

# Code of Ethics for Persons of Trust (as from March 2019)

*The Standards in Public Life Act (chapter 570 of the laws of Malta) obliges persons of trust – meaning persons who are engaged in the private secretariats of ministers and parliamentary secretaries, and who serve in an advisory, consultative or executive capacity – to abide by the code of ethics set out in the first schedule of the Public Administration Act.*

*Malta has enacted two Public Administration Acts – one in 2009 (chapter 497) and one in 2019 (chapter 595). The Act of 2019 superseded the previous Act and introduced a new code of ethics, which is reproduced here as a stand-alone document for ease of reference. This code has been in force since 1 March 2019, with the exception of paragraph 12 which has still to be brought into effect.*

## **General Preamble**

A *Code of Ethics* serves as an ethical benchmark and compass for action and behaviour in relationships with seniors, peers and subordinates. It outlines the principles and values governing the conduct of individuals and corporate bodies by describing behavioural expectations; and it encourages the identification of, and learning from, such ‘good practices’ in a respective field. Adopting and upholding a code of ethics promotes fair conduct; acknowledges the highest standards of integrity; safeguards rights of citizens, clients and users; and endorses a vision that embraces probity, exactitude and professionalism.

A Code of Ethics does not cover standards which people in general should follow (whether laid down by law or established by social norms), general employee obligations, profession-specific standards or organisational cultural requirements.

## **Rationale**

Ultimately, the authority of any system of Public Administration rests on the extent to which it earns the respect of its citizens. That respect comes from the confidence which people have in the integrity of the system generally, and in the professionalism and impartiality with which the system goes about providing its manifold services particularly. All those employed by the state have their critical part to play in upholding public respect for the public administration.

The nationals, citizens and residents of Malta have every right to expect that public employees, employees of state agencies and members representing government on boards are honest, fair, efficient, competent and loyal. Actual or potential users expect the departments and agencies of the Government of Malta to comply with the letter and the spirit of the law. They expect official decisions to be made in a timely manner, fairly and impartially; public funds to be spent wisely; and public property and public equipment to be used and cared for responsibly. They expect public employees to behave ethically, and to be conscientious, courteous and competent in their work. Users of public services hold public employees accountable for their behaviour, actions and decisions.

Generations of public employees have sought to honour and meet these expectations.

Any abuse of trust, resources or information, or personal opportunism, undermines the entitlement of the Maltese public. High standards of integrity and conduct should underpin how public employees go about their business.

This Code of Ethics describes and articulates the framework that defines the behaviour and actions of the public service and the wider public sector.

### **Applicability**

1. This Code of Ethics applies to:
  - (a) public employees and employees of state agencies and other entities of government to which the Public Administration Act applies (hereinafter referred to as “public employees”, in keeping with article 2(1) of the Act). These include public employees who are seconded to bodies outside the public administration of Malta; as well as persons, who may or may not be public employees, working with Ministries or Parliamentary Secretariats; and
  - (b) the chairpersons and members of standing boards and commissions within the public administration, including the governing boards of state entities (hereinafter referred to as “board members”).
2. The provisions of this Code cover actions and behaviour within and outside the public administration, online and offline, as applicable.
3. The Principal Permanent Secretary may, in writing, make this Code applicable also to commercial partnerships or companies in which the Government of Malta has a controlling interest.
4. The Principal Permanent Secretary may, in writing, exempt a public employee or a board member from specific provisions of this Code where exceptional circumstances so require.
5. Public employees and board members who are members of a regulated profession and who are therefore subject to a professional code of ethics are nevertheless expected to abide by the provisions of this Code except in so far as an exemption has been granted under paragraph 4. Multiple codes of ethics should be considered complimentary to one another, and any conflicts, actual or perceived, should be resolved, following suitable consultation, on the basis that the professional code of ethics prevails with respect to the ethical principles and practice of the profession while the present Code prevails with respect to the ethical principles and practice of any other duty emanating from the individual’s responsibilities as a public employee or board member.
6. Public employees who are seconded to bodies outside the public administration of Malta remain bound by this Code except in so far as an exemption is granted under paragraph 4.

7. Under article 5 of the Public Administration Act, the Principal Permanent Secretary may issue directives to elaborate on any of the provisions of this Code. Heads of public organisations may also issue rules of conduct complementary to the Code. This Code should be read together with any such directives or any additional rules and regulations that may apply.

### **The Values of Public Employees and Board Members**

8. In accordance with article 4 of the Public Administration Act, public employees and board members shall uphold and operate with the following set of values:
- (a) acting with integrity;
  - (b) respecting others;
  - (c) showing loyalty;
  - (d) being worthy of trust;
  - (e) striving for quality standards and improvements;
  - (f) being accountable for the performance of their duties and for their behaviour;
  - (g) acting in a manner that does not discriminate; and
  - (h) being impartial.

### ***Integrity***

9. Public employees and board members shall:
- (a) act at all times with diligence, honesty, grace and integrity, such that their conduct can stand the test of public scrutiny even in situations where no law, policy or procedure may apply;
  - (b) use public resources appropriately, conscientiously, efficiently and effectively in the public interest;
  - (c) make use of official authority, information or resources to reach their goals and execute their responsibilities fairly, impartially and equitably; and
  - (d) refuse any gift, payment, compensation, privilege or any form of solicitation unless, where gifts are concerned, they are token in nature and are not such as to serve as an inducement or influence the execution of the duties of a public employee or board member, now or in the future.
10. Public employees and board members shall ensure that no conflict, real or apparent, arises between their official duties and any other occupations, activities or interests (financial or otherwise) that they or their close relations may have. Such a conflict arises if a public employee or board member's ability to faithfully discharge their duties is, or can reasonably be, called into question on account of such other occupations, activities or interests, including instances where the public employee or board member is placed in a position to be biased or is seen as potentially being biased.

11. If such a conflict arises, the public employee or board member shall make this conflict known to their superiors and take such action as may be necessary to resolve the conflict.
12. Former public employees bound by an undertaking shall not, for a period of up to two years after leaving public employment as specified therein, switch sides by entering into a relationship of profit with any private enterprise or non-government body with which the former public employees dealt in an official capacity during a period of up to five years immediately prior to their leaving public employment.

### ***Respect***

13. Public employees and board members shall:
  - (a) treat others, including both clients and colleagues, with courtesy, civility and respect;
  - (b) avoid discrimination or harassment in any form, direct or indirect;
  - (c) treat with suitable respect, regard and consideration the opinions, beliefs and individuality of all persons;
  - (d) safeguard their own health and safety and that of others in the execution of duties, roles and responsibilities; and
  - (e) work with colleagues in a spirit of cooperation and teamwork.

### ***Loyalty***

14. Public employees and board members shall:
  - (a) observe the Constitution and the law;
  - (b) abide by official policies and directions;
  - (c) provide objective, knowledgeable and frank advice on matters within their competence;
  - (d) efficiently and effectively implement the policies of the Government of Malta; and
  - (e) act in accordance with any lawful directions, written or verbal, given by their superiors.
15. Notwithstanding the provisions of paragraph 14(e), public employees or board members who believe that there are better ways of achieving objectives are entitled, and indeed expected, to bring this to their superiors' attention before putting instructions into effect; and, if they feel that they have been given verbal instructions that are contrary to the Code of Ethics or improper for any other reason, they can ask for those instructions to be given in writing.

***Trust***

16. Public employees and board members shall:
- (a) act in such a way as to gain and, or maintain the trust of their superiors and the public;
  - (b) safeguard confidential information, particularly personal data, and not use or disclose it inappropriately or without authorisation; and
  - (c) behave in a manner, in both their official and private capacities, such as to uphold and reinforce Malta's reputation and good standing, and those of its governing institutions.
17. The obligation to safeguard confidential information is without prejudice to the disclosure of information in the interests of transparency or under the Freedom of Information Act, provided that the decision to disclose is taken by those with the authority to do so, and provided that other laws (particularly the legislation on data protection) are respected.

***Quality***

18. Public employees and board members shall:
- (a) hone and develop their skills and keep abreast of changes in their area of expertise in order to improve the execution of their duties and the delivery of service;
  - (b) apply their knowledge, experience, creativity, drive, and initiative to bring about continual improvements in the efficiency, effectiveness and the overall quality of service delivery;
  - (c) intelligently and humanely exercise suitable discretion in the interpretation of rules, with a view to avoiding a 'one-size-fits-all' approach;
  - (d) coordinate their activities as necessary with those of staff elsewhere in the public administration with a view to improving efficiency in the public administration as a whole; and
  - (e) take steps to identify and, or address poor performance, misconduct or misuse of resources.

***Accountability***

19. Public employees and board members shall:
- (a) act in a manner that is transparent and in compliance with applicable laws, regulations, directives, policies and procedures;
  - (b) be ready to have their actions judged by others;

- (c) be prepared to give a clear explanation of their judgements, behaviours, intentions and actions to any stakeholder authorised to demand such explanation;
- (d) report any violations of the Code of Ethics by other public employees or board members;
- (e) fully co-operate with investigations by any authorised person or entity, whether internal or external to the public administration;
- (f) take responsibility for their actions and behaviour and in this regard shoulder the level of responsibility that is appropriate to their posts. This includes accepting responsibility for their errors, misjudgements and negligence and being held accountable therefor; and
- (g) assign responsibility for tasks and duties to subordinates as appropriate and carry out the necessary oversight and monitoring to hold these same accountable. This shall also include the responsibility to give credit to others where credit is due.

#### ***Non-discrimination***

20. Public employees and board members shall:

- (a) not discriminate in any manner or on any basis including race, place of origin, nationality, skin colour, political opinions, creed, sex, sexual orientation, expression or gender identity, civil status, mental or physical well-being;
- (b) not act in a manner that impairs one's enjoyment of one's fundamental rights and freedoms, provided that this enjoyment does not prejudice in any manner and at the same time respects the rights and freedoms of others or the public interest, where fundamental rights and freedoms are legitimately subject to the public interest; and
- (c) treat all with dignity and respect.

#### ***Impartiality***

21. (1) Public employees and board members shall:

- (a) act in line with official Government policy and procedure;
- (b) protect and ensure the right of every person to have one's affairs handled impartially and fairly;
- (c) ensure that decisions made are based on objective criteria and not tarnished by any personal bias, conflict or prejudice or designed to favour or benefit or give any manner of unjustified preferential treatment to one person over another;
- (d) maintain political neutrality and not bring the public service into disrepute through their private activities;
- (e) ensure that any public comments made (including on social media), and, or their participation in political activities, do not undermine or jeopardise public

confidence in the competence and impartiality of the public administration, or bring these same public employees and board members into conflict with their duty to impartially serve the Government of Malta;

- (f) remain loyal to the Government of the day in the execution of their duties and responsibilities and never act in a manner that may undermine the achievement of Government policy or direction or otherwise diminish public confidence in Government in any way, extent or manner.

(2) Political participation and public comment by public employees and board members may be subject to limitations in line with rules and regulations aimed at maintaining public confidence in the impartiality of the public administration.

### ***Compliance with the Code***

22. Compliance with this Code should result in:

- (a) a more effective, motivated and committed public service, operating within a convergence of high moral and ethical standards;
- (b) high quality in delivery of service by public employees and board members;
- (c) a stronger satisfaction by users and clients of the public service;
- (d) a professional ethos that foregrounds the drive towards excellence and continuous improvement of service; and
- (e) giving credence to the understanding that the public administration is ultimately a single body with shared roles, duties, obligations and responsibilities.

23. Non-compliance with this Code may result in:

- (a) disciplinary proceedings, where public employees are concerned;
- (b) the termination of the appointment to boards, or the imposition of certain conditions on their appointments, where board members are concerned;
- (c) the execution of relevant provisions deriving from any applicable undertakings; and, or
- (d) the initiation of criminal proceedings, where this is called for in respect of serious breaches of trust and, or non-compliance, where both public employees or board members are concerned.