>13.7</td>
</tr>
</tbody>
</table>

Ancillary jobs

Another means to prevent and monitor conflicts of interest is the duty to apply for permission for and to declare ancillary jobs. In total, 44.4% of the heads of agencies have had to refuse ancillary jobs themselves or they have had to forbid a subordinate from accepting one. Among other top management, the corresponding figure is 34.6% and among the personnel representatives, 18.5%. The number of ancillary jobs of those who answered was not asked. Apparently there is some administrative-sector-specific variation in the practice of notifying ancillary jobs. It has to be added, however, that ancillary jobs have not caused troubles in practice.
Ancillary jobs were an issue that the working group deemed to need clarification although there is no need to amend the legislation. Ancillary jobs are an area that requires careful monitoring although there are provisions in the Civil Servant’s Act. There was a slight doubt that for example the duty to declare ancillary jobs that are maintained outside the working hours was still being observed. The instructions on ancillary jobs were given to agencies in 2001 in order to ensure that all necessary information is provided to state organisations as employers. The objective was also to draw agencies’ attention to the evaluation of the permissibility of ancillary jobs.

4.4. The most harmful unethical administrative practices

In Figure 4, a group of unethical administrative practices has been placed in the order of their “harmfulness”. The Figure shows which phenomena the civil servants consider the most harmful ones, not the extent to which these phenomena occur.

Figure 4: Unethical practices

The result is as follows:

- bribery (78.9%)
- scheming with job packages and trading offices (43.2%)
- political discrimination (41.8%)
- favouring friends (34.1%)
- sexual discrimination (32.5%)
- participation in the handling of a matter despite one’s disqualification (31.9%)

When asked what is the most usual / frequent of the above-mentioned unethical practices included the answers were the following:

- the use of too difficult official language and reluctance for change
• territorial thinking
• unnecessarily complicated handling of matters
• Insufficient preparation, insufficient information and unnecessary delays occurred in administration.

The results show an interesting thing: in everyday life unethical performance mainly seemed to be connected to low quality of service to citizens, no low quality of conduct or performance in the work place.

Corruption as such is not a problem in Finland. According to the estimate of those who answered, corruption is the least frequent of all unethical administrative practices: 65.2% had never observed it, and according to 30.8% it occurs only infrequently (the figures should not be interpreted as indicating that the civil servant would have requested or accepted a bribe).

However, when asked about gift-like benefits, it was noted that 61.5% of those who answered, or of the civil servants in their agency, had been offered a gift at some point, 48.7% had received an offer of a trip from a third party at some point and 82% had been offered a luncheon at some point. According to those who answered, there has been no significant change in the offering of gift-like benefits in the last decade. It should be noted here that gift-like benefits do not mean bribery or other illegal gifts. Compared to the other European Union Member States, the situation relating to corruption in Finland was seen as extremely good by civil servants (88.0%).

4.5. Factors affecting high standard of ethics

What are the most effective measures?

The OECD survey in 1999 included questions concerning successful measures in affecting high standards of ethics. It is interesting to compare the results of the Finnish and the OECD survey. In the OECD survey responses countries indicated what measures have worked well in their particular national context. Moreover, they also specified the issues that they consider as risk factors and obstacles for further improvement.

According to OECD survey, successful measures in most countries are similar even though the countries put the emphasis on different issues. Promoting transparency and preventing conflict of interest situations are the most widely mentioned elements of successful measures. In Finland, the importance of this kind of legislative or rules based measures was less. The reason for this may be the fact that having a strong tradition of transparency new measures are looked for.

In the OECD survey some countries put emphasis on the improvement of management and working conditions. Sound basic management systems are considered to be more important than individual specific actions against corruption. The results of the Finnish set expectations in leadership development and practical work on operationalising values as well communication and training.

Finnish civil servants were asked what they considered the most effective measures in promoting high standards of ethics. The working group wanted to study the opinion of civil servants on the effectiveness of different kind of measures by using the ethics infrastructure (OECD) as a framework. The evaluations of those who answered are found in Figure 5.
The most important individual measure having an effect was (1) the example of the leaders (2.9). With their own conduct, the leaders provides the standards which in time will penetrate the entire organisation. Another factor which was found to have a strong effect was (2) displaying values (2.7). Factors with a slight effect were (3) information (2.5), (4) training (2.4) and (5) ethical rules (2.3). The effect of legislation and other measures was found to be slighter. Legislation can and should be used to determine the minimum level of ethics in order to prevent abuse (low road), but it is difficult to use legislation to motivate and encourage people to ethically high-level conduct (high road). Internal (2.2, e.g. an audit) or external (2.0, e.g. inspections by the Parliamentary Ombudsman) mechanisms of responsibility were not deemed very significant. Also the significance of working conditions was deemed to be of little importance (2.2).

1) The example and role of leaders and managers

The example of the leaders plays a key role in promoting ethical conduct. It is clear that personnel cannot be expected to commit to the values and good objectives of the organisation if the managers themselves do not seem to act accordingly. Conduct contradictory to the values is noticed and the motivation and desire of the personnel to act in the interests of the common good decreases if the superiors set an opposite example. The managers and senior civil servants are also responsible to ensure that the agency fulfils its obligations as an employer provided for by the law. These obligations, defined in the law at a rather general level, are given their concrete contents in the operating guidelines of the agency itself and in the ways they are implemented in practice.

Management includes both the steering and management of activities and leadership and personnel management. The sectors of management are emphasised differently in different management tasks depending on the duties and level of the organisation of the agency. Leadership ability evidenced in practice is a qualification requirement for top offices in State administration. The qualifications required of
the managers of State administration have clearly increased and become more diversified in the last
decade. “Management of people” in particular has a central role in the development of management.

According to the Government decision 2001, ministries must encourage more professional approaches in
public management and the creation of a new generation of managers, by systematically promoting
management recruitment, assessment, career planning and training. A comprehensive joint management
strategy for the state administration will be drawn up to support operating units.

“Supervisors must set a good example and show special care for just and equal treatment of
personnel in terms of different age groups and other population categories.”

In many ways, the work of the managers of State administration is not different from management in the
private sector because, for example, of the devolution of power from central personnel units to agencies.
The main differences may be related to different kinds of values and the target of the private sector to yield
a profit. However, civil service ethics is very important especially in the actions of managers, because they
influence the operating guidelines and practices the most. In addition, the managers set a standard for the
personnel with their own conduct. It is unclear how carefully leadership skills are studied when choosing
new directors. In 2002, a study on these aspects will be prepared in order to give guidelines on the further
development.

The example of the management and the practical implementation of values is connected to evaluating
how the aims are achieved in practice. When the managers are evaluated, also their conduct in accordance
with the values of the organisation can be evaluated. The managers have a key role here, because by acting
in accordance with the values themselves they can promote the rooting of the values in the organisation.
General values forming the basis of civil service ethics and their development are monitored in a
centralised way. The monitoring can be included in the evaluation and monitoring of State employer and
personnel policies taking into account the proposals made by the Working Group of the Evaluation Project
of the Effectiveness of State Employer and Personnel Policies in its report (Ministry of Finance Working
Group Memorandum 18/98).

A general measure aiming at good personnel policy and at the same time at ensuring high-level civil
service ethics, is creating a culture based on discussion in the working community. Open discussion
offering both the organisation and the individuals the possibility continuously to evaluate and review their
activities, promotes awareness of issues affecting the work.

Performance discussions between a superior and a subordinate, which are part of result management
system, are a good tool also as a forum for an examination of ethical conduct. In the discussions, attention
can also be paid to the way in which the values have been implemented in practice. In these discussions,
factors promoting ethical conduct and the exemplary activity of the person can be taken up as well as any
issues which still need to be developed. Individual feedback promotes the rooting of good operating
practices in the working community. It is a way to give positive feedback in this area, too.

In accordance with the development guidelines of personnel and employer policies, also issues relating to
personnel policy, such as the working ability and work satisfaction of the personnel, should be set as
the performance goals and evaluation criteria of management and the work of superiors. In operationalising
values this aspect is essential as a management tool.

2) Communicating values – how?

According to results of the OECD survey, the vast majority of Member countries employ measures to
distribute and communicate core values for public servants.
In Finland, the value basis and ethical principles of State administration are often learned only in working life, in practical situations involving interaction. In addition to provisions and instructions, values are conveyed to new civil servants through the actions of superiors and colleagues. There are no systemic methods covering the whole State government. However, most Ministries and agencies have defined their own values and communicate them effectively to staff and citizens, among other ways using web sites. For example the Ministry of Finance has put its values on the web site.

To improve the awareness of values and good ways of working, the State Employer’s Office will publish a booklet including the core values before the end of 2003. The purpose is to give a concrete content to values and their significance in everyday work. The booklet will also contain the basic principles guiding performance of civil servants. The publication will be distributed to all newcomers as well as current personnel of the state.

3) Training

Factors relating to civil service ethics can be taken up in connection with induction training or job familiarisation (cf. Table 4). According to the material, the situation varies considerably, i.e., it depends on the person handling the familiarisation. As was the case in the previous question, also here the points of view of the management and the personnel differ (22.2% vs. 11.2%).

Table 5: (%)

<table>
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<th>Systematic</th>
<th>Varied</th>
<th>Not considered</th>
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<tbody>
<tr>
<td>Head</td>
<td>22.2</td>
<td>69.6</td>
<td>8.2</td>
</tr>
<tr>
<td>Other top management</td>
<td>19.2</td>
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<tr>
<td>Personnel</td>
<td>11.2</td>
<td>67.6</td>
<td>21.2</td>
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Induction training is not obligatory in Finland although at the central level it is deemed as an efficient measure to let the newcomers learn some basic things and to maintain motivation. Each agency is responsible for familiarisation of its staff. Induction period, as it is planned by the Ministry of Finance contains, in addition to the theoretical framework, working in three ministries for a short time. Currently, ethics is not taught as a separate subject although it is included in some of the courses dealing with status of civil servants. “Practical training” is not provided at the central level but some agencies arrange to train their own personnel.

However, the aim is that civil service ethics is not seen as a separate subject area, but as an integral part of all civil-servant training. With the help of training, it is possible to coach civil servants to become aware of the significance of ethical issues in their own work. This requires concrete exercises, in which the person is required to take a stand on the operating procedure that he himself would choose in the given situation. The discussions relating to the exercises and the grounds presented have an important role in the entity. The purpose is that new training methods will be examined and introduced in Finland.

In the new project on values the pilot project of the University of Jyväskylä is focusing on teaching civil service ethics to future and present civil servants. The project of the university aims at planning and preparing different alternative ways of organising the teaching of civil service ethics. These alternative methods are to be tested within the academic community and in State administration.

**How is ethics taken into account in recruitment?**
High-level service ethics can be promoted by several means of personnel policy and human resources management systems. One revision into this direction in Finland was the reform of the grounds for appointments of managers and other top civil servants in 1997. Ethics and morals were then added to the general appointment criteria. An interesting question is thus, how ethics are taken into account in recruitment, job familiarisation and personnel management.

The picture given by Table 4 on the way factors of civil service ethics are taken into account when appointing new personnel, is contradictory. According to the answers of the top management, ethical factors are taken into account significantly more often than according to the personnel representatives. In other words, this may be a natural difference in points of view related to official status. In any case, the number of 'hard to say' answers was high in all the groups, which means that those who answered either do not have a comprehensive understanding of the grounds of recruitment in their agency or civil service ethics are not yet perceived as appointment criteria. Both reasons may be true.

Ethical points of view were taken up particularly in job interviews, where questions were asked on the values and interests of the applicant and his knowledge of the rules of the game of public administration.

Table 4: (%)

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<th>Considered</th>
<th>Not considered</th>
<th>Hard to say</th>
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<tr>
<td>Head</td>
<td>48.5</td>
<td>12.4</td>
<td>39.1</td>
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<td>Other top manage</td>
<td>41.3</td>
<td>17.7</td>
<td>41.0</td>
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<tr>
<td>Personnel</td>
<td>23.7</td>
<td>26.0</td>
<td>50.3</td>
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</tbody>
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Appointments – both recruitment and promotion – are traditionally based on merit at all levels in Finland, using procedures which exclude both conflicts of interest and other unethical conduct. The appointment criteria are published and the merits of individual candidates are evaluated against these criteria. Applicants to a post shall be treated equally and decision must be based only on a careful assessment of comparative merit for the position. Promotion based merely on the length of service of a candidate is prohibited by the regulations. The proper assessment of comparative merit for a particular position requires the following steps to be followed in the selection of civil servants:

- task analysis
- information on the vacant position, including necessary educational qualifications and the duties, is to be published widely
- interviewing the best applicants (an outlined interview)
- evaluation of aptitude and leadership qualities, where necessary
- an objective comparison of the professional skills of the applicants and the personal qualities required for the performance of the duties
- approval of a justified appointment memorandum
- declaration of commitments and interests by appointees to the highest public offices
- informing all applicants, the staff of the organisation, and – if appropriate – the media, about the appointment.

1 The operationalisation of an abstract phenomenon is never simple. According to the manual drawn up to assist in the appointment of civil servants (Miten johtaja valitaan ja valitsee, Edita 1998) a person being interviewed may be asked questions directly relating to his values and be requested to give concrete practical examples of them (ibid., p. 59-60).
All these stages ensure also the ethical level of the process of appointment to public offices. However, interviews of the best-qualified applicants – whether they are already employed by the agency in question or not – is a very critical part of the selection procedure and it cannot be emphasised too much. Leaders and other personnel who carry out interviews should be trained for this task.

The Finnish recruitment process is very transparent. All the vacant posts that will be filled have to be announced publicly. The names of the applicants are public right after applications have arrived to an agency, whatever the level of the post is. This has lately appeared to be a weak point in the process although there is in general no need to question the traditional principle of openness in state activities. The reason for this doubt is that publicising the applicants can make harm to experts or managers working currently in a private organisation like in banking, insurance or other private business. The fact is that in certain businesses a person who applies for another job in another organisation is no longer deemed as loyal towards the current employer.

The transparency of the process was, however, the reason why the possibility to register as a candidate without other deadline than the decision on appointment in the Government’s meeting This change took place in 1997. After a few year’s experience this revision can be seen as a threat: although the goal is to appoint best qualified persons in state organisations, there are many private organisations from which it is impossible to apply for another job publicly. This conclusion goes against the goals of the reform in 1997. It can be seen, however, that in practice it is easier to increase transparency than to decrease it – whatever the reasons are. There may be a need to amend the law. In what way this will happen is to be seen.

5. WHERE DO WE GO TO? VALUES AND ETHICS AS PART OF HUMAN RESOURCE MANAGEMENT

5.1. General

When trying to find ways in strengthening core values in everyday work and maintaining high standards of ethics one must remember that on the one hand, legislation and rules and, on the other hand, other measures to such as HRM systems, are necessary in building a real ethics infrastructure based on integrity. As stated in Trust in Government, this is an opinion shared by most OECD Member governments. According to the OECD publications, there is a tendency from provisions and compliance-based government to integrity based one. In the OECD study “Ethics in the public service: Current issues and practice” the direction of development is seen to be moving from a compliance-based approach to an integrity-based system. So is Finland doing, too.

From the starting point explained above and the preconditions of the ethics infrastructure the working group took into consideration whether the state of legislation is at an appropriate level. The conclusion that was drawn is the fact that the general level of Finnish legislation meets the requirements to prevent conflicts of interest ensure high-level civil service ethics. No actual shortcomings did emerge and it is estimated that more detailed regulation cannot, as such, improve the present situation. Clear and uniform compliance with the provisions on ancillary jobs, external interests and competing activities, etc. ensures sufficient openness and supervision of the conduct of civil servants. Also activities outside one’s official duties as well as post-employment activities are significant when evaluating the ethical conduct of a civil
servant. There were, however, the following issues that were deemed to require preparation in the Ministry of Finance.

5.2. Focus on maintaining integrity based state government

As a follow up to changes in the operating environment that has become more demanding and complex, values and ethics should be emphasised in a new way when developing the different activities of State administration. This includes the sectors of management and personnel policy. Skilled and motivated personnel is an essential prerequisite of the result-oriented and successful activity of an individual agency.

"Values and high ethical standards must be strengthened through training, especially of management. In additions, guidance on ethics must be increased, together with the provision and monitoring of good practices and models."

(On State Personnel Policy line, 2001)

The responsibility of the Finnish State Employer’s Office is to ensure that guidelines of the government decision will be put in force. The concrete actions includes among others a project on values and how they are integrated as real part of everyday work in state units. According to the Finnish Government decision in August 2001, organisations should engage in real debate about values, and the consensus reached must be integrated into working practices and models. This includes insuring that any ethical problems encountered by the civil service are solved and that the recognised high ethical standard of the Finnish civil service is maintained, even at times of high staff turnover. The forthcoming high turnover can be seen as a real challenge for maintaining uniform culture and values. As stated in the Government decision:

State personnel policy acknowledges that operating units are different, while recognising the need to build a uniform operating culture for the state administration. Individual operating units must be able to complete for labour on the terms of the surrounding environment, i.e. also amid regional divergence."

A new project: Values to be part of the daily job in State administration

Values may not remain as words only. Much more important than words on paper is the content which the organisation gives them. They should form a concrete tool for management and leadership, for example in new pay systems that are being adopted in Finland. An ability to advance so far requires persistent and determined work. The values should be simple, clear in their interpretation and remembered by everyone in order for them to become real.

In September 2002 the Ministry of Finance initiated a new project to find a way to integrate the values of State administration into the practical work of operative units. Another purpose was to reinforce the State administration's general value basis so as to make the activities of agencies and individual civil servants compatible with those values and to ensure their ethically high level. The objectives are very concrete and they relate to the everyday work of all agencies. Therefore the Working Group decided to give the project the name “Values to be Part of the Daily Job”. The basis of the project is the decision of the Council of State on the principles of the State's personnel policy. The question concerning value based good working practices is bi-dimensional; on the one hand it comprises the agency's activities in relation to citizens and to its other external interest groups and on the other hand that question concerns practices applied in internal activities and interaction within the agency itself. One purpose of the project Values to be Part of the Daily Job is to have replies inter alia to the following questions: How are the agency's values defined and what are they? How does the staff
participate in the definition of values? What is the impact of the example set by the management and how is that example taken into account? How is the realisation of the values assessed annually, both on agency level and in the activities of individual civil servants? The ideal outcome of the process would be a common idea of "our way", which is accepted and adopted by both management and staff.

Four pilot agencies are represented in the Working Group. Each of them carries out its own project in the course of the work. On the basis of those projects the intention is to obtain practical working models, which other State agencies and operative units could apply in their own value related activities. The time limit of the project is 31st December 2003.

As a future prospect, the Government considers it important for the State to be a model employer in purposefully implementing good personnel policy. Well-managed employer and personnel policy, skilful management and competent and committed personnel are emphasised when the conditions will be created for effectiveness and good service capacity in public management, and thus for national competitiveness. Competitiveness as an employer will ensure units competent and committed personnel. This means for example the following aspects:

- in jobs of a permanent nature, permanent contracts should be used
- putting a motivating pay system in place will call for reform of the entire management culture
- the recruitment of new staff will be supported with systematic induction and trainee programmes
- communicating the state’s new operating culture.

Because of new demands faced by managers in the public sector it has seen necessary to encourage more professional approaches in public management and the creation of a new generation of managers. This includes a systematic promotion of management recruitment, assessment, career planning and training. A comprehensive joint management strategy for the state administration will be published in early 2003.
Annex:

THE LEGAL BASIS

Norms guiding administration and civil servants

- **Provisions of the Constitution**

The Constitution Act formed from 1919 and the new Constitution which entered into force at the beginning of March 2000, forms currently the basis of basic rights of citizens, good governance and accountability of civil servants in Finland. The following provisions safeguard legally the relationship of citizens to public power:

**The rule of law in administration** means that the exercise of public power is based on an Act and that the law shall be strictly observed in all public activity.

The provisions on **guarantees of good governance** date from 1995. Protection under the law ensures everyone the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority. Also the right of appeal relating to the said decision is guaranteed. In addition, the most important guarantees of good governance are the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal. These, as well as other guarantees of a fair trial and good governance not expressly stated in the Constitution, are required by the provision to be secured by an Act. In respect of good governance, the central Act is the Administrative Procedure Act from 1982. The act will be substituted by a new act which is under preparation.

A central provision is that one of **official accountability**. According to this, a civil servant is responsible for the legality of his official actions. He/she is also responsible for a decision made by an official multi-member body that he or she has supported. A rapporteur is responsible for a decision made upon his presentation unless he has filed an objection to the decision.

The Constitution also provides for the **general qualifications for public office, recruitment criteria for appointments to civil service**. The objective of the provision is that the person best qualified is appointed to office. According to the Constitution, the general qualifications for public offices shall be **skill, ability and proven civic merit**. A relatively established interpretation has been developed for these qualifications. Meeting the general qualifications has to be evaluated every time appointments to office are made. When comparing the applicants for the office with each other, an overall evaluation of the merits of the applicants is made on these grounds from the point of view of the duties being applied for.

- **The State Civil Servants’ Act**

In Finland, a **civil-service relationship** is the principal service relationship in core tasks of the State within the budget economy. These include i.a. central State administration, police administration, the Defence Forces and the judicial system. The civil-service relationship is used in duties requiring the exercise of public power. On the other hand, an employee relationship – based on labour law - is used mainly in State business enterprises. However, in practice, there is personnel with employee relationships also in agencies within the budget economy.

**The Aim of the Civil Servants’ Act**
The aim of the Act is to ensure the efficient and appropriate performance of State duties while also meeting the legal protection requirements and to ensure that the civil servants’ status in relation to the employer is fair. Thus the Act regulates both the conduct required of an authority in its relation to the citizens and the relation between civil servants and the agency representing the State as an employer.

Duty to declare commitments
A fairly new provision, which reflects the need to ensure public confidence, is the duty of the top civil servants to declare their commitments. The provision entered into force on 1 September 1997. The grounds for the provision on the duty to declare were, above all, an effort to increase transparency in State administration and to uphold public confidence in the impartiality and objectivity of administration. Development in many OECD countries where the highest civil servants are required to declare their commitments, had also an impact on the amendment. The objective is to avert also the potential future occurrence of situations where the effect of a civil servant’s interests on his ability to perform his official functions has to be evaluated retroactively.

Commitments of the top civil servants have not generally caused any problems in Finland. The aim of the duty to declare one’s interests is to prevent, to the extent possible, any threats to civil service impartiality already before they emerge. The provision concerning the duty of the Ministers to declare their interests entered into force already on 1 April 1995. The total number of posts with the duty to declare is approximately 130.

The commitments to be declared include trade, corporate ownership and other assets as well as tasks not relating to the office in question, ancillary jobs and other interests which are of significance when evaluating the preconditions of the person to perform the duties of the office to be filled. Although the substance of the duty to declare is basically the same as for Ministers, the duty of civil servants is not as extensive as in the case of Ministers. The difference is that civil servants shall declare only interests of significance to their individual duties while ministers – possessing a very wide area of tasks, have to declare all commitments of certain type. The interests are declared already before appointment, unlike in the case of the duty to declare of the Ministers. It is the responsibility of the civil servant to declare all the changes during the service. Also, any information requested by the authority in question, must be provided.

Declarations submitted both before appointment and during a civil-service relationship are public with the exception of the information concerning one’s financial position.

A similar duty to declare one’s interests also applies to persons being appointed judges. This is governed by the Act on the Appointment of Judges, which entered into force on 1 March 2000.

Obligations of an authority and a civil servant
The State Civil Servants’ Act contains provisions on the general obligations of an authority and a civil servant. While having no code of conduct, these provisions are significant also as ethical norms of conduct.

An authority shall

- treat all civil servants in its service equally in such a way that no person in unjustifiably placed in a different position to other persons because of his origin, citizenship, religion, sex or political or union activities, or on other comparable basis (section 11). This requirement of equal treatment applies to applicants for office at the time of filling a vacancy (section 6).
A civil servant

- Has the same basic rights as other citizens, including freedom of speech and expression and freedom of association. However, a civil servant whose duties include representing the State as an employer under the legislation on collective civil servant agreements may not hold any standing in an association representing those employed by the State that may conflict with the said official duties.

A civil servant shall

- perform his duties properly and without delay. He shall also
- Follow the orders of his superiors and supervisors. This also includes the obligation to perform the duties as cost effectively and efficiently as possible.
- Conduct himself in a manner befitting his status and duties. This obligation extends also to the leisure time of certain groups of civil servants and individual civil servants – mainly the highest civil servants of State administration and policemen and soldiers.

The Civil Servants’ Act contains provisions on the prohibition to accept a financial or other advantage if this may reduce confidence in the civil servant or in an authority (section 15). There are no more specific norms on the advantages endangering confidence. The Act also provides for restrictions concerning ancillary jobs (section 18). A civil servant may not be disqualified for his own duties by an ancillary job. Similarly, an ancillary job must not endanger confidence in his impartiality to perform his duties or otherwise hamper the proper performance of the duties. Ancillary jobs mean paid work or duties which the civil servant is entitled to refuse, and any profession, trade or business. A civil servant may not hold an ancillary job which requires his working hours to be spent handling the duties of the said job unless the authority concerned grants him permission. Civil servants shall report any other ancillary job to the authority, who may forbid them on the same grounds as when considering whether to grant permission for an ancillary job.

According to an amendment of the Civil Servants’ Act, all ancillary jobs of judges would be subject to permission from.... on.

As a part of managing conflict of interest situations, a new section (18 a) was incorporated in the State Civil Servants’ Act in 1997. According to the provision, when considering the placement of a civil servant at the disposal of the State ownership authority or in other representative duties relating to guidance or supervision, the fact that representative duties may cause only incidental or temporary disqualification in the central official duties of the civil servant shall be taken into account.

The Penal Code

Provisions on the criminal responsibility of a civil servant are included in the Penal Code. The Penal Code contains a separate chapter on offences in office. For example the following offences in office and offences by an employee of a public corporation are punishable:

- Acceptance of a bride
- Bribery violation
- Forfeiture
- Breach and negligent breach by official secretary
- Abuse of public office
- Provision on application
- Violation of official duty
Negligent violation of official duty
Offences in military office

In the case of more serious offences (e.g. aggravated acceptance of a bribe), a civil servant shall, in addition to imprisonment and a fine, be sentenced to removal from office.

The Administrative Procedure Act

The Administrative Procedure Act from 1982 regulates the appropriateness of handling official duties in administrative matters. The Administrative Procedure Act embodies the service principle, which is one of the basic values of state administration. The main objective of the Act is to promote the legal protection of the citizens so that the administrative matter is handled as well as possible. At the same time the aim is uniformity and a high level of procedure and smooth administration. The authority shall:

- handle the matter within a reasonable period
- provide necessary advice, mainly pertaining to procedure
- instruct the party in question to present any clarification required
- offer the possibility to eliminate a defect in a document
- reserve the party an opportunity to be heard before the decision
- provide interpretation services, where necessary
- issue a clear and understandable decision in the matter together with the grounds.

One of the basic objectives of the Administrative Procedure Act is to make the procedure so explicit and to support an individual dealing with administration so that everyone could manage his own affairs without having to resort to expert help.

The Act also contains provision on the disqualification of a civil servant in the handling of an administrative matter. A civil servant is disqualified i.a. if he is a member of the Board of Directors or another comparable body or if he is the Managing Director or has corresponding status in an organisation, foundation or public-law agency that is party to the matter or which can expect particular benefit or detriment from the decision in the matter. According to the general provision, a civil servant is disqualified if confidence in his impartiality is endangered for a special reason.

The provisions of the Administrative Procedure Act on disqualification will primarily be applied in cases of the disqualification of a civil servant in his official duties. Disqualification generally applies both to participation in decision-making and the preparation of the matter. The aim is to prevent situations of disqualification i.a. by means of the above-mentioned restrictions of the Civil Servants’ Act concerning ancillary jobs.

The Act on Openness of Government Activities (621/1999)

Finnish legislation on publicity has recently been reformed. The Act on the Publicity of Official Documents from the year 1951 has been repealed by the Act on Openness of Government Activities, which entered into force on 1 December 1999. The purpose of the rights to acquire information and the duties of the authorities provided for by the Act is to implement openness and good information management practice in the acts of the authorities and to give individuals and organisations a possibility to supervise the exercise of public power and the use of public funds, to form their opinions freely and to influence the exercise of public power and to protect their rights and interests.