Union of Municipalities of Montenegro

BUILDING CONFIDANCE

CODE OF ETHICS
of
Local Civil Servants
and
Employees

This Model is prepared with the expert help and support of

OSCE

Organization for Security and Co-operation in Europe
Mission to Montenegro
CODE OF ETHICS OF LOCAL CIVIL SERVANTS
AND EMPLOYEES

Article 1

(1) Code of Ethics of local civil servants and employees determines the rules of exemplary conduct for local government and public services employees.

(2) Code of Ethics (hereafter referred to as “Code) is intended for employees of local government, public services (companies, institutions) and organizations founded by units of local self-government (hereafter referred to as “employee”).

Objective of the Code

Article 2

Objective of the Code is:

1. To establish standards of conduct that should be adhered to by employees, such as integrity, impartiality, responsibility, professionalism, effectiveness, objectiveness, political neutrality, respect of different convictions and values of all community members;

2. to inform the public of the conduct they are entitled to request and expect of the employees;

3. Enhance building of public confidence in local government and public services;

4. To encourage employees to abide by these standards;

Duty of an employee

Article 3

(1) Employee shall perform his/her duties in compliance with the law and professional and ethical standards.

(2) In performing his/her duties, an employee shall be politically neutral, impartial and shall refrain from hindering any measures, decisions or actions of the public authorities.

(3) While fulfilling his/her professional performance, an employee shall refrain from doing anything that may degrade department or the service where s/he is employed in.

Article 4

Even out of his/her working place, an employee shall refrain from doing anything that may degrade department or the service where s/he is employed in.
Article 5

(1) Employee is obligated to treat with respect and courtesy elected and appointed representatives of local authorities.
(2) In performing his/her duties, an employee shall act in accordance with public interest and not in his/her personal, group or political party interest.

Article 6

In performing his/her duties in relation with service users, an employee shall:
1. act correctly, kind and decently, and found his/her attitude objectively and impartially;
2. act impartially, professionally, constructively and efficient, showing interest and patients, especially toward untaught client;
3. on time, correctly, and with accuracy give information in accordance to law and other regulations;
4. provide support and information related to departments competency and legal resources for protection of rights and interests;
5. further his/her own education on a continuous basis;
6. act correctly with colleagues and superiors;
7. respect personality and dignity of every person;
8. be dressed properly.

Article 7

In performing his/her duties, an employee shall not unjustly and unlawfully discriminate against or treat unfairly any individual or group of individuals on the basis of their personal or acquired attributes and origin (such as race, color, sex, nationality, social standing and origin, birth, religion, political or other convictions, wealth, culture, language, age, physical or mental disability).

Article 8

(1) Employee shall not act arbitrarily and to the detriment of any individual, group of individuals or a legal entity and shall always show due regard for their rights, obligations and legitimate interests.
(2) In performing his/her duties, an employee will exercise his/her discretion powers with impartiality.

Article 9

(1) Employee shall not allow his/her personal interest to come in conflict with his/her official position.
(2) Employee shall be liable to avoid any such conflict of interest, regardless of whether the conflict is an actual one or potential.
Article 10

(1) Employee shall under no circumstances take advantage of his/her official position for own personal interest.
(2) By personal interest of an employee considered by this Code is gaining material or any other benefits for himself/herself, his/her family, close relatives, friends, or legal entities and individuals with whom s/he accomplishes private, business or political contact or cooperation.

Access to information

Article 11

(1) Employee shall provide access to information in accordance with the law.
(2) Employee shall never try to withhold information, which as a rule, should be made public.
(3) Employee may disclose only the information s/he is authorized to communicate.
(4) Employee shall not attempt to access information s/he is not entitled to, or make improper use of acquired information or information s/he came across in performance or in connection with performance of his/her duties.
(5) Employee shall undertake appropriately measures to protect safety and confidentiality of information which s/he is liable for or acquires in the performance of his/her duties.
(6) Employee shall not deny right on information that should be publicized and shall not disseminate information which s/he knows to be untrue or false.

Article 12

Respecting right on free access to information, an employee shall be liable to keep personal data and other confidential data and documents s/he came across in performance or in connection with performance of his/her duties and s/he shall take measures for protection of these confidential information and documents.

Reporting Maladministration and Corruption

Article 13

(1) If an employee on reasonable grounds becomes aware of the breaches of the law or of this Code, s/he shall report the matter to his/her superior, and as appropriate, to other authorities responsible for investigating the facts of the matter.
(2) Likewise, if an employee believes that s/he is required to act contrary to the provisions of the law or of this Code, s/he shall report the matter in the same manner.
(3) If an employee reports in good faith such allegations, s/he shall not be exposed to any undue pressure or prejudice.

**Conflict of interest**

**Article 14**

(1) Conflict of interest is created when a private interest of an employee affects, may affect or seemingly affects his/her impartiality and objectivity in performing his/her duties.

(2) The private interest refers to any advantage to himself/herself, his/her family, close relations, friends, persons or organizations with whom s/he used to have or still has business or political ties.

(3) Employee shall be liable to report to his/her superior any actual, potential or alleged conflict of interest and take necessary measures to avoid such conflict.

(4) When s/he is required to do so, an employee shall be liable to provide all information needed for evaluation of a potential conflict of interest.

(5) Statement on conflict of interest shall be deemed confidential, unless otherwise prescribed by the law.

**Incompatibility of Interest**

**Article 15**

(1) Employee shall not be allowed to perform any activity, or accept any job or appointment, for remuneration or otherwise, which is incompatible with his/her public service.

(2) In case of doubt, an employee shall seek the opinion of his/her superior in this matter.

(3) If so required by his/her superior, the employee will provide a documented statement of his/her activities or appointments, remunerated or not, that may affect performance of his/her duties in public service.

**Political or Public Activities**

**Article 16**

(1) Employee shall take appropriate care that public confidence in his/her impartiality is not harmed by his/her political activities.

(2) In performing his/her public duties, an employee shall not abide by his political beliefs or follow a political guidance

**Response to illegal offers**

**Article 17**

If an employee is offered a gift, hospitality or another advantage in connection with his/her public service, s/he shall take the following steps:
- Refuse the unlawful offer, make a report in writing and inform thereof his/her superior or the authorities responsible for the misconduct in question.
- Report the individual making the offer and avoid any contact with that person.
- If the gift cannot be returned to sender, it should be given to the competent authority with an official statement.
- Deliberate impartially in the matter involving the unlawful offer.

**Gifts**

**Article 18**

Employee shall not be allowed to seek or accept, or allow a third person to accept or give on his/her behalf money, gifts, favors, hospitality or any other advantage for himself/herself or others, that are related to his/her public service.

**Use of Public Funds and Discharge of Duties**

**Article 19**

(1) In performing his/her tasks, an employee shall refrain from any mishandling of funds.
(2) Employee shall exercise due care that the funds entrusted to him/her will be put to proper use only, and that all tasks are performed in accordance with the principles of effectiveness, efficiency and economy.
(3) Employee shall refrain from doing anything that may cause public funds to be used for his/her personal purposes or personal purposes of the others.

**Misuse of Authority**

**Article 20**

(1) Employee in the course of his/her duties shall not offer or cause undue advantage to any individual, unless s/he is legally empowered so.
(2) Employee shall not be allowed to take advantage of his/her official position to exert undue influence upon any legal entity or person, including other employees, for the purpose of achieving a benefit for him/her or the others.

**Special Role of the Executives**

**Article 21**

(1) All executives in the municipal administration are responsible for ensuring that the employees perform their duties with due diligence and accountability and in accordance with the official policies of the local government.
(2) Executive shall be liable to take all necessary steps to prevent corruption in services and departments under his/her authority.
(3) Such measures include adoption and implementation of rules and instructions, proper training, recognition of the revealing signs of financial or other troubles upsetting an employee in his/her service, as well as giving a personal example to employees by conducting himself/herself in accordance with firm moral principles and personal integrity.

**Termination of Employment**

**Article 22**

(1) Employee shall not take advantage of his/her public position to obtain other employment.

(2) Employee shall not allow the prospect of other employment to create for him/her an actual, potential or apparent conflict of interest.

(3) In accordance with the law and for an appropriate period of time, a former public employee should not act for any individual or legal entity in respect of any matter s/he was involved with (or advised on) during his/her employment in public service, if that would result in a particular benefit to that individual or legal entity.

(4) A former employee shall refrain from using or disclosing any confidential information obtained in his/her former official capacity, unless allowed to do so by law.

**Complaints**

**Article 23**

(1) Anyone can file a complaint against an employee for violation of the Code.

(2) Complaint is filed in written form to the Ethical Committee.

(3) Applicant shall be informed about consequences of the process taken by his/her complaint.

**Violation of the Code**

**Article 24**

Employee shall be disciplinary responsible for violation of standards and rules of the Code in accordance with law and other regulations.

**Ethical Committee**

**Article 25**

(1) Ethical Committee shall be founded for monitoring of the implementation of this Code.

(2) The Municipal Assembly shall closer determine the rights and obligations, composition, way of function and decision making and other issues of importance for operation of the Ethical Committee.
Introduction of employees

Article 26

(1) Employee shall undertake to familiarize himself/herself with the provisions of this Code and shall state in writing that s/he will comply with said provisions in performance of his/her function.

(2) Statement shall be signed in two copies of which one is deposit in personal file, and the other is delivered to the Ethical Committee.

Publication

Article 27

Code shall be published in the “Gazette of Montenegro – Municipal Regulations”, on advertising boards in local government departments and on web page of the local self-government unit.