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Combating Corruption in Public Administration;

Information Leaflet for Employees of the State Administration

Circular from the Ministry of Finance (O 1559 A – 411)

dated 30 December 2010

What is corruption?

There is no legal definition of corruption. In everyday usage, it is used synonymously with bribery in the wider sense. In concrete terms, "corruption" can be said to represent certain patterns of behavior where office holders exploit their position and their authority to obtain for themselves material or other benefits. Care is taken to cover up such abuse in most cases. The most familiar forms of corruption offenses are giving and taking bribes, and the granting and acceptance of favors, which constitute serious failures to comply with official duties. There are also other forms of behavior that are not covered by criminal law that are also seen as failures to comply with official duties and which may result in the instigation of disciplinary measures or proceedings under labor law being initiated against the offender.

Which areas in particular are at risk?

Corruption can occur in all areas of administration. However, corruption is particularly likely to occur where outsiders can expect to reap valuable benefits through their actions. The risk of corruption is therefore particularly great in areas in which there is significant interaction between private business and public administration. This is specifically the case for organizations that

- Issue contracts
- Approve funding
- Decide on licenses, rules and bans
- Make other legal decisions
- Set or raise taxes, charges and other levies
- Exercise monitoring activities.

What leads to corruption?

Wide-scale corruption is not a phenomenon that appears suddenly and from nowhere. Corruption is usually a process that develops gradually over a long period of time, and in which people become involuntarily involved. One popular method employed involves the offer of so-called "ground bait" to attract potentially corruptible individuals. The objective is to form a connection that goes beyond a pure business relationship. At this early phase, official business is not relevant; the initial apparently harmless attention paid to you does not obligate you to do anything.

However, be aware of your situation and ask yourself the following questions:

- Will I be expected to do anything in return?
- Does what I am being offered represent a favor or preferential treatment that may not be completely legal?
- If I accept it, can I justify this to my superiors, the public or the courts?
- What consequences will there be for me?

What can I do to prevent corruption?

Your own behavior is very important. Be a role model. Make it clear through your actions that you will neither tolerate nor support corruption. Firmly refuse gifts or other favors (free benefits and services) and make reference to the current regulations (Section 42 BeamStG, Section 3 Para. 3 TV-L).

Note that any benefit can be considered "free" if a service is to be provided in return but this does not represent a reasonable return for the benefit. It is irrelevant whether the benefit is to you directly or only indirectly, e.g. benefits offered to members of your family or even colleagues at your place of work. Such benefits most commonly take the form of

- Cash payments
- The gifting of vouchers or items (e.g. machines, vehicles) for your personal use
- Particularly beneficial conditions for private transactions
- The awarding of discounts that are not normally given to your profession
- Payment for private secondary employments (even if these are approved), such as payment for the preparation of reports or accounts.
- Invitations to take part in private trips
- Hospitality
- Accommodation
- Other services.

Find out the maximum value of promotional gifts you are allowed to accept and obtain approval of your employer in case of doubt.

Be accountable and immediately inform your superiors if you become aware of facts that may represent a concrete indication of corruption. Do not cover up for corrupt colleagues out of a sense of solidarity or loyalty.

Every leading regional authority has set up an office for your business sector where you can directly report concrete suspicions of corruption. Your desire for confidentiality is respected. An appropriate decision will be made as to whether and what measures are to be implemented. However, it is important that you do not just voice your suspicions but also provide reliable evidence.

The state of Rhineland-Palatinate has its own trusted legal counsel. This legal counsel is independent of the administrative structure of the state and is obligated to maintain professional secrecy. You can obtain advice from this legal counsel free of charge. He will handle all information you provide in strictest confidence. Information will only be passed on to your department with your approval. It may also be passed anonymously.

By acting correctly, you can make a personal contribution towards stopping the spread of corruption. This is not only in your own interest, but also that of your colleagues, your employer, and the taxpayer. So here are a few more tips and ideas:

Make sure your working methods remain transparent!

Manage your workplace in such a way that your work and decisions can be reviewed at any time. Make sure your records are complete and up to date, so that you can provide reasons for your decisions and explain how and why you reached them. Always avoid keeping "backup" records so that you do not come under suspicion of dishonesty. Ensure traceability when issuing contracts and that decisions on making awards are verifiable. Always bring in a colleague to act as a witness in critical negotiations.

Keep your professional and private lives separate!

Do not give preferential treatment at work to relatives, friends or acquaintances. Recognize potential conflicts between your professional duties at work and your private interests or the interests of third parties that you may feel close to. Inform your supervisors so that they can take appropriate action and even release you from your duties if necessary.

Maintain discretion at work.

If you intend to take on a second job, contact your personnel department as secondary employment usually needs to be registered and approved.

Help uncover defective organizational structures!

The way that work processes are organized is a key factor in preventing corruption.

If you become aware of procedures or structures that could encourage corruption, contact your superior or those responsible for administration at your place of work and thus contribute towards the implementation of clear and transparent work processes.

Find out more about corruption!

If you work in an area that is susceptible to corruption, make use of the training opportunities that are available across the state. This will show you how you can prevent corruption and how you should react if someone tries to corrupt you or if you discover corruption.

Get more information!

If you are a higher grade employee and are offered benefits or gifts or if you are involved in issuing public contracts, familiarize yourself with the Administrative Regulations of the State Government Concerning the Prevention of Corruption in the Public Service dated 7 November 2000 (MinBl. 2001 p. 86) in the version published in the Administrative Regulations dated 26 October 2010 (MinBl. 2010 p. 209), see Ministry of Finance website (www.fm.rlp.de).