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Ethical aspects in the activity of civil servants. Case Study Romania.

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In the public administration organizations the civil servants are exercising their power of decision, day by day in many ways. Whether the action involves managing public resources in their role of interface with citizens or in the context of policy making, ethics represent a vital factor in creating and maintaining trust in government and its institutions.³

Yet public sector ethics must be understood as an activity and not as a statute. Encouraging ethical behaviour is not just a list of rules or statutes to be achieved. For any public administration organizations, ethics means a continuous management process that supports business and government and is becoming a key factor for the functioning and development of the government.

Preventing corruption and improving public service management is the primary goal of promoting ethical standards for civil servants. Many governments have reviewed their policies on ethical conduct in public service being preoccupied by the problem of corruption and the declining trust in government.⁴

According to Dwight Waldo's theory, civil servants must take into account 12 obligations.⁵

- obligations before the constitution;
- obligations before the law;
- obligations before the nation and country;
- obligations before democracy;
- obligations before the rules of bureaucratic organization;

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³ Maria Viorica Poets - Ethics, Management and Public Administration, Scientific Annals of University "Alexandru Ioan Cuza", Iasi 2004

⁴ Bohagen O. Blymke O., - The Management of Ethics and Conduct in the Public Service, www.oecd.org

⁵ Dwight Waldo - the The Administrative State. A Study of The Political Theory of American Public Administration, Ed. Transcationpub, 1996

- obligations before the profession and professionalism;
- obligations before family and friends;
- obligations before itself;
- obligations before come in contact with local;
- obligations before the public interest or general welfare;
- obligations before humanity and world;
- obligations before God or religion.

To understand the implications of ethics as value raised to the level of principle in the public sector it is essential to search in etymology. Thus we can understand when it occurred, its meaning, the development of thinking, its content and the implication of ethics on the members of society in general and the employees of public organizations in particular.

Ethics is considered a field of science that studies moral principles, laws of historical development, their role in society and all rules of proper moral conduct according to the ideology of a society or a representative group.

Ethics functions

There are a number of factors that influence the content of ethics and facilitate the understanding of the role that ethics plays in society in general⁶. The key factors of ethics are: epistemological and axiological model of science, traditions of thinking specificity of ethics, quality of the receiver of ethical values, the nature of moral problems, the degree of responsiveness and individual personality.

Given these factors, there are three specific functions of ethics:

1. cognitive function;
2. regulatory function;
3. persuasive function.

Knowledge or cognitive function is the main function of ethics that precedes the other. It can be done in three successive steps:

- descriptive
- analytic-synthetic
- explanatory

⁶ Androniceanu Armenia - New public management, Economica Publishing House, Bucharest, p. 60.

The descriptive step consists in elaborating of certain values: moral attitudes, moral relationships, moral beliefs, moral qualities or defects. It is interesting to recall here that according to Aristotle there are three fundamental attitudes, that men can have in social and organizational life:

- hedonistic attitude, specific to people that live for more and different pleasure;
- political attitude, specific to the people who live for the exercise of power;
- contemplative attitude specific for those who live for disinterested knowledge of the truth .

The analytic-synthetic step allows to identify the intrinsic components of morality:

- rules;
- conscience;
- expression;
- assessment;
- values;
- relationships;

Each of these components can be analyzed in at least three ways:

- intrinsic and conceptual analysis of the rule, consciousness etc.;
- empirical analysis for investigating the number and the nature of the norms, that regulate the life of a community or the quality, intensity and the area of moral public opinion.
- interdisciplinary analysis that emphasizes the implications, the extra moral determining factors of such components, and morals of the whole.

The explanatory stage is equal with disclosing the causal or generating factors of morality, because morality can be described, but it can not be explained only by itself.

Normative or axiological function

The axiological function is a distinction that ethical thinking is making, in moral life, between values on one hand and anti-values, false values, non values, on the other hand. Through this function rules can be created according to to their degree of value indicating which are questionable or outdated, which are valid and have opportunities to generalize in the future⁷.

⁷ Androniceanu Armenia, op. cit. page 62

The persuasive function in its optimum shape is achieved from the start and through the first two functions, the cognitive and the normative. Exercising persuasive function involves appealing to a number of strategies.

- Through the coercive or repressive strategy the subjects' attention is highlighted on the consequences of events contrary to accepted moral norms .We can draw attention to the consequences of deviant behaviour of the individual himself.
- The incentive strategy may use a series of persuasive methods, including: the revealing of collective harmony, moral climate that results in by promoting collective values through desirable behaviours is a sense of moral dignity is stimulated that implies a positive image about oneself, based on proper behaviour and a positive appreciation of the community.
- The heuristic strategy is more complex and assumes that the subject is potentially moral and morality may be disclosed, crystallized, founded by problematisation, colloquial dialogue or dispute.

Deontology is a branch of ethics, a science that studies the rights and the obligations of those who practice a certain profession. Deontology is based on moral duty, but it does not overlap with the study of philosophy or general theory of moral duty. Also, we have to notice an essential difference between ethics and deontology. Thus, while ethics includes the philosophical study of debts, deontology is an applied or applicable⁸ science. In the case of civil service the aim of deontology is the realization of effective public service and citizen satisfaction. Efficiency is not only the result of good organization and management of an activity. A maximum efficiency depends on the degree of conscience (conscientious attitude to the duties of office) of the civil servant.

If the civil servant has a well established legal position and has some rights that would allow him the good conditions for his activity and a decent living, he could devote fully to the public authority or institution to which he belongs. In those circumstances, he will conscientiously fulfil the duties of office ("Theory of the job well done" - Tadeusz Kotarbinski, 1886-1981) and he will put all his knowledge and skills in the exercise of his activity.

⁸ Victor Alistar - Public official ethics, ongoing support, NSPSPA, 2010, p. 4.

The person holding a civil service position has several obligations with moral character, whether written or unwritten, but that circumscribes an official ethics of the profession. All these moral duties of a civil servant while exercising public positions wear the generic name of “deontology”. The phrase deontology comes from Greek words, "Deon", "deontos" which means, "which is due", "what must be done" and "logos" which means "study science". The dimension of moral rules that people must respect was emphasized by Immanuel Kant: "The law itself should be the goal for a moral life because moral interest is pure, and does not depend on the senses"⁹.

The first duty of a civil servant is to serve the public interest as indicated by the etymology of the word administration from the Latin word “administer” which means “servant, servitor”

As a result, a moral obligation that has to be respected derives from the purpose of exercising the position and this is to serve the society and citizens. When these regulations expressly provide moral obligations they gain a professional dimension.

"Le Petit Larousse (1955) defines deontology as" a set of rules governing the profession, conduct the relationship between them and their clients, between them and the public.

Deontology, through its specific objective of research is the interference between law and morality. It can be defined as all rules outlining a certain type of professional or private behaviour¹⁰. Some of these rules are established by law and can be imposed by force of coercion of the state; others are just into the category of ethical rules.

In this view some moral precepts are established by law, becoming legal rules, in extreme cases are enhanced, by force of state coercion, while other rules remain in the domain of moral ethical standards, sanctioned only by public opinion¹¹.

In order to be implemented the law must be understood and interpreted its letter and spirit. Often the people do not know the law or disagree with its content or its meaning, in this case creates a conflict between those to whom the law applies and those who apply the law.

⁹ Immanuel Kant, Critique of Practical Reason, Ed ISR p. 71

¹⁰ Virginia Vedinas – The status of civil servant, Nemira Publishing House, Bucharest, 1998

¹¹ See V. Vedinaş op. cit. p. 146 and N. Cochinescu Introduction to legal ethics, Law review. 4 / 1995, p.3-

While public service users wish to circumvent the law, officials must apply the law precisely and the discretionary power of public administration should not exceed the provision of laws the public administration should choose the best alternative according to the given situation and beneficiary's requirements¹².

Since in his official actions the civil servant expresses himself he/she must not forget that he/she is in the service of citizens, public interest.

As public officials are the bearers of government discretion, and may often be corrupt or abusive by violating of the rights and interests of citizens, it is necessary that the rules relating to professional conduct and moral public servant, the deontology, to refer both to relations with superiors, with subordinates, the entire staff and the beneficiaries of his work, with other legal entities, including other state institutions, in fact the whole society. The field literature appealed to certain ambiguities in the public administration regarding the boundaries between law and ethics, on one hand and ethics and corruption, on the other hand. Thus, some authors consider necessary to study legal issues such as conflict of interest and to avoid attracting liability under the law, while others bring in question the ethics of decisions made by public chooses that are not covered by legal provisions. Civil servants act according to a variety on a variety of principles. Some ethical perceptions are implicit, some are explicit, some are contradictory. However, these principles are based on ethics seen as a virtue and responsibility.

Values, ethics and conduct in public organisation

Although we can notice the lack of consensus concerning the real meaning of concepts values, ethics and conduct - often used interchangeably – we consider that some clarifications are needed here, which can be applied in the context of public service ethics:

- Values: principles or standards that guide independent concerning that is good and correct;
- Ethics: rules transposing the ideals and ethos in typical daily activities;
- Conduct: actions and actual behaviour of civil servants.

As the ethos becomes conduct, a transfer from abstract to concrete is in place. The relations between these concepts are still complex and overlapping. Several researchers

¹² Victor Alistar, op. page 6.

have tried to explain. For example, the "critical link between ethics and values is that standards and ethical principles can be applied to solve dilemmas or conflicts of values» Principles concerning ethics in public administration¹³:

- Ethical standards must be clear;
- Ethical standards should be reflected in the legislative framework;
- The civil servants must receive mentoring concerning the application of ethical standards;
- The civil servants should know their obligations and rights;
- The political class must affirm its support for ethical values and support implementation of ethical values;
- Decision making process must be transparent;
- A clear set of rules for interaction between public and private sector;
- Managers need to promote and to behave ethically;
- Public policies, procedures and practices must be created according to ethical values;
- Working conditions and the management of human resources should be according to ethical values;
- Appropriate accountability mechanisms must be implemented;
- There must be adequate procedures and mechanisms to punish inappropriate behaviour.

Code of conduct for civil servants (Law 7 / 2004 republished in 2007 published in Official Monitor 525 of 02/08/2007)

Scope

The rules of professional conduct provided by this code are mandatory for civil servants and persons temporarily occupying a position in civil service, public authorities and institutions.

The objectives of this code of conduct aim at ensuring higher quality public services, good governance in achieving the public interest as well as contribute to eliminating red tape and corruption in government, by:

¹³ Principles for managing ethics in the public service - OECD 1998

- regulating rules of professional conduct rules necessary for appropriate social and professional relationships in order to create and to maintain at a high level the prestige of civil service and civil servants;
- public information on professional conduct of civil servants while to which he is entitled to expect from the civil servant exercising public positions;
- creating a climate of trust and mutual respect between citizens and civil servants on one hand, and between citizens and public authorities, on the other hand.

Principles which should govern the conduct of civil servants

According to Art. 3 of the Act, the principles governing the professional conduct of civil servants are as follow:

- *supremacy of the Constitution and law* – the civil servants have a duty to respect the Constitution and laws of the country;
- *priority of public interest* - the civil servants have a duty to consider the public interest above personal interest only, in exercising of his public duties;
- *assuring equal treatment of citizens* before public authorities and institutions - the civil servants have the duty to apply the same legal status in identical or similar situations;
- *professionalism* - the civil servants should to perform duties with responsibility, competence, efficiency, honesty and conscientiousness;
- *impartiality and independence* - the civil servants should have an objective attitude, neutral to any political interest, economic, religious or otherwise, in exercising public positions;
- *moral integrity* – the civil servants are forbidden to solicit or accept, directly or indirectly, for themselves or others, any advantage or benefit in consideration of public office they hold or to abuse in any way by this position;
- *freedom of thought and expression* – the civil servants may express and substantiate their views with respect for the rule of law and morality;
- *honesty and fairness* - in exercising and carrying out public duties the civil servants must have good faith;
- *openness and transparency* - the activities of civil servants can be monitored by citizens.

General rules of professional conduct of civil servants

a) Providing a quality public service

Civil servants are required to ensure a quality public service for the benefit of citizens, through active participation in decisions and their implementation in practice, in order to achieve competencies of public institutions and authorities. The civil servant should behave professionally and ensure, by law, the administrative transparency in order to gain and maintain public confidence in the integrity, impartiality and effectiveness of public authorities and institutions.

b) Loyalty to the Constitution and law

The civil servants are obliged, through their acts and deeds, to respect the Constitution, laws of the country and work for the implementation of laws, in accordance with their respective functions, in compliance with professional ethics.

The civil servants must comply with laws restricting the exercise of certain rights due to the nature of public position.

c) Loyalty to the public authorities and institutions

The civil servants are obliged to defend the prestige of public authority or institution and to refrain from any action which could prejudice its image or legal interests.

In this respect, civil servants are forbidden:

- to publicly express appreciations inconsistent with reality in relation to the work of public authority or institution that operates with its policies and strategies or with drafts of normative or individual acts;
- to make unauthorised assessments about the ongoing litigation settlement in the public authority or institution in which they operate as a party;
- to disclose non-public information in circumstances other than those prescribed by law;
- to disclose the information to which they have access by their public position, if that disclosure is likely to draw undue advantage or to damage the image of the institution, or rights of civil servants and individuals or legal entities;
- to offer assistance and advice to individuals or entities aimed to take legal actions against the state or public institution or authority.

Disclosure of information that is non-public or submitting documents containing such information, at the request of representatives of other authorities or public institutions is permitted only with the agreement of the public authority or institution.

The provisions of the It is noted that the Code of Conduct should not be interpreted as derogation from the legal obligation of civil servants to provide public information of to those interested, according to the law.

d) Freedom of opinion

In performing official duties, the civil servants are obliged to respect the dignity of public office, linking the freedom of dialogue with public authority or institution in which they operate.

In their work, public officials are obliged to respect freedom of opinion and not be influenced by personal considerations or popularity. In expressing opinions, public officials must have a conciliatory attitude and to avoid generating conflicts through the exchange of views.

e) Public activity

The relations with media shall be provided by civil servants, appointed for that purpose by the head of public authority or institution according to law.

The civil servants appointed to participate in activities or public debates must respect the mandate entrusted by the chief representative of public authority or institution in which they operate.

f) Political activity

In exercising of their position, the civil servants are prohibited:

- to participate in fundraising for political parties activity;
- to provide logistical support the candidates for high public office;
- to collaborate outside employment relationships with natural or legal persons which make donations or sponsorship to political parties;
- to show, inside the authorities or public institutions, signs or objects with initials or name of political parties or their candidates.

g) Use of own image

In their public positions, the civil servants are forbidden to use their name or image in their advertising activities to promote business or for electoral purposes.

h) Acting in public relations

In relationships with staff of the public authority or institution, in relationships with individuals or legal persons, the civil servants are obliged to behave based on respect, good faith, fairness and kindness. Civil servants have an obligation not to prejudice the honour, reputation and dignity of persons in public institution or the authority by:

- the use of offensive expressions;
- disclosure of certain aspects of privacy;
- formulation of slanderous complaints or accusations.

The civil servants should adopt an impartial and justified attitude for clear and effective problem solving of the citizens. Civil servants are obliged to respect the principle of equality of citizens before the law and government by:

- promoting similar or identical solutions reported to the same class of facts;
- eliminating all forms of discrimination based on nationality issues, religious and political beliefs, wealth, health, age, gender or other issues.

i) The conduct in international relations

Civil servants representing public authority or institution within international organizations, education institutions, conferences, seminars and other activities have an international obligation to promote a positive image of the country and public authority or institution they represent. When dealing with representatives of other states, civil servants are forbidden to express personal opinions on matters of national or international disputes.

In external visits the civil servants are obliged to take an appropriate course of protocol rules and they are forbidden to infringe laws and customs of the host country.

J) The prohibition on accepting gifts, services and benefits

Civil servants should not require or accept gifts, services, favours, invitations or any other advantages, which are designed to them, to their family, parents, friends or people with whom they have business or political relations, that can affect impartiality in the exercise of public functions or can represent a reward in relation to these functions.

k) Participation in decision making

In making decisions, the civil servants are obliged to act according to legal provisions and to exercise their capacity impartially.

Civil servants are forbidden to promise a decision by the public authority or institution, by other public officials and the performance of the duties in a privileged way.

l) Objectivity in evaluation

In carrying out specific public management functions, civil servants are required to ensure equal opportunities and equal treatment with regard to career development for civil servants under their jurisdiction.

Management civil servants are obliged to consider and apply objective criteria for assessment of professional competence for staff, when proposing or approving promotions, transfers, appointment or termination of office or material or moral incentives, excluding any form of favouritism or discrimination.

It is prohibited to top management civil servants to advantage or to disadvantage the access or promotion in civil service on discrimination criteria based on, family, affinity or other criteria inconsistent with the principles of the Code.

m) Use of exercise of public powers

It is forbidden to civil servants, to use the public powers in others purposes than those provided by law, of that they detained.

In the decision making activity of, counselling, preparation of draft legislation, assessment or participation in surveys or control actions, civil servants were not allowed to obtain personal benefits or to produce material damages for others.

Civil servants are forbidden to use their official positions or relationships that have been established in a public position in order to influence the internal or external investigations or to determine a specific action.

Civil servants are forbidden to impose other civil servants to join the organization or association, regardless of their nature or to suggest that, promising material benefits or professional awards.

n) Use of public resources

Civil servants are obliged to provide care for public and private property of the state and administrative-territorial units, to avoid causing any harm, acting as a good owner.

Civil servants are required to use work-time, and property belonging to public authority or institution only for activities related to the civil service positions.

Civil servants must propose and ensure the efficient use of public money in accordance with law.

The civil servants engaged in publishing or teaching activities are prohibited to use the logistics of the authority or public institution in order to achieve them.

a) *Limiting participation in procurement, concession or lease*

Any civil servant may acquire a private property owned by the state or administrative-territorial units, subject to sale under the law, except:

- when he became aware, during or following the performance of duties of the value or quality of goods to be sold;
- when he participated in the exercise of official duties, at the organization of property sales;
- when they can influence the sales operations or information obtained from persons interested in purchasing the property.

The above rules shall apply accordingly also in the case of concession or lease of property owned by public or private or state administrative-territorial units. Civil servants are not allowed to provide information on public or private property or state administrative-territorial units, subject to sales transactions, leasing or renting, in other conditions than those provided by law.

Liability of public servants

In accordance with art. 24 of Law No. 7 / 2 004, the infringement of the Code of Conduct attracts disciplinary responsibility of civil servants according to the law.

Thus, the disciplinary committees have the authority to investigate violation of the Code of Conduct and to propose disciplinary sanctions under the law. Where facts meet the elements of offences, they will be submitted to competent prosecution bodies.

Civil servants are responsible for the acts committed with violation of rules of professional conduct, when they have created damages to individuals or legal entities. Disciplinary liability of civil servants is regulated in Chapter VIII of Law. 188/1999 on the Status of Civil Servants, entitled "Disciplinary sanctions and accountability of civil servants."

According to the provisions contained in this chapter, violation by civil servants, with guilt of his duties attracts disciplinary liability, civil or criminal contravention, as appropriate.

Infringement with guilt by the civil servants of duties according to their position and of norms of conduct determines disciplinary actions and draws up their disciplinary liability.

The following determine disciplinary actions:

- systematic delay in performing the work;
- negligence in solving work;
- absences in work programme;
- repeated failure of the work programme;
- interventions to address specific demands or insistence outside the legal framework;
- breach of professional secrecy or confidentiality work;
- manifestations affecting the prestige of public authority or institution;
- conduct of political activities during the working hours;
- refusal to perform duties;
- breaching the statutory duties, incompatibilities, conflicts of interest and prohibitions established by law for civil servants;
- direct relationships with the petitioners to settle their claims.

The disciplinary sanctions are:

- written reprimand;
- 5-20% decrease wage rights for a period of up to 3 months;
- suspension of the right for pay grade advancement or, where appropriate, promotion for a period of 1 to 3 years;
- shift in an inferior public position for a period of up to one year with the appropriate reduction of income;
- dismissal from public office.

The individualisation of the disciplinary sanction should take into account the seriousness of the misconduct, the circumstances, the degree of guilt and consequences of misconduct, the general behaviour during the service of civil servants and the existence

of other sanctions. Disciplinary sanctions shall apply within 6 months from the date of committing irregularities.

According to Art. 72 of Law no. 188/1999 as amended, in the framework of public authorities or public institutions a discipline committee has to exist. Depending on the number of civil servants in each public authority or institution, the disciplinary committee may be set for a single authority or public institution or more.

In the discipline committee there is an equal number of representatives appointed by the chief authority or public institution and civil servants' union.

In the case that the union is not representative or the civil servants are not organized into unions, representatives will be nominated by a majority of civil servants in that authority or public institution. Disciplinary Commission for senior civil servants is composed of 7 senior civil servants.

Disciplinary Committees are competent to investigate the facts and propose disciplinary sanctions applicable to civil servants or public authorities concerned.

The constitution of disciplinary committees, composition, functions, mode of referral and their working procedure shall be established by Government decision on a proposal from the National Agency of Civil Servants.

Any civil servant unsatisfied with the penalty may appeal the administrative court requesting cancellation or amendment, of the order or sanction as appropriate.

To highlight the disciplinary situation of civil servant, the National Civil Servants Agency will issue an administrative record, according to the database.

The administrative record is an act that includes the disciplinary sanctions imposed and not removed by law.

The administrative record is necessary in the following cases:

- appointment of a civil servant as a member of the competition commission for recruiting civil servants;
- appointment of a civil servant as chairman and member of discipline committee;
- occupying a public office relevant to the class or category of senior civil servants of management civil service;
- in any other circumstances stipulated by law.

The administrative record is issued on request to:

- civil servant concerned;
- head of public authority or institution in which they operate;
- chairman of the discipline committee;
- others provisions provided by law.

The Cod of ethics of the policeman (approved by GD. 991/2005 published in Official Gazette no. 813 / 7 sept.- 2010)

Scope

The code establishes rules of conduct for police in the exercise of professional duties arising from legislation of Ministry of Administration and Interior. Anyone can claim to the policeman to respect these rules of conduct. The purpose of this code is to ensure ethical conduct of the policeman by training and promoting an adequate professional culture, preventing behavioural deviations, improving services, protecting of persons and policemen and carrying on, the balance between the rights of citizens, government interests, rights and obligations of the institution. The code is developed in light of the principles contained in Recommendation REC (2001) 10 European Code of Ethics for the police.

General principles that should govern police work

The principles governing the professional conduct of police are:

- *legality* - in the exercise of his duties the policemen is bound by law and constitutional rights and freedoms of individuals;
- *equality, impartiality and non-discrimination* - the policeman in the performance of professional duties applies equal treatment to all people, doing the same in similar cases of infringement, without being influenced by ethnicity, nationality, race, religion, political or other opinions, age, gender, sexual orientation, wealth, national origin;
- *transparency* - policeman openness to the society within the limits of police regulations;
- *capacity of expression* – represents the possibility of the policemen to analyze professional situations and to express their views, according to their experience in order to improve quality and efficiency of police service thereof;

- *availability* - requires the policeman intervention in any situation, the ability to listen and solve the problems or to refer cases outside its powers or duties;
- *priority of public interest* – the policemen activity performance activity is for the benefit of the community;
- *professionalism* – correct and responsible application of theoretical knowledge and practical skills to carry out duties;
- *confidentiality* - determines policemen duty to ensure security of data and information obtained in exercising the authority conferred by law;
- *respect* - is considerations awarded to people, colleagues, superiors, subordinates, their rights and freedoms, institutions, laws, social values, ethical standards and conduct;
- *moral integrity* - behaviour according to accepted ethical standards prevailing in society;
- *operational independence* - fulfilment of duties and tasks according to the established powers hierarchical level in police, without unlawful interference for the other police officers, person or authority;
- *loyalty* - attachment to the institution and the values promoted devotion to the institution, respect for hierarchy of the institution, honesty in interpersonal relations, respect for truth and justice, conscientiousness in the performance, compliance with commitments, ensuring confidentiality of information obtained at work.

Deontology of police measures

The measures that can be taken by police under the law involving deprivation of liberty of a person are in cases with indications about an offence. Persons subject to those measures should be informed about the grounds of deprivation of liberty, the procedure applicable to that situation and should have the opportunity to exercise their rights. During implementation of those measures, the policemen evaluate and take necessary measures for the security of the person, health monitoring etc.

Policeman relationship with different categories of persons

The policeman must support the victims of offences. In this respect, the victim is guided by specialized policemen and other institutions with responsibilities in the field and is

informed, where appropriate, on ways of resolving his situation. Relationship with police witnesses should be conducted accordingly to the law, respecting their constitutional rights and freedoms and their family members, especially those related to life, physical integrity or freedom.

Rules of professional conduct of police

The policeman responds to any request concerning his duties, avoiding the behaviour that could affect public confidence, he defends the prestige of the institution and profession.

The policeman should act civilized and show kindness and solicitude, having a polite and firm attitude. The policeman must show self-control, communication skills, management skills in conflict situations, should participate in training programmes.

Data protection and information

The policeman must keep, state secrecy and the job secrecy service, the confidentiality of data and information in ensuring respect for the rights of the people. Collection, storage and use of personal data by police are under the law and will be strictly limited to what is necessary for legitimate legal objectives and targets of police.

Attitude towards corruption

Policeman is prohibited to tolerate corruption and misuse the public authority. Policeman is forbidden to claim or accept money, goods or values in order to perform or not perform professional tasks. The policeman has to take action against corruption manifested in the institution, has the obligation to inform superiors and other competent bodies on corruption causes. Policeman is forbidden to use his quality for solving personal interests.

Status and rights of policemen

The policeman is a civil servant with particular power, exercising the powers provided by law for Romanian Police and other police structures of Ministry of Administration and Interior. In accordance with their professional status, the policemen have the right to adequate social protection, protection of health and personal security and adequate remuneration according to importance, degree of risk and danger caused by his work. Guards may be assigned based on professional, humanitarian, technical, scientific, cultural, religious and recreational sports, according to law. To defend their rights and promote their interests, police officers may become members of the National Police Corps.

References

- Bohagen O., Blymke O., *The Management of Ethics and Conduct in the Public Service*
- Dwight Waldo, *The administration of the State A Study Of The Political Theory of American Public Administration*, Ed. Transcationpub, 1996
- Androniceanu Armenia, *Novelties in public management* , Economica Publishing House, Bucharest, p. 60.
- Victor Alistar, *Deontology of civil servants*, ongoing support, NSPSPA, 2010, p.4.
- Virginia Vedinas, *Status of Civil Servant*, Ed Nemira, Bucharest, 1998
- N. Cochinescu, *Introduction to legal ethics*, Law Review. No. 4 / 1995, p.3-11
- Maria Viorica Grigoruta, *Ethics, Management and Public Administration*, Scientific Annals of University Cuza ", Iasi 2004
- Kenneth Kernaghan, *Reshaping government: the post-bureaucratic paradigm*, Canadian Public Administration, Volume 46, No.4
- Code of Conduct for Civil Servants
- Code of Ethics and Deontology of police
- Principles for managing ethics in the public service , OECD 1998