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Civil servant identity at the crossroads: new challenges for public administrations

Civil servant
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crossroads

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Daniel J. Caron

École Nationale d'Administration Publique, Quebec, Canada, and

David Giaque

Public Management Unit, Haute École Valaisanne, Sierre, Switzerland

Abstract

Purpose – To compare and contrast the changes introduced in Canada and Switzerland as a result of public management reforms and explore the ethical challenges they entail.

Design/methodology/approach – This is a case study of two countries based in part on secondary sources but also on observations made by the authors.

Findings – The strategies used in each country are different reflecting their distinct political institutions. But there is a commonality, namely the emergence of new ethical problems related to the changes under way. Each country has tackled these new ethical challenges in similar ways. Individual and group behaviour of both Canadian and Swiss civil servants is regulated through “external controls” (codes of ethics, rules of conduct), but also by means of the socialization of new professional values (quality of customer service, flexibility, innovation, creativity, efficiency and effectiveness). These external controls and new values are insufficient, however, to allow civil servants to develop their own capacity for ethical deliberation, an essential condition for enhancing ethical behaviour in modern public administrations.

Research limitations/implications – The findings are not based on a systematic comparative study and can only therefore be interpreted as indicative.

Originality/value – The writers offer an interesting model relating to methods of behaviour regulation in an ethical public service and the need to ensure that the public good and the public interest remain at the core of public servants identity.

Keywords Work identity, Ethics, Civil service, Canada, Switzerland, Public sector organizations

Paper type Case study

Introduction

Public sector employees are currently confronted with new professional challenges arising from the introduction of new principles and tools inspired by the shift to new public management (NPM). Even though the NPM dynamic includes several different models, many principles are shared by the various countries that have undertaken administrative reforms, particularly among the member states of the OECD. The guiding philosophy of these managerial changes is largely inspired by economic considerations. In fact, a market logic is gradually being introduced into the operation and regulation of administrative services or units (de Visscher and Varone, 2004). Designed in response to criticism about the alleged and sometimes proven ineffectiveness and inefficiency of public organizations, the principles and tools of NPM attempt to breathe a new “business-mindset” into the field of public administration, based in part on economic theories of organization. New values that have arisen in the wake of the shift constitute the criteria by which today’s civil



servants are assessed: productivity, efficiency, risk-taking and initiative, ability to work to objectives, independence and accountability.

This new orientation means civil servants are confronted with conflicting values that may lead to paradoxes calling into question the professional identity of public employees and even their capacity for ethical and critical deliberation. In the long run, the focus on individual and group performance and the related new professional values that make up the new “results-oriented ethics” may lead civil servants to make decisions and act in a self-interested and opportunistic way, in complete opposition to traditional Weberian public ethics values. But more importantly, these values may lead to decisions that gradually erode the fundamental purpose of public action in the eyes of the public – that is, defence of the public interest.

To reduce what may be considered a possible perverse effect of NPM, two minimum conditions for implementation appear to be in order. First, the existence and key importance of “invisible authorities” – including conventions and moral standards – must be recognized as an essential condition for organizational effectiveness (Arrow, 1974). Second, the optimum balance between regulation and self-regulation must be sought. In this we are limited by the interdependencies of responsibility and authority and the possibilities of substituting one for the other (Arrow, 1974).

In our comparison of Switzerland and Canada, our first focus is the way the two countries implemented administrative reforms in order to achieve greater organizational efficiency and effectiveness. Next, we examine the new professional values that emerged following the introduction of NPM principles and tools. We identify a few new ethical problems that Swiss and Canadian civil servants have encountered and look at ways in which the two countries have tried to respond to these new problems, pointing out shortcomings as the occasion arises. Finally, we suggest a number of possible solutions for reconciling “results-oriented ethics” with traditional public ethics to help today’s public employees find their way out of their current impasse. Our goal is to assert the need to re-establish the behavioural identity of civil servants on the basis of values that allow them to critically and ethically deliberate on their actions and decisions in order to ensure they are upholding the general interests of the public good.

Canadian and Swiss reforms and their main features

The reforms in Canada

The Canadian civil service joined the modernization movement of western public administrations by implementing several NPM measures. The main initiatives embraced in Canada involve reviewing programmes and budgetary restrictions, setting up alternative ways to deliver services and changing values and administrative systems. These initiatives met with varied success (Giauque and Caron, 2004a, b). First, the rise of modern leadership in the federal administration provides our first insight into situations where efforts made by management were driven by the pursuit of results rather than a strict adherence to rules. There was increasing pressure on managers to put their knowledge of the sector and their analytical capacity to work in making decisions to achieve desired results. Initiatives such as Public Service 2000 and La Relève are good examples of this objective. Second, alternative delivery mechanisms led to a number of large and

small reforms, in some cases as significant as the creation of agencies with a different legal status from that of the Ministries (Zussman, 2002). These reforms were called variously the single-window approach, e-channel services, co-location, special services agencies, statutory service organizations, and ministerial and partnership service organizations (Treasury Board Secretariat, 2005). Third, modern management is a management reform initiative that aims to strengthen the capacity of the administrators so that they can make better decisions. A citizens' service logic began to emerge: better internal practices should lead to better decisions, better services, the achievement of results and, in the long run, a better response to the needs of Canadians. Fourth, the Public Service Modernization Act (PSMA) was implemented with a panoply of major changes embracing every aspect of the administrative operations and a marked emphasis on human resources (Treasury Board Secretariat, 2005).

The immediate consequence of these reforms was more daring decision making on the part of some managers. Gathering, sharing and celebrating best practices helped establish new decision-making criteria. This new focus on the more innovative aspects of the management task went hand in hand with a significant decline in the attention paid to more traditional matters such as financial rectitude and respect for policies and regulations. These same policies and regulations were also subject to extensive changes and had their content pared down to provide a general rather than prescriptive referral framework. One of the most important aspects of these reforms was increased flexibility in terms of human resources management (Zussman, 2002). As regulations and procedures became more flexible, there was a need to redefine the operational contours and ascertain the political and administrative agents' understanding of those limits. The PSMA does lighten administrative operations but it requires an unprecedented self-regulation of behaviour, the success of which relies on the capacity to train and socialize managers to respect and uphold traditional values in this new independent reality. In any case, these initiatives increase the decision-making power of the administrators, and therein lies the importance of reviewing the criteria and the ethics and value management system. Because the ethics management framework was, until now, firmly anchored in the country's constitutional conventions, decisions were made in this spirit and the decision-making roots were relatively clear.

The reforms in Switzerland

The reforms undertaken by the Swiss federal administration were mainly in the form of a "management" orientation to increase the efficiency of the administrative services. In addition to these management reforms, steps were taken to change the rules concerning the status of federal bureaucrats. It is sometimes difficult to pinpoint the multiple reasons for undertaking administrative changes. Nevertheless, these reasons are usually classified as follows: changes in public tasks (complexification), state financial crises, new information technologies, the rebirth of the ideas and axioms of economic liberalism, citizens' changing expectations of public services, and so forth. In 1985, the Council of States' Finance Commission proposed the introduction of new measures called "augmentation de l'efficacité dans l'administration fédérale" (EFFI) (increased effectiveness of the federal administration). In 1986,

the federal Council launched a second project geared to achieve solutions for rationalizing interdepartmental activities – “identifier des mesures de rationalisation des activités interdépartementales” (EFFI-QM-BV) – with the main objective of identifying rationalization measures affecting activities and work carried out in several departments. The project soon ran into difficulty, however, especially due to its interdepartmental nature and the lack of political will to keep it alive. The failure of EFFI-QM-BV pushed parliamentarians to ask for greater administrative reform efforts from the federal Council.

In 1993, Parliament decided to replace the 1978 Administrative Organization Act (LOA) with the Government and Administrative Organization Act (LOGA), which aimed to create the necessary legal basis for implementing the first phase of the reform – that is, reform of government and the administration (RGA). After the LOGA was rejected by popular referendum, the federal Council reviewed it and submitted a revised version to Parliament, which adopted the new law on March 12, 1997. The four main objectives of LOGA are to increase effectiveness, aim for profitability, achieve savings and optimize management and structures. Management under performance mandate and global budget (“gestion par mandat de prestations et enveloppe budgétaire” or GMEB) was rolled out as soon as LOGA came into effect on October 1, 1997. The ensuing reforms sought to achieve the following objectives: increased staff flexibility, accountability, new business culture, control of administrative service operating costs and greater decentralization (Giauque and Caron, 2004a, b).

Some consequences

Based on recently observed behaviours (Caron and Giauque, 2006) we found, first, that the frontiers that traditionally separated the world of political decision making from administrative decisions have been breached in both directions. In other words, some administrators are making political decisions and some politicians are making administrative decisions. Second, the rules for respecting anonymity and neutrality in the provision of advice between administrators and politicians have been broken repeatedly, with both groups accusing each other in the public arena. Third, control mechanisms have failed or been insufficient. Fourth, there seems to be a gap in the understanding of values and ethics on both the administrative and political levels. Fifth, the conflict of values is becoming increasingly prevalent and difficulties in interpretation are on the increase (Gomery, 2005).

In Switzerland, our observations have been of a more micro-sociological nature. We have four main findings. First, there is an increased politicization of service chiefs and an increased involvement with operational matters by some politicians. Second, institutional egoism is on the rise and the capacity to coordinate state activities is on the decline. Third, we have witnessed a reduction in the meaning of evaluation. By quantifying and measuring, the various players in the politico-administrative system are losing sight of the meaning of assessments and evaluations. Fourth, the “every man for himself” attitude appears to be spreading within the federal administration. A culture of fear and withdrawal is developing that penalizes proper administrative operations and endangers the ethics of the common good.

Summary

We draw three conclusions concerning these reforms.

First, we can place them in a schema that reflects three types of objectives:

- (1) improvement (maximization) of effectiveness of public intervention;
- (2) improvement (maximization) of efficiency (including “user satisfaction”); and
- (3) reduction (optimization) of the state’s role in the direct provision of services.

These three objectives are different, but they are all targeted by several Canadian and Swiss initiatives. The discourse and efforts involving effectiveness are not new and, for that reason, this goal is the least controversial and the least hotly contested. What has changed here in relation to earlier efforts, however, is the method of increasing effectiveness. The key to success has become the civil servant’s initiative, flexibility and willingness to take risks to create or apply new ways of increasing effectiveness. Improving efficiency raises more questions because it relates directly to staffing and work processes. The idea of customer (user) satisfaction puts civil servants at the heart of a new logic where values can be in conflict: for example, citizen satisfaction, fairness and public interest. Finally, optimization of the state’s role in the direct provision of services to citizens attempts to rebalance a role often considered to have expanded too much in light of the desire to reduce the public sector.

In terms of approaches used and often inaccurately called “privatization,” we can sum up our observations in both countries using five major characteristics:

- (1) initiatives generally involve the deconstruction of the traditional bureaucratic model in favour of reconstruction based on criteria similar to those promoted by NPM;
- (2) initiatives are often based on computer potential (automatic regulation) as a new “agent” for ensuring fair treatment (changing from written regulation to automated regulation);
- (3) work logic initiatives draw on new values;
- (4) there are real strategic and organizational gaps/weaknesses in the planning and implementation of initiatives; and
- (5) there is insufficient ongoing investment in preparing and training the human resources.

Finally, less overt but nevertheless present is the fact that these objectives and approaches must defend the continuance of democratic society by promoting social cohesion and the citizens’ respect and interest in public institutions. Although this aspect is often concealed, the identity of civil servants is, in fact, at the very heart of the debate. It is primarily this aspect that gives cause for concern. There seems to be an implicit expectation that civil servants will pursue a common goal – defending the public interest – all of their own accord while the results logic coupled with performance pay encourages them to be more interested in personal, more egoist objectives.

Under these conditions, the essential question that must be asked is how to maintain the identity of civil servants, both now and in the future?

New values, identity and results-oriented ethics

First of all, we must remember that effectiveness, in the Weberian model, is measured in terms of the successful application of shared values and fair treatment of citizens and the promotion and defence of the public good is what counts. Second, in this dynamic, the individual is the transfer agent of the ethics of public interest. The individual's behaviours and decisions are the production process for the public good and they lead to results. The fact that these processes are framed by regulation – codification – usually means that results can be foreseen and suitability can be determined in advance. Third, NPM seems to suggest that we must re-orient this agent to ensure better results. The new required values, which will lead to a renewal of the public sector, tend to constitute, often informally and implicitly, a new public ethics that we could call “results-oriented ethics.” In other words, these so-called “professional” values play an important role today in judging the suitability of civil servants' behaviour. The results, however, are rarely defined in terms of public interest as a common goal. Civil servants are called upon to judge the suitability of their actions based on new work standards, especially since the principles and tools of NPM favour the development of a greater allegiance of civil servants to the organizations they belong to. Since, civil servants are evaluated increasingly on individual performance and they are likely to be rewarded or penalized by their organization, their dependency on their unit or administrative service is considerably increased.

But can we really speak of results-oriented ethics without stating what these expected results are? The unspoken truth is that everyone knows that state intervention is required under certain conditions and that these conditions dictate a unique behavioural ethic. While it is not necessarily wrong to believe certain activities undertaken by the public sector could be turned over to the private sector, it is more dangerous to assume that the values of the private sector can be wholly transposed to the public sector, since each sector has a different concept of effectiveness. Since, ethics is wholly rooted in the conscience and in critical dialogue, the traditional ethical values of the Weberian administrative model are less and less able to support and regulate individual and group behaviours because the defining feature of the traditional “public ethic” is its procedural and regulatory nature. The goal of this ethic is to provide rules and standards that are able to regulate administrative work and provide a certain fairness of treatment, an impartiality in the management of files, etc. In the “results-oriented ethics” that is characteristic of the shift toward NPM, results take precedence over the administrative standards that defend the public interest. It is a matter of seeking to preserve the role of the public employee as an agent of the defence and perpetuation of democracy and the public interest.

Through their work and identity, the public sector worker has a specific and different role from the private sector worker. We do not believe that the public employee is more or less this or that than the private sector employee: both are first and foremost human beings. They will first both pursue their personal interest. But the role of the public employee requires a specific identity to properly accomplish its duty that is related to the public interest. And this raises a crucial question: in the upheaval that is leading inexorably to a “management” culture, how can we maintain our progress and ensure the longevity of the state through its principal agent? Without determining

the extent of the issues related to NPM as a method of operation, we want to raise a series of questions concerning the possibility of handing citizens the role of protecting the common interest through the identity of state employees. This leads us back to the fundamental question of the regulation/self-regulation balance.

Regulation and self-regulation: required investments and desirable balances

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In light of our research, public administrations do not seem to have paid enough attention to several outcomes of their transformations. The ethics solutions proposed by the Swiss Confederation relate mainly to establishing externally imposed codes of behaviour. The HRM guidelines and code of behaviour set out an “un-accountability” vision, with bureaucrats relieved of the ethical deliberation that should be part of their respective administrative actions. The goal is to standardize behaviour, rather than help the players develop their capacity for ethical deliberation. In other words, while the reforms are oriented toward individual accountability, flexibility, performance, organizational effectiveness and efficiency, the ethics process appears to have remained the same, rather than evolving with the reforms and the emerging ethical problems. Furthermore, Confederation employees seem to be faced with a difficult and perhaps insurmountable dilemma: meeting the external ethical demands while developing the managerial values expected of them by their administrative unit – performance, personal initiative, flexibility, effectiveness and efficiency. The managerial values espoused by the administrative units can by no means be confused with moral values.

On the Canadian side, it is not clear whether the values and ethics as defined in the tools developed to date are anchored in a legitimate framework that can serve to structure and interpret the behaviour of civil servants. Actually, the legitimacy seems to come from a hybrid source – constitutional conventions, shared governance principles and NPM. This state of affairs creates structural difficulties for behaviours and their interpretation. Values cannot be easily relayed if the public agents are not able to determine where they come from and subsequently adapt to them. There does not seem to have been sufficient effort to promote the transmission of values and, more specifically, to socialize the idea of the public good. Civil servants and politicians come from an increasingly diverse pool. In a more flexible and individualist management framework, this means extensive training and socialization mechanisms are required. Furthermore, since the roots of the ethics management framework are not very clear and since their sources of legitimacy are somewhat hazy, it is all the more important to establish a permanent dialogue on the meaning and interpretation of behaviour. Finally, the sheer number of values promoted creates tension and conflicts of interpretation. It seems to us that this could detract attention that should be focused on the idea of the public good (Caron and Giauque, 2006). Two questions must be asked at this juncture. First, how much de-codification is feasible and desirable, and second, what are the minimum conditions for ensuring ethical public service?

NPM calls for initiative, entrepreneurship and similar personal values to promote greater productivity and improved results. To succeed, it is proposed that we rethink the administrative codification with the goal of eliminating it or at least “lightening” it. We know that the Weberian model calls for complex codification in order to guarantee a given level of ethical behaviour. Establishing, maintaining, developing and applying

this codification, however, is generally an expensive undertaking. These costs are known as book costs or rigidities – “red tape.” But these codifications have, through the human agent, allowed shared values to be preserved and to a certain extent guaranteed the promotion of the public interest such as the fair treatment of citizens. On the other hand, NPM promotes minimal or no codification whenever possible. At the same time, NPM is rooted in the achievement of results that are not necessarily presented in terms of the public good but in terms of individual performance, except in the case of the measurement of satisfaction of users or quality of services rendered.

The question raised by the transition from a complex codification model to a simple codification model is shown in Figure 1. For an effective given level of application of shared values and ethical behaviour: the simpler the codification, the greater the investment required in training to ensure self-regulation on the part of civil servants and the lower the costs related to codification (see curve A). The more complex the codification, the greater the investment required to ensure the development, maintenance and application of the codes and the lower the costs of training (see curve B). What, therefore, is the optimal level of administrative codification that would minimize required investments while ensuring sufficient maintenance of the civil servant identity to preserve the effectiveness of the system, that is defend the public interest? Figure 1 shows that the optimum combination for an effective given level of shared values and ethical behaviour occurs at point N. At this point costs are minimized and there is a balance between codification and self-regulation.

The model suggests three consequences. First, if we agree that the effectiveness of a public system can be measured in part on the basis of the promotion of and respect for the public good, ethical behaviour and shared values are necessities and the only possible transfer agent is the human being in the person of the civil servant. Second, the importance of moral values and “invisible authorities” in the organization and its operations are a condition for effectiveness that requires socialization efforts and therefore investment in the training of individuals. Third, promoters of NPM must base their transformations on a balance between a minimum of codification and a minimum of training. As we saw earlier, these issues, and especially training, are almost entirely absent from the reforms under examination.

Conclusion

Contrary to popular belief, it seems that public administrations cannot content themselves with simple deregulation or over-deregulation. The model presented clearly shows that a balance must be defined to ensure an effective level of shared values and ethical behaviour. It is the responsibility of public administrations to create conditions conducive to the establishment of reforms that will respect the responsibilities invested in them in the public interest. As Durand (free translation) points out:

[...] The future of humanity [...] depends on ethics, that is, on humans' capacity to act responsibly in order to contribute to the promotion of people and the construction of a community [...].

We must recognize the role of the civil servant as the transfer agent for the public interest in government decisions and acknowledge the need to invest heavily in training in light of the progressive elimination of administrative codification. This is needed to replace the role previously played by codes, rules and all internal regulations

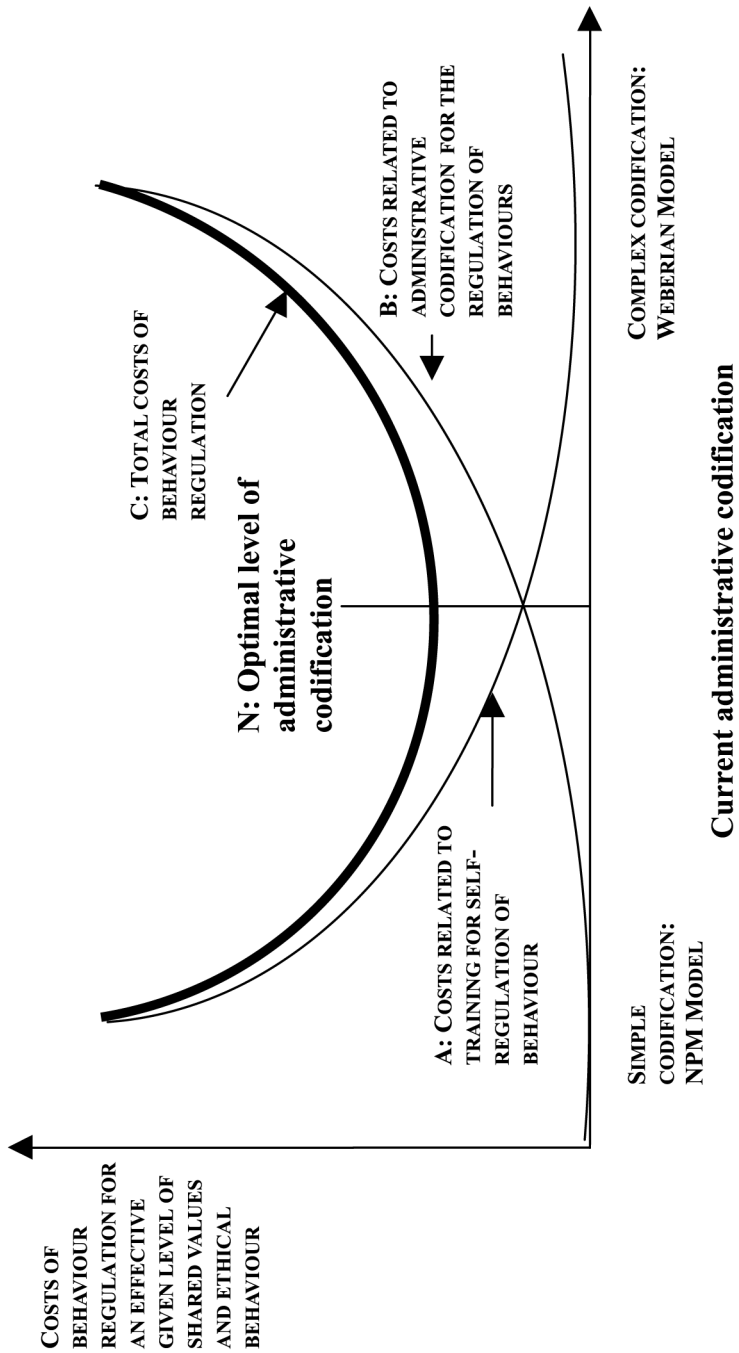


Figure 1. Optimization model for methods of behaviour regulation in an ethical public service

prescribing the conduct of public servants in most situation and guaranteeing equity of treatment for citizens. We suggest that these training investments should be made in the framework of a tripartite approach: civil servants, organizational mandate and community/society. Public administrations must work to clarify the organizational missions and values that collectively support them. They must introduce the professional values – in the sense of identity – embraced by civil servants as well as the fundamental values of the community or society – to create agreement on what the general public interest really is. If public administrations are to support governments in ensuring social cohesion through delivery of relevant public policies, public servants must be mindful of the public good and the public interest as defined in the objectives of their respective government. The function of tight regulation in ensuring consistent behaviour of public servants is key to this role and must be present either through traditional internal regulation – bureaucracy – or more investments in training to socialize public servants to expected non bureaucratically regulated behaviours.

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About the authors

Daniel J. Caron, an Economist with a PhD in social sciences, is a senior executive in the Canadian public service. He is a Professor at the Ecole Nationale d'Administration Publique (ENAP) in Gatineau. His responsibilities are related to organizational operations, including human resources, finance, information management, auditing and assessment. Daniel J. Caron is the corresponding author and can be contacted at: danielj.caron@enap.ca

David Giauque, a political scientist with a PhD in public administration, is Professor of Human Resources and Public Management in the public management unit of the Haute Ecole Valaisanne's Institut Economie and Tourisme. E-mail: david.giauque@hevs.ch

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