



# Tweede Kamer

DER STATEN-GENERAAL



## ECPRD seminar

Structures and procedures with regard to the code of conduct for MPs and with regard to the integrity of parliamentary staff

# ECPRD seminar

## **“Structures and procedures with regard to the code of conduct for MPs and with regard to the integrity of parliamentary staff**

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House of Representatives, the Netherlands

Presentations by:

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## Solemn affirmation

*I promise to bear allegiance to the Crown and to respect the Constitution and all other laws of our country.*

*I affirm that I have neither directly nor indirectly supplied false information in any form in connection with my appointment.*

*I affirm that before being appointed I have not made any gift or promise to anyone and that I shall not do so.*

*I affirm that before being appointed I have not accepted gifts from anyone or made promises to anyone and that I shall not do so.*

*I promise to perform the duties entrusted to me dutifully and conscientiously and to keep matters that come to my knowledge confidentially in the course of my duties, or whose confidential nature I ought to realize, secret from persons other than those whom I am ex officio obliged to inform.*

*I promise to conduct myself in a manner befitting a good public servant, to be meticulous, upright and dependable and not to do anything that will harm the standing of the office.*

*This I affirm and promise!*

The solemn affirmation was made by [official] in accordance with the above form on [date] at The Hague, before the Secretary-General and in the presence of the Head of the Human Resources Department.

# Integrity

## **Definition:**

Integrity is a key condition for public confidence in the House of Representatives and is visible in the actions of civil servants of the House in various situations. Integrity is a wide-ranging notion. Briefly summarised, it is about the shared values and standards of the organisation and its staff. Examples of this are good employment practices, codes of conduct, being a good civil servant, prevention of conflicts of interests (including financial) and abuse of competences, but also of discrimination and undesirable behaviour. The House has already adopted many rules in this field, which can be found, among other documents, in the **Code of Conduct - Integrity**.

## **Explanation:**

Apart from the fact that the Central and Local Government Personnel Act obliges the House to implement a policy on integrity, it is a matter of good employment practice to make it clear to employees what is expected of them in the field of integrity, and to provide some points of reference. Moreover, a staff member of the House is expected to behave as befits a good civil servant. All staff members should be aware of what integrity is understood to mean (what is acceptable and what is not), where the rules and procedures can be found and what they can and must do if they encounter unacceptable behaviour.

## **Documentation:**

- Code of Conduct - Integrity
- Code of Conduct - Internet and e-mail
- Flow chart Confidential Advisers

## **Advice and information:**

- HRM service teams
- Confidential Adviser on Integrity

## Code of Conduct - Integrity

What can you do when faced with an integrity issue? The House has two Confidential Advisers on Integrity and eight Confidential Advisers on Undesirable Behaviour. Different situations require a different approach. The following flow chart shows who you can turn to.

As an MP, party staff member or civil servant of the House you feel you have been done wrong.	As a civil servant of the House you have been witness to a breach of integrity, affecting the interest of the organisation*, including:
<b>YES</b>	<b>YES</b>
Is there a form of undesirable behaviour, such as: - intimidation or sexual harassment - aggression and violence - stalking - bullying - discrimination	- violation of statutory regulations and policies - health, safety and environmental hazards - threats to the proper functioning of the House of Representatives - damage to the image of the House
<b>YES</b>	<b>YES</b>
Please get in touch, in writing, with one of the eight Confidential Advisers on Undesirable Behaviour.  The Confidential Adviser on Undesirable Behaviour can mediate and support you in lodging a complaint with the complaints committee.	You can notify a Confidential Adviser on Integrity about this. The Confidential Adviser on Integrity will deal with your notification. See the Whistleblower Programme and the Reporting of Suspected Abuses (Civil Service and Police) Decree for the notification procedure.

**NO**

Take the matter to your superior or the contact person at the Human Resources Department.

\* The integrity policy drawn up by the House only applies to civil servants of the House.

# Confidential Advisers and Complaints committee on undesirable behaviour

- Confidential Advisers
- Complaints committee

If you are confronted with **undesirable behaviour**, you should first take it up with your superior. In most cases your superior can call a halt to the undesirable behaviour. If this is not the case, or if you have good reasons not to talk to your superior, you can turn to an independent expert, a Confidential Adviser.

## **Complaints committee**

If you, as a victim of undesirable behaviour, no longer have confidence in an informal solution, for instance through mediation, you can lodge a complaint with the complaints committee. A complaint must always be lodged in writing, no longer than two years after the undesired behaviour occurred. It is not possible to lodge an anonymous complaint.

- For more information see **the page on undesirable behaviour**.

# Confidential Adviser on Integrity and Government Integrity Board

Are you concerned with an integrity issue on which you would like to seek advice? Would you like to report an abuse? You can do so to your superior. If you have good reasons not to talk to your superior, you can turn to an independent expert: the Confidential Adviser on Integrity. If, for whatever reason, this is not possible either, you can report directly to the Government Integrity Board.

The Confidential Adviser on Integrity works on the basis of confidentiality.

For more information see the Whistleblower Programme and Integrity page.

Confidential Advisers:

Documentation:

Flow chart Confidential Advisers

Government Integrity Board:

Secretariat of the Government Integrity Board

Centre for Public Sector Labour Relations

PO box 556, 2501 CN The Hague

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# Code of Conduct - Integrity

House of Representatives of the Netherlands

HRM Department  
2011



# Preface

This code of conduct has been drawn up for and by the civil servants of the House of Representatives. On several occasions and in various manners, working groups of mixed composition have reflected on and discussed the question of which values are important enough to be included in the code of conduct and how to challenge each other about compliance with it. The Model Code of Conduct on Integrity in the Government Sector formed the basis for this process. Use has been made, for instance, of a risk analysis, which showed the need to bring together all the regulations with regard to the integrity of the civil servants of the House and disseminate this knowledge. The issue of “Integrity” has also been discussed in direct employee consultations, and the content of the code of conduct has been reflected on in working groups.

The code of conduct, which contains core values and integrity rules, establishes what we as civil servants of the House stand for and what we can and wish to be held accountable for. These core values are included in the code of conduct and serve as background and touchstone for the behaviour of civil servants and for the integrity rules.

## *Core values*

Core values are about how we want to work. They are the underlying ideas, as it were, for a number of the integrity standards and rules that are included in our code of conduct. These provide values you can fall back on in cases where there are no specific rules or where the integrity rules may not provide sufficient guidance.

## *Integrity rules*

In addition to the core values, this code of conduct includes key integrity rules, arising from the core values. These values relate to the actions of the civil servants of the House, both in their external and their mutual contacts.

The introduction deals with questions such as: why is integrity important for the House of Representatives? What is integrity? Why is it important that the House has its own code of conduct and what does being a good civil servant mean? Next, the core values are identified and explained. Specific rules, procedures and provisions are also identified and explained, with reference to the regulatory framework and (further) information on the intranet site (Plein2). Finally, the main points are reiterated in the afterword.

## Introduction

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Being a good civil servant and taking one's responsibility

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## Afterword

# Introduction

## **Why integrity?**

Civil servants of the House are largely responsible for the image of the House of Representatives. This means that working for the House is not only something to be proud of, but it also creates obligations. A civil servant of the House makes a contribution to society as a whole, directly or indirectly. That is why our work includes a number of responsibilities. Therefore, it goes without saying that civil servants of the House are expected to behave ethically. Ethical behaviour generates confidence. People must be able to rest assured that civil servants of the House are not only effective and efficient in the carrying out of their duties, but also trustworthy, careful and honest. The civil servants of the House have an exemplary function, which is expressed in the way they carry out their duties and even by how they behave outside working hours. All the civil servants of the House exercise this exemplary role.

## **What is integrity?**

Integrity is expressed in the way people act in various situations and is a wide-ranging notion. Very often, “integrity” is associated with fraud and corruption. But integrity goes far beyond fraud and corruption. Integrity is an important indicator of the way people and organisations function. It not only indicates the level of incorruptibility and trustworthiness, but is also a criterion to assess whether a person’s actions are driven by the standards and values that characterise a good civil servant.

## **Why does the House of Representatives have its own code?**

Every government body, including the House of Representatives, is obliged by law to implement an integrity policy and to draw up a code of conduct. This code of conduct provides a cohesive picture of the main features of the House of Representatives’ integrity policy. The code of conduct contains the deeper core values that form the basis of the more concrete rules. These rules, laid down in various laws and regulations, have also been included. Much of what has been laid down in this code will not be new to the civil servants of the House. Most rules have been in effect for years and can also be found in other government bodies. Everybody has a rough idea about what you can and cannot do. That is why at first sight most integrity rules appear to be stating the obvious. Yet discussion may arise because people have different ideas about what is acceptable in practice and what is not. Where is the limit? The code of conduct can help answer such questions, because it contains rules and arrangements applying to the civil servants of the House of Representatives. The aim of the code of conduct is to provide the tools for situations in which civil servants of the House face an integrity issue, in order to enable them to take their own responsibility and to make responsible choices. Besides this, the code of conduct can be used as a catalyst for discussing desirable and ethical behaviour and for raising practical integrity issues. These may relate to external relations, but certainly also apply to the internal relations in the workplace and to ethical behaviour with regard to each other. The code of conduct also provides clarity to the general public. It informs citizens, civil society and businesses of the ethical framework within which civil servants of the House are expected to act, and they know what they may and may not expect from them.

## **Being a good civil servant and taking one’s responsibility**

Much of what a civil servant should or should not do has been laid down in formal regulations. The States General Civil Service Regulations (ARSG), for instance, state that a civil servant of the House shall act as befits a good civil servant. The details of this regulation, formulated in general terms in the ARSG, have been partly worked out in this code of conduct, as far as integrity is concerned. This means that the code of conduct contains the rules a good civil servant has to comply with. It is both impossible and undesirable to draw up rules for every possible situation, so in some cases there are no rules, or for some reason the existing rules do not provide enough guidance. In such cases an appeal is made to the civil servant’s ethical awareness and his or her ability to act indepen-

dently in a responsible way in the spirit of the values and standards of the code of conduct and the organisation. Civil servants of the House must be able to take correct and responsible decisions, even in situations where rules are absent or may seem somewhat contradictory. If a civil servant of the House has any doubt about the correct decision, he should talk to his superior, colleagues or head of department. If this is not possible, for whatever reason, he can also turn to the Confidential Adviser on Integrity for advice.

# 1. Core values

## **Impartiality**

Civil servants represent the public interest, so people must be able to rest assured that the government is unprejudiced and unbiased. This applies particularly to civil servants who work on behalf of parliament, given the particular position of the House of Representatives. Civil servants of the House should conduct themselves with impartiality and independence and safeguard the preservation of these values in the pursuit of their duties. Their tasks and duties are performed in such a way that decisions are based on facts and are not influenced in any way by their personal feelings or prejudices. Even the semblance of dependence, bias and conflict of interest must be avoided. Situations in which the personal interest of the civil servant himself or his relations conflict with the interest of the House of Representatives must be avoided.

## **Trustworthiness**

Trustworthiness means that people must be able to rest assured that agreements are being met and that promises are being kept or honoured. People must be able to rest assured that they can count on civil servants of the House. Civil servants of the House must not fall short of what is expected of them and required from them in the performance of their tasks and duties. This applies to both the conduct of civil servants of the House and the results of their work; both are vital to the trustworthiness of and faith in the House of Representatives. The trustworthiness of the civil servant of the House makes or breaks the faith people have in the House. Much of what he does, at any time and in any place, has a bearing on how people perceive civil servants of the House, and thus on the faith people can put in its organisation.

## **Carefulness**

A civil servant of the House has to handle with care all information to which he becomes privy as a result of his position. This information is to be used exclusively for the purpose for which it was given to the civil servant and account must be taken of the nature of the information. For example, is it politically sensitive or privacy-sensitive or confidential information? Information from Members of Parliament, citizens, other organisations and colleagues must be dealt with carefully. People must be able to rest assured that the information entrusted to civil servants of the House is in good hands and will not be used for purposes other than originally intended. All decision-making needs to be done carefully, which means among other things that all the relevant interests must be weighed and proper use must be made of the powers granted. Care is also called for in the handling of any and all materials made available by the House. Besides equipment, office materials and vehicles, this expressly also includes the intranet, e-mail and internet facilities. Given that these are public means, they may only be used for the purpose for which they have been made available. Care must also be maintained in the spending of the available financial means. These are to be spent with restraint, economically and efficiently, for lawful purposes only.

## **Service-orientation and respectful treatment**

The civil servant of the House is at the service of all the MPs, the entire House staff and the visitors to the House. Civil servants need to be highly customer- and service-oriented. Being at the service of so many people also means being prepared to go the extra mile when needed. House employees work to create a positive and workable atmosphere in which colleagues and visitors are approached positively and correctly. All conduct should be aimed at guarding the interest of all parties involved, as can and may be expected from House employees. This covers such aspects as respect, decency, cooperation, customer-orientation and prevention of discrimination. This respectful treatment does not only apply to people but also to office materials and in fact the entire working environment. The means made available by the House should be handled in such a way that they can be used at all times for

carrying out House tasks and duties. An important aspect of respect is refraining from discrimination. It is a core value of the House – a core value also laid down by law – that discrimination, in whatever form, must be prevented and fought against wherever it arises. This not only refers to preventing discrimination from occurring within the organisation, but also to preventing the discrimination of people outside the governmental organisation.

## 2. Specific rules, procedures and facilities

### **Prevention of undesirable behaviour**

Civil servants of the House are entitled to a safe and pleasant working environment. In order for them to work together pleasantly, it is essential that colleagues treat each other with respect. This means that civil servants of the House do their work without any discrimination on the grounds of religion, philosophy of life, political views, race, gender or other personal characteristics. Mutual respect among co-workers is essential for their pleasant cooperation. Sexual harassment shows a lack of such respect and is a breach of a person's personal integrity.

The House of Representatives has an Undesirable Behaviour Policy in place. "Undesirable behaviour" is understood to mean all behaviour, however it is expressed, that disrespects the personal integrity of co-workers. The Undesirable Behaviour Policy sets out the behavioural framework to be observed in dealing with each other in the workplace. It also lists the steps to be taken should undesirable behaviour occur. If boundaries are overstepped, the sensible thing to do is to take the matter to one's immediate superior. He or she will usually succeed in calling a halt to the undesirable behaviour. However, if the behaviour continues, or if there are good reasons not to take the matter to one's immediate superior, staff members who encounter undesirable behaviour (or have encountered this in the past) can talk to an independent expert, the Confidential Adviser on Undesirable Behaviour. The Confidential Adviser on Undesirable Behaviour should only be contacted for issues related to undesirable behaviour. For issues related to integrity in general, staff should contact the organisation's Confidential Adviser on Integrity. However, if a victim of undesirable behaviour has no confidence that an informal solution can be reached, for example through mediation, he or she can file a complaint with the complaints committee. Complaints must be filed in writing, no later than two years after the undesirable behaviour took place. It is not possible to file a complaint anonymously. The complaints commission will investigate the complaint carefully to determine whether or not there is indeed a case of undesirable behaviour. Within four weeks, the immediate superior of the employee behaving in an undesirable way will be given advice, by the committee, on the measures or sanctions to be taken. The information needed to contact the Confidential Adviser on Undesirable Behaviour and the complaints committee can be found on the intranet of the House of Representatives (Plein2), in the personnel handbook, under the heading "Confidential Adviser on Undesirable Behaviour and complaints committee".

Relevant regulatory framework:

- Article 1 of the Dutch Constitution
- Equal Treatment Act
- Undesirable Behaviour Policy May 2010

### **Gifts and benefits**

Civil servants of the House may be offered gifts or the like by a business contact, either to thank the civil servant or to improve mutual relations. The person offering the present may intend to use the gift to influence the civil servant, or to ask a favour in return at a later stage. In order to safeguard the independence of the civil servant of the House, such gifts may not be accepted unreservedly, and in some cases, they may not be accepted at all. If certain conditions are met, however, civil servants of the House are allowed to accept gifts.

Gifts or services offered to House staff may be accepted if the following criteria are met:

- Civil servants of the House who are offered a gift or a service must always notify their immediate superior of this. The immediate superior will inform the head of department accordingly.
- The head of department may find a gift acceptable and put it at the disposal of the entire department for general use, or let the department staff draw lots to determine who should receive it.

- In any 12 months period, a civil servant of the House may not accept more than one gift or favour with a maximum value of € 45 from any given client or business contact;
- All gifts or favours worth more than € 45 must be refused or returned to sender, without exception.
- gifts must never be accepted at the home address of the civil servant. If necessary, this should be pointed out to suppliers/business contacts in writing.
- Invitations must be discussed without exception, either in team meetings or with the immediate superior. The latter informs the head of the public service department accordingly. This allows for a transparent decision to be made on whether or not the invitation in question can be accepted.
- As a rule, outings, trips, dinners, lunches and the like may not be paid for by third parties. Expenses made can be claimed, in accordance with the relevant rules, by submitting a statement of expenses, signed by the head of department, to the Financial & Economic Affairs office of the House of Representatives.
- Under specific circumstances, heads of department have the discretion to lower the maximum acceptable value for gifts, in deviation from the above rules, to an amount below € 45. It is also within their discretion to stipulate objections other than the above against the accepting of gifts or favours.

Relevant regulatory framework:

- Article 98 of the States General Civil Service Regulations (ARSG),
- Circular letter by the Minister of the Interior and Kingdom Relations dated 14 July 1999 (Official Gazette of the Kingdom of the Netherlands 1999, no. 154)
- Circular letter by the Minister of the Interior and Kingdom Relations dated 16 July 1992 (Official Gazette of the Kingdom of the Netherlands 1992, no. 147)

### **Outside activities**

In principle, civil servants of the House are permitted to carry out outside activities, in addition to their main job at the House of Representatives. Outside activities are understood to mean all work, whether paid for or voluntary, that is done for third parties, outside of and in addition to the work as an employee of the House, both within and outside of regular working hours. A few random examples of outside activities may be: examiner, committee member of a sports club, painter, and consultant to a research bureau. Situations in which outside activities lead to a conflict of interests or any semblance of this must be avoided. Some types of work are prohibited as outside activities at all times, namely work that would make it impossible to insure, in all reasonableness, the adequate performance of the civil servant's tasks or the well-functioning of the civil service as such. This also means that civil servants of the House are not allowed to advertise in any way the work they do as outside activities in their leisure time.

In the first instance, it is at the discretion of the civil servant himself to determine whether or not a particular outside activity is allowed and whether or not his superior needs to be notified of it. If in doubt, civil servants are advised to notify their immediate superior, so as to make sure the pros and cons are not weighed incorrectly. Civil servants are informed of these rules when they first take up their duties, and periodically throughout the duration of their employment.

Relevant regulatory framework:

- Article 96 of the States General Civil Service Regulations (ARSG),
- Decree of 4 December 1997 (Bulletin of Acts and Decrees 655), with a list of assessment factors in the explanatory memorandum (pages 35-36)

### **Financial interests and stock transactions**

A civil servant may have financial interests in companies that might, in one way or another, be related to his official position and he or she may be involved in stock trading or consider becoming involved in this. In this case, it is



important to know that there are additional rules about this that apply to government officials. These are meant to prevent conflicts of interest or the any semblance of this. There is a legal ban in force on trading in stocks with inside knowledge. The civil servant's tasks may bring him/her into contact with price-sensitive information. This refers to information about a legal entity that is confidential and not publicly available, which may - if made public - have an impact on stock prices. Under no circumstances is the civil servant allowed to make use of such information. He may not be involved in stock trading himself, nor may he pass such information on to third parties. In effect, the additional rules stipulate that the competent authority will identify, within its area of competence, positions that may carry a particularly high risk of facing a financial conflict of interests or of making improper use of price-sensitive information. Civil servants holding such a designated high-risk position are obliged to notify their employer of any financial interests they hold, as well as of stock they own or trade in, if that stock may conflict with the interests of the public office. It will then be ascertained whether or not the civil servant's financial activities are compatible with the tasks he has in his government position.

Relevant regulatory framework:

- Articles 46 and 46a of the Financial Supervision Act
- Article 96a of the States General Civil Service Regulations (ARSG),

### **E-mail, intranet and internet**

During working hours, the civil servant may use e-mail facilities and the internet. All civil servants are personally responsible for their internet activity while at work. As civil servants of the House using the internet at work will be associated with the House of Representatives, the House has drawn up a Code of Conduct for the internet. The purpose of this code of conduct is to familiarise civil servants of the House with a number of rules meant to prevent the House's interest from being damaged or compromised in any way. There are risks related to the use of the internet. Most of these risks can be confined using technical means, but there are a few risks that cannot. The Code of Conduct - Internet has been drawn up to safeguard the House's standards of professionalism and integrity in both outside contacts with society, and in the in-house contacts of co-workers with each other. The Code of Conduct - Internet is binding for all employees of the House of Representatives. The e-mail facilities and the intranet and internet are made available to the civil servants for their work-related use, i.e. for tasks pertaining to the civil servant's position on the House staff. Limited personal use of these facilities is allowed, as long as it does not intervene with the daily functioning of the civil servant, compromise his performance of the tasks assigned or constitute a form of prohibited use of the internet.

The Code of Conduct - Internet contains guidelines for the use of the internet. It also stipulates procedures pertaining to the registration, collection and checking of internet-related data that is traceable to individual employees of the House. It is technically possible to keep track of the use made of e-mail and the internet by each individual employee, a process called logging. The resultant logs provide insight in the use made of the internet by both individuals and organisational entities. Logging can also bring to light inappropriate uses made of the internet within the organisation. However, checks of this kind will only occur if there is a well-founded suspicion that the internet and/or e-mail facilities made available by the House of Representatives are being used inappropriately. The purpose of this procedure is to find a sound balance between the responsible use of the internet and e-mail on the one hand, and to safeguard the privacy of employees at work on the other. This procedure forms part of the Code of Conduct - Internet. The House of Representatives supervises the implementation of the rules laid down in the Code of Conduct - Internet.

Relevant regulatory framework:

- Penal Code, articles 137c to 137g among others
- House of Representatives Code of Conduct - Internet

## **Social Media**

“Social media” is the collective term used for all internet-based applications that enable us to communicate and share information with one another. Typically, the users determine the content of social media. Large groups of people gather on social media to communicate about issues that they find important. These channels enable information to be disseminated very quickly. Examples of social media are Hyves, Facebook, LinkedIn, YouTube, Flickr, Twitter, and Yammer.

Social media enable us to share information within our own network in an informal and simple way. But precisely that characteristic is also a source of great risks. With remarkable ease critical business and/or political information can be disseminated around the world. This information can – either intentionally or unintentionally – damage the reputation of the House of Representatives. For this reason, the House has adopted guidelines for the responsible use of social media. The guidelines state, among other things, that information that could harm the House of Representatives, its clients, partners or suppliers may not be shared, not even under a pseudonym. It is not permitted to use the House of Representatives’ logo or corporate identity. Official communications or contacts with the press must always be cleared by the Parliamentary Information Office. Also, if there are doubts whether a publication touches upon House affairs, if there are factual inaccuracies about the House on the internet, or if a discussion threatens to spin into the wrong direction, then the supervisor, the Communications Department, or the Parliamentary Information Office should be approached.

Relevant regulatory framework:

- Code of Conduct Social Media, Three EU-directives for works, supplies and services, Government Accounts Act

## **Procurement**

The procurement of goods or services should be an independent process. It is the responsibility of the civil servant of the House of Representatives to ensure he is not in any way influenced by gifts etc. during the procurement or hiring process. If someone in the counterparty is acquainted with the civil servant in private life, then the civil servant should always let the procurement decision be made by someone else. Procurement or a tender can occur in several ways, depending on the amount of money, whether actual or estimated, that the quotation involves.

The House of Representatives is responsible to tender in a lawful, efficient and honest way, because taxpayer’s money is involved. Given this responsibility, it is necessary to have a clear and unambiguous policy to prevent unlawful, inefficient, and dishonest tendering and to limit the accompanying risks, such as damage claims and court procedures. In addition, the three principles of the European public procurement directive apply: transparency, equal treatment and non-discrimination. The House of Representatives applies these principles to all its procurements, thus emphasising the importance of public scrutiny of administrative and civil servant integrity, and the effective spending of public funds. An important precondition is that the efforts required to uphold these principles, are proportional with the scale/volume of the procurement.

Relevant regulatory framework:

- Three EU-directives for works, supplies and services, Government Accounts Act
- Article 97 of the States General Civil Service Regulations (ARSG)
- Procurement policy plan 2009-2012

## **Revolving-door arrangement**

To avoid favouritism, unfair competition or an apparent conflict of interest, it is not permitted to re-hire a former civil servant of the House within two years after his resignation. During this same two-year period, the former civil servant is not allowed to carry out activities for the House via any agency to which he is connected. Derogation

from this rule is only allowed if the terms of the termination of employment include arrangements for the civil servant in question to keep working for the House for a period specified, in order to facilitate the transition to a new job.

Relevant regulatory framework:

- Circular letter of the ministry of the Interior and Kingdom Relations, 13 September 1999, AD1999/U84410

### **Dealing with information/secretcy/freedom of speech**

A civil servant of the House often has access to confidential information or information that outsiders are interested in. It goes without saying that such information must be handled carefully. This is not limited to information to which the civil servant is privy as a result of his position, for example from closed meetings or confidential dossiers, but also includes information that comes to him in an informal way. Conversely, civil servants of the House have the right to freedom of speech. However they may not make statements that could harm either their functioning or the House of Representatives. The right to freedom of expression for the civil servant is fundamental but not absolute. It is limited to the point at which a good job performance or the proper functioning of the public service, insofar as this is related to job performance, is not in all reasonableness guaranteed.

The civil servant of the House is personally responsible for his words and deeds. If he has doubts about what he can or cannot say, he can always consult his superior.

### **Contacts with individual Members of Parliament**

The careful handling of information extends to information related to or coming from Members of Parliament. The civil servant of the House must handle this information discretely. He may not disclose information about what Members of Parliament have said or done or use this information for any other purpose than for which it is provided. Civil servants of the House should take a politically neutral position during the performance of their duties. As a general principle, civil servants of the House may not use their position for private purposes. This also applies to their contacts with Members of Parliament.

### **Operational contacts with the press**

The civil servant of the House should be aware he performs his duties for or on behalf of the House of Representatives. Requests for information by journalists about a specific topic should be redirected to the Parliamentary Information Office. The civil servant is obliged to treat in confidence any information to which he becomes privy as a result of his position.

Relevant regulatory framework:

- Article 7 of the Dutch Constitution
- Section 125a, paragraph 3 of the Central and Local Government Personnel Act
- Section 2:5 of the General Administrative Law Act

### **The oath or affirmation**

Civil servants of the House have a special position and are part of a government organisation that, among others things, protects the democratic values of the constitutional state. Therefore, high demands are made upon the staff with regard to integrity. New employees of the House take part in an introductory meeting after which they are sworn in (oath or affirmation) by the Secretary General. Although everyone must abide by the law, the administration of the oath or affirmation serves as an explicit reminder to the civil servant that the Dutch Constitution and all other laws must be respected, and ensures that he is fully aware of the responsibilities that his duties entail.

Relevant regulatory framework:

- Article 86 of the States General Civil Service Regulation (ARSG) and Provision of the Minister of the Interior and Kingdom Relations of 23 April 1998 (Dutch Government Gazette [Stcrt.] 1998, nr. 92)

### **Confidential Adviser on Integrity**

The code of conduct for integrity provides some guidelines on how to act in situations where integrity plays a role. However, in actual practice there will always be situations that are not or not exhaustively addressed in this code. In such cases it is advisable to consult a superior. If for some reason you prefer not to consult your superior, you can turn to the Confidential Adviser on Integrity. He listens to the employee in confidence and can advise him on how to deal with the integrity issue.

In the event of a serious offence involving abuse of office, the civil servant is obliged to report this to the public prosecutor. Furthermore, suspicions of abuse of office must be reported (see Whistleblower Programme). In all such cases the civil servant may turn to the Confidential Adviser. Apart from giving advice to the employee the Confidential Adviser can help to raise the issue internally and possibly refer the employee to the Government Integrity Board. Moreover, he has a signalling role to the management. The Confidential Adviser generally works (unless there is a serious offence involving abuse of office) on the basis of anonymity and confidentiality.

Relevant regulatory framework:

- Contact information Confidential Adviser on Integrity

### **Whistleblower Programme**

If a civil servant of the House suspects or detects abuse, he is obliged to report it. This is subject to procedures, conditions, rights and obligations. A suspicion of abuse is based upon a reasonable suspicion of:

- a violation of statutory regulations or policies;
- a hazard to health, safety or the environment;
- an improper mode of action or omission that constitutes a threat to the proper functioning of the House.

The principle of the programme is that a suspicion of abuse is primarily reported internally to the superior. If this superior is involved in the abuse, the civil servant can appeal to the next higher superior. If it is not desirable to report to the superior, the abuse may be reported to the Confidential Adviser on Integrity or, if appropriate, directly to the Government Integrity Board. The rules provide for anonymity of the reporter and a careful procedure. The supervisor or the Confidential Adviser informs the Secretary General that a report has been submitted. This is followed by an internal or external procedure. In general terms the internal procedure is as follows:

The employee reports to his superior or to the Confidential Adviser. The report is referred to the Secretary General. The Secretary General:

1. confirms the receipt of the report to the reporter;
2. informs the person who is the subject of the report, unless this might prejudice the inquiry;
3. conducts an inquiry;
4. examines whether the report is admissible;
5. informs the reporter and the Confidential Adviser about the procedure;
6. communicates the findings of the inquiry to the reporter and the Confidential Adviser within 12 weeks.

The external procedure applies if a report is submitted directly to the Government Integrity Board and is roughly the same as the internal procedure. In the external procedure the committee is responsible for the procedure instead of the Secretary-General.

If a civil servant reports a suspicion of abuse in good faith, no decision shall be made that adversely affects his

legal position. The House is responsible to ensure that the civil servant in question is not otherwise adversely affected in the performance of his duties as a result of his report.

Relevant regulatory framework:

- Whistleblower programme

### **Sanctions**

An employee who violates the rules laid down in this code of conduct or otherwise fails to conduct him- or herself with integrity or behaves unbecoming to a civil servant, is guilty of dereliction of duty and may be subject to disciplinary punishment. Under certain circumstances, conduct off duty may also be counted as dereliction of duty. This includes any conduct that may harm the interests of the organisation or compromise the employee's integrity insofar it is related to the performance of his duty. If dereliction of duty is suspected, the competent authority shall decide whether to start a procedure or to launch a further investigation. The actual procedure begins with an indictment of the employee concerned. Before determining whether any punishment shall be imposed and what form this should take, the civil servant of the House shall be given the opportunity to present his or her views. Following this, a disciplinary penalty may be imposed. This is laid down in a punitive decision. The severity of the disciplinary penalty may range from a written reprimand to compulsory dismissal, depending on, among other things, the seriousness of the dereliction of duty. If there is a suspicion of a malfeasance, such as taking a bribe, this shall be reported to the public prosecutor. In that case a criminal conviction may follow a disciplinary punishment.

Relevant regulatory framework:

- Articles 115 to 119 of the States General Civil Service Regulations (ARSG)
- Chapters 3 and 4 of the General Administrative Law Act

## Afterword

The most important rules concerning integrity are included in this code of conduct. The information in this code of conduct can help the civil servant of the House to answer questions with regard to integrity. How should I deal with confidential information? What should I do if I want to report abuse? What gifts can I accept? Answers to these and other questions may be found in the various regulations of the House of Representatives. Of course, there are always questions that have no simple answer. In answering these questions it is always important to consider the core values that apply within the House of Representatives:

- Impartiality
- Trustworthiness
- Carefulness
- Service-orientation and respectful treatment

A civil servant of the House should be aware of the special position he has and always act based upon these four core values.

Although the code of conduct provides a large number of guidelines, not everything can be regulated exhaustively. In the absence of concrete rules, the civil servant of the House must himself act responsibly in line with the spirit of the values and standards of the organisation. In addition to the various rules and core values, one should always rely on one's own moral sense. An appeal to common sense goes a long way. Also, if the civil servant of the House is in any doubt, he should talk to colleagues, superiors or the Confidential Adviser on Integrity.



