

Unit 3: Ethical Reform and the Public Sector

Learning Objectives

What is the role of ethics in the public sector?

After studying this unit you should be able to:

- Explain why ethics reforms were introduced in the governments of several countries;
- Discuss the objectives that ethics reforms were meant to achieve;
- Assess whether and to what extent ethics reforms have been effective in achieving those objectives.

Introduction

Ethics reforms were introduced to perform both an internal and an external function in the public sector. Specifically, they are intended to not only induce higher standards of behavior among politicians and bureaucrats but also, and more importantly, to reconstruct voters' trust in the political system. This unit discusses the objectives of ethics reforms in the public sector, and briefly assesses to what extent ethics reforms are effective.

Why Ethics Reforms?

In the past decade, the public has become increasingly sensitive to ethics violations with regard to both the private and public sectors. In several democracies the public has become increasingly displeased by what it considers patent ethics violations, for example corruption, and misconduct. Citizens' dissatisfaction with the functioning of political regimes has quickly translated into falling levels of satisfaction with democracy, levels of trust in government, and, in some cases, increasing popularity in protest parties and protest politics.

In an attempt to stymie these trends and to reconstruct citizens' trust in the performance of the political system and the public sector, legislators, administrators and bureaucrats understand the need for the adoption of ethics reforms to serve both an internal and external function. Internally, the enforcement of an ethics regime is intended to improve the ethical standards and performance of public officials. Externally, it is intended to build and regain public confidence.

Ethics Reforms and the Public

The enactment of ethics reforms is intended to regain the confidence of the public by clarifying legitimate from illegitimate behavior. The following two case studies highlight interesting case examples that reflect the fine and complex lines in

CASE 1:

A local newspaper reported adversely on a government council member. During the next council meeting, the member noticed the reporter at the press desk and made highly offensive and contentious comments towards the writer. The reporter subsequently lodged a complaint with the standard committee: the facts were not in dispute and the only task for the standard committee was to agree to a sanction, which was that the councilor should apologize.

Source: Skelcher and Snape (2001)

legitimate and illegitimate behavior.

CASE 2:

In a separate case, the allegations of misconduct were more complex. After the City Council had applied for a restrictive covenant preventing the development of new homes or commercial real estate on a piece of land, a member of the public bought the same land from the local property authority. A few years later the citizen was elected to the Council and soon applied for permission to begin planning the building of a garage. He started construction once this was granted even though he was in breach of the covenant. He then negotiated with the local authority to change the covenant. The local press alleged that he had used his financial position to buy-off the council to grant this change in exchange for £ 5,000. The local authority responded with an internal audit investigation, which concluded that the reports were not factually correct and that the councilor had followed the normal procedure for members of the public. Another councilor then complained to the standards committee with the same accusation as the earlier press report. The committee decided that even though the accused councilor had followed the normal procedure used by members of the public, since he had applied before he was elected, he had breached the Code of Conduct since he had placed himself in a position, which could lead some members of the public to believe that he had received preferential treatment. As a result, he was censured and victim to disciplinary measures.

(Skecher and Snape, 2001:80-81)

Assessment Standards

The enactment of these reforms is in many ways geared towards restoring public confidence and establishing standards by which the behavior of elected officials can be assessed. Is there evidence available to gauge the positive affects of reform? One such study was conducted in 1993 by which a questionnaire was sent to 1,286 members of the International Institute of Municipal Clerks and more than 40% of them responded. The results found that public officials from the cities in which a code of conduct had been enacted were perceived to be more ethical than those employed in cities without an adopted code. About 94 % of the respondents thought that employees in their city were generally ethical, while only 88 % of the respondents would make a similar statement in cities without a code of conduct. The perception of unethical acts was more widespread in cities without a code of conduct (43% of the respondents) than in cities with a code of conduct (29% of the respondents). The percentage of respondents who believes that ethics violations are reported was higher in the cities with the code (84%) than in the cities without a code (72%).

These findings sustain the claim that as ethics reforms are enacted, a larger percentage of the population perceives that the behavior of public officials is

consistent with ethical standards. Ethics regimes are created by adopting codes of conduct, codes of ethics, ethics rules or all of the above.

Unit 3 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. When did the public sector become sensitive to ethics concerns? |
2. Why has the public sector become more sensitive to ethics violations? |
3. What is the purpose of ethics reforms in the public sector? |
4. Does the adoption of ethics reforms influence the ways in which public officials' behavior is perceived?

Select Bibliography

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