# AN EXPLORATION OF THE EFFECTIVENESS OF FIJI'S PUBLIC SERVICE CODE OF CONDUCT

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### **ABSTRACT**

In the Pacific region, public service codes of conduct establish standards by which behavior is often judged proper, or otherwise, for public service officials. However, current research indicates there is very little evidence within Pacific Island Countries (PICs) to demonstrate whether approved Public Service Commission (PSC) codes of conduct are really ensuring that public service officials are able to maintain even minimal standards of professional and personal conduct. One of the promises of the early 1990's civil service reform in Fiji was to build a highly ethical and professional civil service. A Code of Conduct for all public service officials in Fiji came into effect under the Public Service Act of 1999. This study aims to explore and describe the perceived effectiveness of code of conduct in Fiji's public service. There are in fact external controls in place to keep public officials in line; however, there seems to be limited awareness and weak monitoring of the code in individual ministries and line departments to ensure it is strictly and constantly upheld. Special measure to support understanding, awareness and adherence to code of conduct also seems to be missing.

**JEL:** H830

KEYWORDS: Public Service, Ethics, Code of Conduct

### INTRODUCTION

ontemporary social psychological research indicates that proper codes of conduct can often guide behaviors in developing countries that are essential to a functioning civil service (White, 1999 cited in Gilman, 2005). In fact, such codes are often the first formal structure that is established and recognized when attempt is made to elevate the profile of an organization (Larmour, 2001). Within the Pacific region, public service codes of conduct establish standards by which behavior is often judged proper or otherwise. In this line, it is anticipated that an effective code of conduct will promote good governance, transparency, accountability and integrity among public officials of the Pacific Island Countries (PICs) whilst improving the reputation of the public service among the community and current and potential international partners, on who support for public officials depend. Of course, ethical codes of conduct alone are not panaceas for resolving ethical problems in organizations - but once established, such codes can help the civil service focus, and maintain high levels of professionalism and personal conduct, provided other key elements are present to support this.

Previous studies on codes of ethics or codes of conduct, (Cressy & Moore, 1983; Mathews, 1987; Weaver et al., 1999) have targeted private sectors in more developed economies like the United States of America (USA) or the United Kingdom. Only more recent studies (Svensson & Wood, 2004; Svensson & Wood, 2009) have targeted code of ethics studies in the public sector organizations of Sweden. While the above studies were mostly carried out in more developed economies, no study to this date has been carried out on the codes of conduct for public sector organizations in Fiji. Fiji's civil service has been subjected to public criticism and humiliation for unethical acts in the past and in recent years. The Commodity Development Framework scandal in the late 1990s; the Agriculture scam in 2001; and the Water and Sewerage Department mishap in 2003 are some of the many incidents that reflect unscrupulous practices in the country's public service. In aggravating the situation, most of those senior officials at the center of these scams were spared while their junior colleagues were taken to task. It is evident that such an environment

is conducive to encouraging unethical conduct in the country's civil service. In light of the recurring dishonest practices in the country's civil service in the past, the numerous declarations by successive governments including the present regime to build an ethical and professional civil service; what then are the changes that have been made in recent years to combat corrupt and unethical behavior in the civil service; and how effective are such measures? This is the query that is central to this investigation. It is beyond contention that unethical conduct is a concern in Fiji's civil service and if the words of successive governments and the current regime were to take seriously, one would assume that this area should be one of the priorities.

Presumably, the 2006 political takeover in Fiji was partially driven by a commitment to eliminating corruption in the government. Over time, various State Service Decrees have been issued and external controls to keep public officials in line have been established. The Public Service Commission (PSC) of Fiji under the State Services Decree of 2009, No.6, being the central agency, is in fact, not only responsible for the overall management and development of human resources, but also responsible for the continuous improvement of its public services. In accordance with this Decree, one of its statutory functions is to promote and uphold the Public Service values and the Public Service code of conduct, whilst monitoring and evaluating of the same (Public Service Commission, 2012). It also has the mandate to take disciplinary action(s) against public office holders found to be violating the code of conduct under provisions of the Public Service Act of 1999.

The main objective of this investigation is to explore and describe the perceived effectiveness of the Fiji's public service code of conduct. It is hoped that the findings will provide the various Ministries and enforcing authorities with the necessary information to be able to strengthen and improve their internal control mechanisms to better enforce and promote the ethical values enshrined into their codes of conduct. The rest of the article discusses some more literature in this field, describes the methodology, discusses the empirical findings and presents some concluding thoughts.

# LITERATURE REVIEW

The question of ethics has its links with the history of humankind. Ethics deals with character, conduct, as well as morals of human beings. It deals with both good or bad and right or wrong behavior. Ethics is both a process of inquiry as well a code of conduct that requires people to evaluate right and wrong. Since it has to do with actions of a man, it similarity requires the public officials in relation to both colleagues and the public, to make adjustments in their actions and attitudes. In the daily execution of their duties and management of public funds, public officials dispose discretionary competencies. This should protect both the citizens and the public authority against misuse of the position by the public officials (Raga & Taylor, 2005).

In the recent years, formal codes of conduct or code of ethics have become the centerpiece of discussion as one of the tools to building and maintaining ethical competence in the public sector. While there is a lack of consensus on its effectiveness, codes that make provisions for both aspirational goals and operational guidelines have proved to be more effective especially when supported by enforcement mechanisms (Meine & Dunn, 2013). Public sector organizations around the world have largely evolved from just basically being service organizations and have had to embrace an ethos that takes greater appreciation of the implementation, communication and benefits of their codes of ethics than may have been the case in the past (Svensson & Wood, 2009). According to Webb (2010), the chaotic implementation of management reforms within the public services of various countries could also lead to weaknesses in the management of ethics within the public service. Hence organizational and other societal factors like consequences of unethical behaviors, negative political ramifications and unfavorable perceptions about organizational performances, is no doubt pushing organizations today towards more devoted and increased attention to ethical issues. Beeri, et al. (2013) have identified unethical behavior as one of the most dangerous ills of

modern governance that can potentially damage public trust in government and undermine the foundations of democracy in developed as well as developing economies. The need to improve ethical standards of public officials has become a major public agenda throughout these economies. A major expectation arising from this is that the public sector organizations should better equip and adopt their codes of conduct as the private sector. A code of conduct, should therefore, be one of the first considerations for the public sector organizations. If organizations do not live up to its code of ethics (if such a code exists), or encourage employees to seek further guidance or training during ethical deliberations, employees might feel that the organizations put ethics on the ''back burner'' (Pelletier & Bligh, 2006). While the interest in research on codes of ethics is old as the 1980s, the focus mainly has been on private sector organizations of more developed countries like USA (e.g. Cressey and Moore, 1983; Mathews, 1987; Weaver et al., 1999; Berenbeim, 2000; Chonko et al., 2003). Other studies in the UK (e.g. Langlois & Schlegelmilch, 1990, Le Jeune & Webley, 1998), and Canada (e.g.

LeFebvre and Singh, Schwartz, 2002; Singh, 2006,) were also similar. A few years old studies were also carried out in Sweden (e.g. Svensson et al., 2006), and in Australia (e.g.Wood, 2000; Wood & Callaghan, 2003). While these studies were mostly targeted at private sector organizations, only more recent studies (Svensson & Wood, 2004; Svensson & Wood, 2009) have targeted code of ethics studies in the public sector organizations of Sweden. Wood (2000) and Nijhof et al. (2003) suggest that a written code of conduct alone will not guarantee an ethically responsible organization unless the values stipulated within the code are embedded in the organization. This way, one can expect both responsible individuals as well as responsible organizations. Vitell and Hidalgo (2006) also highlight the important role that organizational culture plays in supporting codes and ethical decision-making. Most often, the pressure to conform to the ethical expectations of the organization is a potential outcome of a certain degree of organizational culture at all levels of the organization, for an overall commitment towards ethical behavior. Therefore, codes of conduct or codes of ethics play a pivotal role in enhancing ethical performance of organizations (Wood, 2000).

However, when it comes to the perceived benefits of public sector codes of ethics, there appears to be very little agreement on whether the code is often used by public officials to resolve ethical dilemmas or problems. Svensson and Wood (2009), however, argue that the code of ethics still positively influences the operations of public sector organizations. Codes of conduct or codes of ethics clearly signal that the organization is aware of the need for ethical behavior and requires a commitment to such behavior from its workforce (O'Dwyer & Madden, 2006 cited in Dominques et al. 2009). Taking into account that no such study to this date has been carried out in a developing country like Fiji, this study aims to explore and describe the perceived effectiveness of the Fiji's public service code of conduct. Given that Fiji's public service code of conduct has been formally in existence since 1999 and was deduced from the 1999 constitution, the research is also timely as Fiji embraces a new 2013 constitution. It is believed that the study will not only add valuable knowledge to the literature on codes of ethics, but also provide wider perspectives to various ministries in Fiji on the effectiveness of its public service code of conduct.

# DATA AND METHODOLOGY

An essential part of this task included carrying out interpersonal interviews with the senior officials of the Fiji Public Service Commission (PSC) and various other ministries that are bound by the Fiji public service code of conduct. Meeting appointments were made over emails and phone, and the researchers themselves were available to carry out the interviews at the scheduled times. Face to face interviews were mostly carried out with the deputy secretaries of the various ministries overseeing the affairs of the corporate and administration divisions. Where deputy secretaries were unavailable for the interviews, officials mainly responsible for the human resources and disciplinary sections were interviewed. Our target group was mostly deputy secretaries, as they are entrusted with the power by the Public Service Commission (PSC) of Fiji, to oversee the awareness, monitoring, consultation and enforcement of the public service code of

conduct within their individual ministries. Each of the interviewees was briefly introduced to the research study to stimulate their interest and willingness to be interviewed. The interview questions were mostly semi-structured in nature, with both open and closed ended questions. Where there were closed-ended questions, respondents were requested to provide further explanations. For example, if an answer is restricted to "Yes / No / Don't Know" then further "Why" or "Please Explain" questions followed. Some of the areas of questioning were Year of establishment. What are the mechanisms used to enforce the code? Who is responsible for its enforcement? What oversight mechanisms are there to ensure this enforcement process within their ministry? How often is the code of conduct reviewed or re-adopted? What are the possible consequences of non-compliance or breach of the code by public officials? How is information on the requirements on the code of conduct disseminated? Whether they felt the code of conduct is effective and how? Identify some strength(s) and/or weakness (s) of the current code? Any aspect of the code that they felt needed changing? At the time of this research study, there were eighteen (18) amalgamated government ministries in Fiji. This was our initial sample size for the interviews which later were reduced to twelve (12) because six (6) other ministries were unavailable for interviews despite repeated calls and emails.

## RESULTS AND DISCUSSION

Macdonald (2009) identified seven most common motivations for the adoption of codes which are (1) ensuring to legal compliance, (2) guide for formalized behavior and expectations, (3) protection and enhancement of organizational reputations, (4) ensuring employee compliance and minimization of risks, (5) ensuring consistency across global networks, (6) creation and maintenance of trust with various other stakeholders and (7) for communication of organizational principles and commitments to the organization's other stakeholders. While this was primarily focused on codes for the private sector companies, these motivations could also be most often common for adoption of codes within the public sector. The Fiji Public Service code of conduct came into effect almost thirteen (13) years back under the provisions of the Public Service Act 1999. A key question in the surveys was to distinguish between ministries that knew when their code of conduct was established or adopted from the ones that did not know, as is presented in Table 1. The results in Table 1 show the percentage of responses that the researchers got when asked about the year of establishment of their code.

The results in Table 1 above show that out of the twelve (12) ministries interviewed, 25% of the ministries did not seem to know since when their ministry was required to adapt to a code of conduct, while 42% of the respondents revealed that the code of conduct was adopted under the Public Service Act (1999). Interestingly, 17% stated that code of conducted was in existence since 1990, but only got its legal basis in 1999, while another 16% of respondents revealed that the code existed within their ministries even prior to 1990. According to one respondent, prior to 1999, the codes of conduct existed in the Fiji public sector but more through conventional methods. The interview with the senior officials in the public service revealed that the code of conduct was adopted to ensure compliance to the Public Service Act of 1999, which provided the code of conduct with a legal basis. It is somewhat worrying to know that 25% of respondents did not know about when the code came into existence - how then would decisions about timely revisions and re-adoptions of code can be made? The main reason why code of conduct was developed in Fiji's public sector was to ensure legal compliance under the Public Service Act of 1999.

Table 1: Year of Establishment and Percentage of Respondents

Prior 1990	16%
1990	17%
1999	42%
Don't know	25%

The table above shows the percentage of respondents relative to the year of establishment stated by the individual ministries.

Table 2 shows the different mechanisms employed by ministries to effectively enforce and implement the code of conduct within their individual ministries. 67% of the ministries utilize disciplinary committees, while 25% of the ministries hold consultations with the staff, and another 8% do not seem to be doing anything about it. The methods that organizations institute to enforce their codes tend to reveal their level of commitment to the process. If they adapt to existing processes, then it is indicative of their level of commitment and if new processes are created, then there is visibility of higher level of commitment towards implementation or enforcement of the code. Wood and Rimmer (2003) related existing processes to things like discipline, communication of the code to employees, induction, staff appraisal and strategic planning. A higher level of commitment, on the other hand, is associated with new initiatives like ethics committees, ethics education committees and ethics education. This seems to be lacking in the case of Fiji's public service as existence of ethics education committees and/or ethics committees is not present.

Table 2: Mechanisms Used for Effective Enforcement/Implementation of the Code

Disciplinary committees	67%
Consultations	25%
Nothing	8%

This table shows the percentage of ministries who responded to various forms & mechanisms they use to enforce & implement the code of conduct.

Table 3 shows the various channels through which ministries disseminate information to their staff about the requirements of the code of conduct. It is to be noted that the total sum of the percentage of responses is more than hundred percent because some respondents gave multiple responses like 'website' and 'handbook'. Respondents were asked to state the channels through which they disseminated information to their ministry staff on the requirements of the code of conduct. 50% of the ministries revealed that they do it by "uploading the code of conduct on the ministry website" or "advise staff" to visit the Public Service Commission (PSC) website for information about the requirements of the code. One of the respondents further stated that it is assumed that as public office holders, public service officials will constantly visit the code periodically. 42% of the respondents stated that a major way of dissemination of this information was by away of "issuing a copy of the booklet". The other 17% revealed that staffs are trained on the code of conduct during the induction program when they first join the office. For example, one of the ministries revealed that when new recruits are inducted, the code of conduct booklet is issued to them then. Some other 17% of the ministries said that the code's requirements are constantly discussed during periodic meetings and consultations with the staff and via official Public Service Commission (PSC) circulars. The concern here is that by just handing out a booklet or posting the code electronically might mean a minimal follow up later.

Table 3: Information Dissemination about the Code

Ministry or PSC Website	50%
Handbook	42%
Induction	17%
Periodic trainings/consultations/official circulars	17%

This table shows the various channels through which ministries disseminate information to their staff about the requirements of the code of conduct. It is to be noted that the total sum of the percentage of responses is more than hundred percent because some respondents gave multiple responses like website and handbook.

According to Svensson and Wood (2009), booklets and electronic communication also have a tendency to be ignored, filed, or even discarded. This practice in itself can lead to employees not fully appreciating the significance of the handed ethics document to them. Furthermore, the impact that these ministries would want the code to make on the employee may be lost if the required attention is not given to it at the time of induction. Wood (2002) also highlighted that during induction time; an employee turns to be barraged with many new ideas and other organizational protocols and is often overwhelmed with other information that they turn to lose sight of the importance of the code itself. Notably, while the role of the Fiji Public Service

Commission (PSC) is to provide guidance and interpretation of the code to other ministries, the onus lies solely on the permanent secretaries and other line departments in each of the ministries to ensure proper communication and enforcement of the code. Table 4 shows the percentage of ratings given by the participating ministries in terms of the effectiveness of the code. When the respondents were asked to rate their current code of conduct in terms of its effectiveness in ensuring ethical performance by employees, the above results originated. 25% of the respondents rated it as 'excellent' while the other 50% and 25% of the respondents gave a rating of "average" and "poor" respectively. Respondents were further asked to explain why they had selected the respective scales from the three that were given and the results of this are reported in Table 5 as below

Table 4: Ratings on the Effectiveness of the Code

Excellent	25%
Average	50%
Poor	25%

This table shows the percentage of ratings in terms of the effectiveness of the code, given by the participating ministries.

Table 5: Reasons for Effectiveness or Ineffectiveness of the Code

Clear disciplinary procedures	75%
Employees didn't understand and/or confused	9%
Enforcement strategies/awareness	16%

This table displays the various reasons why the respondents either thought the code was either effective, or not so effective or poor.

Table 5 displays the various reasons why the respondents either thought the code was "effective", "average" or "poor". 75% of the participating respondents felt that the code was "effective" in terms of providing clear disciplinary procedures. On the other hand, 16% of the respondents felt that enforcement and/or awareness strategies needed improvement, while the remaining 9% raised concerns about employee confusions surrounding the code of conduct, that is either they did not understand the code or were still confused about some aspects. During the face-to-face interviews, the respondents in this 9% category further highlighted that since the public service officials are often required to adhere to several other service regulations and new regulations as per official Public Service Commission (PSC) circulars, there seems to be some level of confusion among certain staff in relation to the requirements and/or importance of the code. This may somewhat signal that the mechanisms through which the code or its information is disseminated to officials is either ineffective or needs improvement, as was highlighted in Table 3. It can also be somewhat speculated that perhaps the code is largely being used as a punishing tool to punish unethical behavior rather than promoting ethical behavior, as a large percentage of respondents (75%) highlighted that it provides "clear disciplinary procedures". Table 6 highlights some of the common consequences that the staff may face in each of the ministries for breaching the code of conduct.

Table 6: Consequences for Breaching the Code

Suspension	40%
Termination	15%
Prosecution	25%
Counseling	12%
Caution letters	8%

The table highlights some of the common consequences faced by staff in each of the ministries for breaching the code of conduct. The sum of total percentage is more than hundred percent because some ministries identified multiple consequences for a breach.

The most common consequence for breaching the code is "suspension" being at 40%. 15% of the ministries highlighted "termination" as the most common outcome of a breach of code within their ministries, while 25% of the respondents also talked about "prosecution" as one of the consequences. Some 12% and 8% of

the ministries highlighted most common consequence or disciplinary action is "counseling" and "caution letters" respectively.

Several studies, Sims (1991), Fraedrich (1992), and Stoner (1989) suggests that within a code, enforcement provisions for those that do not uphold the code should be outlined. The organization, by having these types of procedures will signal to the employees the significance of the need to abide by the code for both themselves and the organization. In Fiji's case, there are obviously legislations in place to ensure ethical behavior in the public service. The Public Service Act 1999, in particular, outlines the public service values and code of conduct and any breach of the code of conduct calls for a disciplinary action against the employees. Charges are then laid against the alleged staff and are reported to the Ethics Division of the Public Service Commission (PSC), which records this and initiates the disciplinary processes via the Public Service Disciplinary Tribunal.

The Disciplinary Tribunal has powers to hear the cases and prosecute the same, whereby penalties are laid down as per section (22) of the Public Service Act of 1999. Table 7 highlights some of the common strengths of the current code of conduct that were identified by the interviewed ministries. During the interview process, the ministry officials that were interviewed were asked to identify some of the strengths of their current public service code of conduct. As above, 50% of the ministry officials identified the "presence of clear rules and disciplinary procedures" within the code, while 33% of identified the *easy to enforce* feature. 17% of the respondents mentioned that because of clear procedures, it is easy to detect poor or unethical performances among staff. From the above results, one can see that many ministries appear to be using their code of conduct in only disciplining staff. As it is, the code currently adopts a reactive rather than a pro-active approach. Whilst most employees are punished for breaching the code, no employee is rewarded for adherence to the code or reporting others on the breaches.

Table 7: Identification of Strengths of the Code of Conduct

Clear rules & disciplinary procedures	50%
Detection of poor or unethical performance	17%
Easy for enforcement	33%

The table highlights some of the common strengths of the current code of conduct that were identified by the interviewed ministries.

Table 8 highlights some of the weaknesses of the current code of conduct or ones that the respondents thought need changing. Participating ministry officials were asked to identify some of the weaknesses in the current code of conduct (if any) and identify aspects of the code that they thought needed to change. Interestingly, 42% of them identified the lack of constant awareness on the code of conduct. The other 25% of the respondents/ministries thought that nothing needs changing within the code, while 17% said that the code of conduct needs to harmonize with other new regulations that are now in place so to avoid confusions. Some respondents further stated that since the enactment of the code in 1999 under the Public Service Act, a holistic revision of the code has not taken place.

Most often many ministries are not consulted either. 16% of the ministries interviewed said that it is time that each ministry should be given powers to be able to design their own code of conduct as per their needs and nature of operations. A couple of respondents in this category further stated that each ministry's complexities of operation are different and the *one-suits-all* concept of the current code does not rest well with them. For example, a health ministry dealing with doctors is completely different from a ministry dealing with teachers.

Table 8: Identification of Weaknesses or Aspects of the Code of Conduct That Need Changing

Awareness	42%
Harmonization with other regulations	17%
Custom made for each ministry	16%
None	25%

The table highlights some of the weaknesses of the current code of conduct or ones that respondents thought needs changing.

The development of a code in an important task for any organization and time and careful thought needs to be devoted to frame the document so it fulfills its rightful purpose. McDonald (2009) highlights that careful thought must be given as to how the code and its content are being developed. A code can be enhanced by undertaking consultations with the employees. Stead *et al.* (1990) recommended that to be effective, a code should be developed in an open, participative environment involving as many employees as possible. This will grant both an ownership to employees to this process, as well as to their code of conduct. However, it is important to note that while staff have input into the development or revision of the codes of conduct, the initiation of this development process, implementation and revisions of the code is still is a primary responsibility of the senior management, in this case being the Permanent Secretaries via the Public Service Commission.

### CONCLUDING COMMENTS

The results within this study seem to indicate that while Fiji's public service code of conduct has been in formal existence since 1999, it does not sufficiently detain a formalized periodic and comprehensive review process for re-adoption of their code. Whilst more emphasis is placed on disciplining staff and employing basic means of communicating the code to employees, there is still an absence of other informal methods like social norms of the organization, ethics education committees and ethics education, which are likely to yield greater awareness about the code and its importance, and greater commitment by staff to its values. The purpose of an ethics committee is to ensure that ethical standards are observed by employees in the organizations and is considered one of the initiatives for building an ethical organization. It also provides focus and initiatives to expose its employees to discussion on ethics and professional conduct for various situations they might face during the course of their employment. However, no ministry or department in Fiji seems to have gone out of the ordinary to make sure ethical conduct remains intact for their respective agencies. Most departments turn to rely on supervisors and managers to handle this aspect of the job, which does not take effect. Many ministries seem to be more reliant on internet technology and most of their responses being "code is on the website" is a bit worrying. Follow-up trainings and discussions on the code of conduct with existing employees is also seems to be lacking. How an employee is then meant to know that their code of conduct is important, if it is not discussed or timely education not given or feedback taken?

Additionally, the code currently adopts a reactive rather than a pro-active approach. Whilst most employees are punished for breaching the code by way of suspension, termination and/or prosecution, no employee is rewarded for adherence to the code or reporting others on the breaches. Supporting this, Logsdon and Yuthas (1997) observed that employees make more effort to understand and follow top management's ethical guidelines if employees are rewarded for following the desired ethical practices while punishing unethical behavior. Weber (1993) identified four possible incentives that could act as rewards: recognition, appreciation, commendation and monetary rewards. Dean (1992) has also cautioned that fear of sanctions may not be enough to ensure desired ethical behavior. As Fiji embraces a new 2013 constitution, it might embark on a comprehensive review and revision process of its current public service code of conduct. However, replicating, or just slightly modifying the code without required attention given to the customization of the code to the specific needs of the Fiji's public service, can be dangerous. There needs to be a more formalized and agreed structures for periodic reviews and re-adoption of the code of conduct. Most often, codes are viewed as static and once written, remain unchanged for years. This is incorrect and

it must be recognized that codes need constant and timely revisions in order to be updated to accurately reflect the concerns of employees, the organization and the community at large. It is hoped that the findings of the study will assist users, especially the various ministries, to effectively review the current process pertaining to the awareness and compliance of the code, and to be able to identify areas that need improvement to better achieve the desired behavior from public service officials through its code of conduct.

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### GLOBAL JOURNAL OF BUSINESS RESEARCH ♦ VOLUME 8 ♦ NUMBER 4 ♦ 2014

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