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Codes of Ethics

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CODES OF ETHICS

The role model provided by ethical political and public service leaders is an important influence on the ethical standards and behavior of public servants. However, *codes of ethics* can be an effective supplement to ethical leadership and a valuable means by which leaders can foster ethical conduct. It is essential to begin with some basic distinctions.

Definitions

A code of ethics can be succinctly defined as a written statement of principles or standards of right conduct. Codes of ethics can also contain values, rules and guidelines.

Although a distinction is often made between law and ethics, with ethics providing guidance in "the grey area" not covered by law, many codes contain, or make reference to, specific legal provisions governing right conduct. Indeed, some ethics codes are enshrined in statute. Note also that there are many ethics "rules" that can be found outside ethics codes in such instruments as statutes, regulations and guidelines.

The term code of ethics is often used interchangeably with the terms *code of conduct* and *statement of values*. However, codes of conduct tend to prescribe, sometimes in great detail, what constitutes good behavior and may include rules on such non-ethical matters as proper dress in the workplace. In contrast, codes of ethics tend to be less prescriptive and to provide guiding principles and standards for right conduct. In that respect, ethics codes are similar to *statements of values* that highlight such broad concepts as integrity, honesty, fairness and accountability as the foundation for more specific principles and standards on such ethical issues as conflict of interest.

Form and Content of Codes of Ethics

The variety of *forms* that ethics codes can take can be depicted along a continuum, running from a very broad statement of values or principles (The Ten Commandments Approach) to the provision of very specific rules that provide for every possible contingency (the Justinian Code Approach).

Another way of explaining the forms that ethics codes can take is to think of a continuum running from an *integrity-based*, or *values-based*, approach to a *compliance-based* one. The former (e.g. Canada, New Zealand) emphasizes overall aspirational values and focuses on encouraging good behavior rather than policing errors and punishing bad behavior. The latter approach (e.g. United States, Mexico) focuses more on wrongdoing by requiring strict adherence to administrative procedures and rules, often contained in legislation that prescribes what public servants should or should not do. An increasingly popular option is to combine both approaches by setting out core public service values as a foundation for providing ethics rules based on those values.

While there is considerable variety in the *content* of codes of ethics, most of them cover such matters as

- variations of conflict of interest (e.g. receiving gifts or benefits, using government property for personal purposes);
- violations of confidentiality or privacy;
- involvement in partisan politics;
- public criticism of government policies or personalities, and
- discrimination or harassment.

Benefits and Deficiencies of Ethics Codes

Among their benefits, codes of ethics can:

- provide, for both the public and public servants, a written statement of the ethical values, principles, standards and/or guidelines to which public servants are expected to adhere;
- bring together in one place ethics provisions that are scattered throughout various official government statutes, regulations, etc.;
- reduce the area of disagreement over what activities are ethically permissible or prohibited;
- provide a mechanism for resolving disagreements as to those activities that are ethical and those that are not;
- foster increased public trust and confidence in the integrity of public servants, and
- set out sanctions for violations of the code.

Among their deficiencies, codes of ethics may:

- not be comprehensive enough to cover every possible situation;
- contain provisions (e.g., disclosure of assets) that discourage unethical conduct by a few but that may impose onerous requirements on all public servants;
- impose restrictions on public servants' activities (e.g., on certain investments) that may discourage good people from entering government service;
- influence some public servants to act as if any activity that is not prohibited by the code is permissible, and
- be difficult to enforce.

Implementing Codes

Effective implementation of codes requires that their principles and standards be integrated into the day-to-day management and operations of the public service. Codes are only part, but an important part, of the overall ethical infrastructure (or "national integrity system") of a country that includes such measures as ethical leadership, ethics education and training, sound human resource practices, and special ethics offices.

Many codes of ethics make no provision for their enforcement. Codes that do contain enforcement measures must enable distinctions to be made between illegal and unethical conduct; provide a range of appropriate sanctions for ethical offences; and specify the body or bodies responsible for enforcement.

Finally, it is essential to tailor codes to the culture and conditions of each country. The nature and scope of ethical issues can vary substantially from one country to another and, in a broad sense, between developed and developing countries.

Readings

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