

**The Ordinance no 70
of the Prime Minister**

of 6 October 2011

**on the guidelines for compliance with the rules of the civil service and on the principles
of the civil service code of ethics**

(M.P. of 21 October 2011)

based on the art. 15 item 10 of the Act of 21 November 2008 on Civil Service (Journal of Laws No. 227, item. 1505 with later changes¹), it is hereby ordered as follows:

Unit 1

Guidelines on complying with the principles of the civil service

§ 1.

A member of the civil service corps, in the performance of his/her tasks, is guided by the law under civil service rules, which in particular consist of the following:

- 1) the principle of legality, rule of law, and increasing public confidence in public administration;
- 2) the principle of protection of human and civil rights;
- 3) the principle of selflessness;
- 4) the principle of openness and transparency;
- 5) the principle of secrecy protected by law;
- 6) the principle of professionalism;
- 7) the principle of liability for any action or failure to undertake thereof;
- 8) the principle of reasonable public funds management;
- 9) the principle of open and competitive recruitment procedures.

§ 2.

While respecting the principle of legality, rule of law, and enhancing public confidence to public administration, a civil service corps member shall, in particular:

- 1) comply with the law in the implementation of the tasks related to his/her workplace;
- 2) by his/her attitude and action towards the citizens, contribute to the implementation of the rule of the State of law;
- 3) by his/her behaviour and actions towards the citizens, influence significantly the degree of the citizens' relationship with the State;
- 4) within the limits set forth by law, act in a way ensuring an active participation of citizens in deciding on public issues;
- 5) not be guided by prejudice while dealing with issues reported by citizens, other individuals, or entities;
- 6) not participate in strikes or protests distorting the normal functioning of an office.

§ 3.

¹ The changes of the Act of law was published in the 2009 Journal of Laws No. 157, item. 1241 and No. 219, item. 1706 and 2011, No. 82, item. 451, No 185, item. 1092 and No 201, item 1183.

While respecting the principle of the protection of human and civil rights, a member of the civil service corps does know in particular human and civil rights, does not propose nor undertake actions that violate human and civil rights, and has in mind that an effective protection thereof improves the authority of the State.

§ 4.

By following the principle of selflessness, a member of the civil service corps shall, in particular:

- 1) not accept any benefits from people involved in the undertaken cases;
- 2) not accept any form of payment for public addresses as long as they refer to the occupied position;
- 3) give up additional employment or commercial activity, if continued additional employment or commercial activities may negatively influence the cases conducted under official duties;
- 4) not conduct trainings, if this could affect the impartiality of the cases under investigation.

§ 5.

By following the principles of openness and transparency, a civil service corps member in particular:

- 1) within the limits specified by law, shall ensure the availability of information on the principles and effects of his/her work and decisions made, which constitutes the basis for public trust towards the State, and any restrictions in this regard can only arise from the exclusion of the openness of the case settlement;
- 2) while setting forth regulations, making decisions and other rulings, shall seek to provide explicitness and comprehensibility of undertaken efforts;
- 3) shall fully justify the decisions taken, while providing the reasons for the adoption thereof, and objectives to be achieved, especially in the matters that divide public opinion;
- 4) shall know the constitutional and statutory provisions concerning the right of access to public information and shall ensure a practical execution thereof.

§ 6.

While obeying the principle of secrecy protected by law, a civil service corps member in particular:

- 1) shall keep secrecy protected by law confidential;
- 2) when making an information confidential, shall do so to protect the clearly indicated interests of the State, citizens and other entities, and not to limit the openness and transparency of his/her actions.

§ 7.

By following the principles of professionalism, a member of the civil service corps shall, in particular:

- 1) when implementing the State policy, possess the necessary knowledge concerning the functioning of the State, improve qualifications and develop professional knowledge necessary to make the best of their work at the office;
- 2) know the laws concerning the functioning of the office, where he/she is employed, and familiarize themselves with all relevant, factual and legal circumstances of the cases entrusted to them;
- 3) know the rules of civil service ethics and observe them conscientiously;
- 4) know the principles of the civil service and observe them conscientiously;
- 5) be subject to verification of knowledge on the principles of the civil service;
- 6) seek to apply high standards of public management, implement knowledge of superiors, colleagues and subordinates, share their own professional experience with them, and if relevant, seek for experts' assistance;

- 7) manage their human resources, and use their working hours in an efficient and rational manner;
- 8) in implementing the tasks assigned, seek to reach agreement based on factual, rational argumentation;
- 9) be ready to accept criticism, to recognize their errors and to remedy its consequences;
- 10) by his/her attitude and behaviour, take care of the image of the civil service as such;
- 11) while making use of the guaranteed employees' rights:
 - a) allow for the limitations in taking up work or running other businesses, under the valid rule of law;
 - b) allow for the limitations concerning the confidentiality of information also relating to their personal life, under the valid rule of law;
- 12) while making use of the special protection of the employment relationship of a civil servant provided by law, have in mind the purpose of this special protection, which is:
 - a) attracting and retaining in the civil service people who associate their future professional development with state administration bodies,
 - b) protection of employment in the civil service of people who in their work proved the ability to professional and ethical behaviour of a member of the civil service corps, and in particular they observed the principle of political neutrality and impartiality of the civil service.

§ 8.

In respecting the principle of personal liability for any action or renunciation, a member of the civil service corps shall, in particular:

- 1) perform the tasks being fully aware of a particular responsibility resulting from the public nature of the service fulfilled;
- 2) while performing delegated tasks, be guided by the principle of public interest, and effectiveness and compliance of the action taken with the legal provisions; if there is a discrepancy between the law and the public interest, he/she reports it to the superiors;
- 3) at each stage of executing a task, be ready to provide account of the action taken to the superiors and citizens;
- 4) in the case of being charged with breach of duties of the civil service corps member, not take actions intended to disrupt the smooth course of investigation aimed to determine the person responsible for a given breach;
- 5) if convinced that his/her superior's order infringe the principles of the civil service, inform him or his superiors in writing.

§ 9.

In respecting the principle of rational management of public funds, a member of the civil service corps shall, in particular:

- 1) when using public funds to execute the tasks of the State and proposing directions of its activities, have in mind the interest of the State and its citizens and successful implementation of set objectives, with a rational use of funds entrusted to the State by citizens;
- 2) be ready to render an account of his/her due diligence over public funds and property.

§ 10.

In implementing the principle of openness and competitiveness of recruitment, a member of the civil service corps, while organizing and carrying out recruitment procedure in the civil service shall in particular:

- 1) keep due diligence in ensuring:
 - a) equal access to public service,
 - b) non-discrimination for any reason,
 - c) professional and reliable execution of tasks of the State by the government,
 - d) political neutrality of civil servants;

- 2) by his/her actions:
 - a) strengthen public confidence in the competences of people carrying out tasks of the State,
 - b) ensure that the recruitment procedure guarantee the selection of people best prepared for carrying out tasks of the State,
 - c) guarantee a transparent and effective control over the recruitment procedures;
- 3) do not exert any kind of non-statutory influence or pressure on the recruitment process, not yield to such influence or pressure, and report on the occurrence thereof to authorized superiors.

§ 11.

1. Within the scope of observing the principles of civil service:

1) the Head of Civil Service in particular:

- a) explains the problems arising from the application of the principles of civil service,
- b) monitors compliance with the principles of civil service in offices,
- c) analyses periodic reports and other information on the implementation of civil service rules and application of guidelines, submitted by directors-general of offices,
- d) makes recommendations to the directors-general of offices in order to compensate for the shortcomings in the observance of civil service rules, and controls the implementation thereof,
- e) in cooperation with the directors-general of offices, takes into account the issues of compliance with civil service principles and guidelines,
- f) works with directors-general of offices in order to disseminate the principles of civil service amongst the members of the civil service,
- g) requires a representative designated to monitor the recruitment procedure for the posts referred to in art. 52 points 2-4 of the Act of 21 November 2008 on the Civil Service, to pay attention to the principles of the civil service during the procedure and to report on detected irregularities in this regard,
- h) when granting consent to the director-general of office to undertake gainful employment, complies with the civil service rules,
- i) takes into account the obligation to comply with civil the service rules in the draft strategy for human resource management in the civil service,
- j) cooperates with other public administration bodies in the dissemination, application and monitoring of compliance with the rules of the civil service,
- k) interacts with the social partners, NGOs, and representatives of mass media in disseminating the rules of the civil service,
- l) by ordering an investigation to be taken against the director-general of office, is entitled to require an ombudsman for disciplinary matters of the persons positioned as directors-general of office, to determine whether a breach of the duties of the civil service corps member does not constitute at the same time a breach of particular rules of the civil service;

2) the Council of Civil Service, while expressing opinions and carrying out tasks defined in the Act of 21 November 2008 on the Civil Service, takes into account the principles of the civil service;

3) the director-general of office or head of the office performing the tasks under the Act of 21 November 2008 on the Civil Service of the director-general of office shall, in particular:

- a) ensure that the principles of the civil service in the office are complied with,
- b) be guided by civil service rules when granting consent for additional employment of a member of the civil service or for undertaking gainful employment by a civil servant and/or civil servants occupying senior positions in the civil service,
- c) take into account the principles of the civil service while developing programs for human resource management,
- d) take into account the principles of the civil service, while setting the scope of preparatory service,

- e) render available to the civil service corps members the information on complying with the principles of the civil service and on application of guidelines for compliance with the principles of the civil service in the office, at the same time submitting to the Head of Civil Service a report on the execution of the provisions set forth in the Act of 21 November 2008 on the Civil Service for the previous year,
 - f) provide information on complying with the principles of civil service in a report on the implementation of tasks under the Act of 21 November 2008 on the Civil Service for the previous year,
 - g) ensure compliance with the principles of the civil service while conducting inspections and internal audits in the office,
 - h) in the manner adopted in the office, disseminate rules of the civil service amongst the civil service corps members employed in the office,
 - i) provide training civil service corps members employed in the office on complying with the principles of civil service, under general trainings in the civil service,
 - j) in the manner adopted in the office, provide the content of this decree to the civil service corps members employed in the office, requiring them to confirm in writing they become acquainted with the decree,
 - k) when ordering an investigation, request the office's ombudsman for disciplinary matters to determine whether a breach of the duties of the civil service corps member does not constitute at the same time a breach of particular rules of the civil service,
- 4) a member of the civil service corps, supervising subordinated members of the civil service shall, in particular:
- a) be responsible for ensuring compliance with civil service rules by subordinated civil service corps members,
 - b) issue orders aimed to remove the identified shortcomings in the observance of civil service rules and monitor the execution thereof.

2. The provision of par. 1 item 4 shall also apply to persons referred to in art. 2 section 3 of the Act of 21 November 2008 on the Civil Service, holding clerical posts related to management of subordinated workers who are civil service corps members. These people, while ensuring compliance with civil service rules, cooperate with the director-general of office.

§ 12.

Within the scope of observing the principles of civil service:

- 1) ministers and other persons holding leading positions in the state administration shall cooperate with the Head of Civil Service in ensuring compliance with the rules of the civil service by members of the civil service;
- 2) National School of Public Administration takes into account the issues related to the rules of civil service in implementing the School's curricula and tasks.

Unit 2

Code of Ethics of the Civil Service Corps

§ 13.

Civil service corps member observes the principles of ethics of the civil service corps, which consist in the following:

- 1) the principle of decent behaviour;
- 2) the principle of public service;
- 3) the principle of loyalty;
- 4) the principle of political neutrality;
- 5) the principle of impartiality;
- 6) the principle of fairness

§ 14.

The principle of decent behaviour shall consist, in particular, in:

- 1) carrying out the work with respect for the rules of social interaction and sophistication, respect for the dignity of others, including subordinates, peers and superiors;
- 2) good will towards people and the prevention of conflicts at work, in relationships with citizens and colleagues;
- 3) proper behaviour out of work, avoidance of undesirable behaviour that may adversely affect the image of the State, civil servants, and the very office.

§ 15.

The principle of public service is expressed, in particular, in:

- 1) ancillary nature of work for the citizens, aimed at realization of the values underlying the law of the Republic of Poland;
- 2) providing service to the State, which basic element is to protect its interests and development;
- 3) participating in the creation of the image of the civil service and influencing the perception of the Republic of Poland both inside the country and worldwide;
- 4) valuing the common good of citizens over personal individual, or group interests;
- 5) non-evading making difficult decisions and bearing responsibility for their actions, bearing in mind that the public interest calls for prudent, yet effective actions that are resolutely implemented.

§ 16.

The principle of loyalty shall consist, in particular, in the following:

- 1) loyalty to the Republic of Poland;
- 2) loyal and reliable implementation of the policy of the Government of the Republic of Poland, regardless of personal beliefs and political views;
- 3) loyalty to the office and superiors, colleagues and subordinates, readiness to perform the official instructions, while taking care not to violate law or commit a mistake;
- 4) providing superiors with objective, consistent with the best of one's will and knowledge, advice and opinions while developing proposals for actions to be taken by the state administration;
- 5) demonstrating discretion in the public expression of views on the work of his/her office and other offices, especially when such views might undermine citizens' confidence in these institutions.

§ 17.

The principle of political neutrality, taking into account the fact that political parties in a democratic state are provided for under the Constitution of the Republic of Poland and accepted by the citizens the mouthpiece of their will, and that a civil service corps member may use the guaranteed freedoms and human and civil rights, including the right of participation in public life, shall consist, in particular, in:

- 1) non-manifesting in public his/her political opinions and affiliations, and particularly refraining from any agitation of a political nature within and/or outside the service;
- 2) distancing themselves from any political influences and pressures that may result in biased measures be taken;
- 3) not taking any public actions that directly support the activities of a political nature;
- 4) not arising suspicions of supporting political parties and observing the restrictions in force;
- 5) ensuring clarity and transparency of relationships with persons performing political functions, taking into account that these relationships cannot undermine the confidence in the political neutrality of the civil service corps member.

§ 18.

The principle of impartiality is expressed in, in particular:

- 1) avoiding the suspicion of a conflict between public and private interests;
- 2) giving up any work or activities that conflict with official duties;
- 3) equal treatment of all participants in the conducted administrative matters and not giving in to any forms of pressure;
- 4) not manifesting any intimacy with publicly known persons, having a reputation for their political, economic, social, or religious activity, and not promoting any of the groups of interest .

§ 19.

The principle of fairness is expressed, in particular, in:

- 1) conscientious, thoughtful performance of assigned tasks;
- 2) meeting the obligations under the principles of law;
- 3) creative approach towards the tasks and active implementation of obligations, with the best will in the social interests, not limited to mere compliance with the rule of law.

Unit 3

Final provisions

§ 20.

The decree comes into force upon 14 days from the date of publication thereof.²⁾

Chairman of the Council of Ministers

² The following decree was preceded by the Prime Minister's decree No. 114 of 11th October 2002 on the establishment of the Code of Ethics of the Civil Service (M.P. No. 46, item 683).