

# Setting employment arrangements in sub-national government administrations

Supporting Decentralization in Ukraine:  
Enhancing local civil service performance for  
effective public service delivery.

Session 1: Setting employment arrangements  
in sub-national government administrations

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# Challenges

- Devolution from central level to local level
- Transition from a central controlled system to real & sustainable autonomy at local level
- Vision, sponsorship and common values & principles
- Means & resources to execute and to preserve & sustain
- Can the Belgian case inspire?

# Belgium, a complex institutional constellation

- 1 Federal State & 5 Entities at the same institutional level (no hierarchy of legal norms)
- 7 executive bodies
- 7 legislative bodies exclusively competent for their competencies (*non homogeneous packages..*)
- 10 provinces
- 589 municipalities (-8 ° 01/2018)
- 11,5 millions inhabitants
- 5 linguistic regions
- 30,500km<sup>2</sup> (5% of Ukraine)

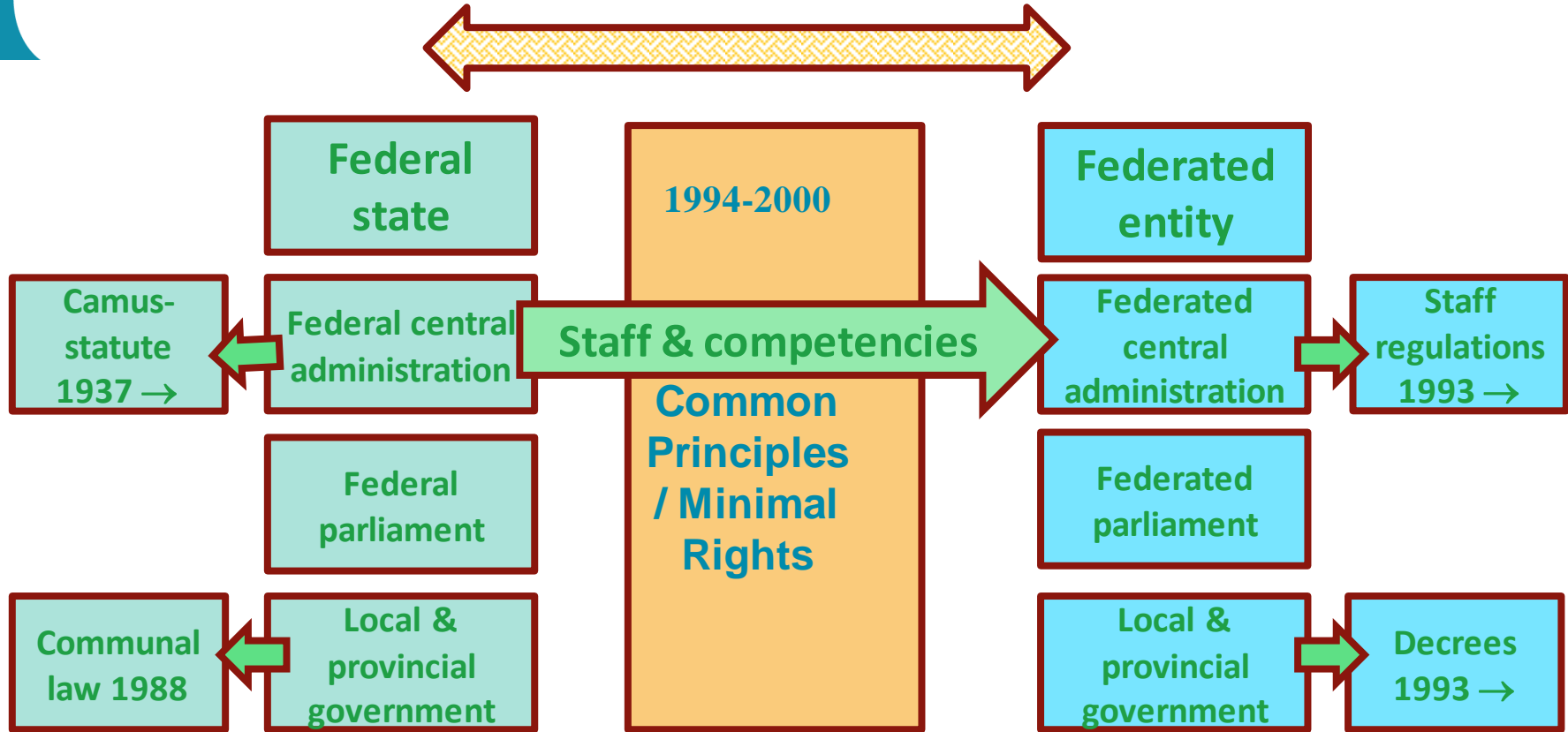
	1830 - 1970	1970	1980 -1988	1993	2001-2003	2011-2012
Centre of government	<ul style="list-style-type: none"> <li>Unitarian state</li> </ul> Core functions	<ul style="list-style-type: none"> <li>Unitarian state</li> <li>Cultural self-Determination (Cultural communities)</li> </ul>	<ul style="list-style-type: none"> <li>Unitarian state</li> <li>Regions</li> <li>Communities: own               <ul style="list-style-type: none"> <li>✓ competencies</li> <li>✓ government</li> <li>✓ administration</li> </ul> </li> </ul>	Federal state <ul style="list-style-type: none"> <li>No institutional hierarchy</li> </ul>		
Legislative power	<ul style="list-style-type: none"> <li>Bicameral</li> <li>Court of Auditors</li> </ul>		<ul style="list-style-type: none"> <li>Councils of community &amp; region +own</li> <li>constitutive power</li> </ul>	<ul style="list-style-type: none"> <li>Independent parliaments</li> <li>arbitration court</li> </ul>	arbitration = Constitutional Court	
Judicial power	<ul style="list-style-type: none"> <li>Cassation</li> <li>Appeal</li> <li>1<sup>st</sup> instance</li> </ul>					
Special bodies	<ul style="list-style-type: none"> <li>Army</li> <li>Council of State</li> <li>Public bodies public utility</li> </ul>				Federal police at 2 levels	
Decentral power centers	<ul style="list-style-type: none"> <li>Provinces</li> <li>Municipalities</li> <li>Cross local bodies</li> </ul>			Partial Regional supervision & regulation	Full Regional supervision & regulation	Decrease provincial competencies



# Transfer of competencies

- to analyze and if possible, to forecast & accept the political-administrative consequences of the institutional interpenetration.
- impact of economic development & policies upon politics: economic development triggers divergence in preferences and drive for decentralization.
- A change in the economy triggers regional political elites to shift their focus.
- In short, the differential income-basis within the country (in terms of depending on the dominance on internal & international trade) as well as the territorial differences in terms of overall income makes that the different regions increasingly tend to develop different political preferences when it comes to using the newly acquired competencies.

# Devolution: building separate regulatory framework



# Challenges for building separate regulatory frameworks

- 1993 :
  - Revalorization of the civil service by adapting staff regulations to enhance motivation, objectivization & accountability of both the organization and its' workforce
  - Creation of a healthy financial situation
  - Balanced compensation & benefits system
- What basic universal conditions in relation to workforce planning, organization & management, legal position & mandate system, assessment?
- Legal procedure to honor & enforce these arrangements?
- Translation into legal, binding & accepted texts at the level required?
- Role & importance of the unions & social concertation?
- Legal & practical competence for the competent authorities to honor these conventions?
- Transition period to correlate to the general basic conditions?

# Common basic rules & principles

## Royal Decree 22 December 2000

- Who's a civil servant in the strict sense of the word
- restricted exceptions to the rules
- Conditions to become a statutory civil servant
- Rights & obligations
- Recruitment & probation period
- Career
- Evaluation
- Management functions
- Disciplinary sanctions
- Suspension
- Administrative situations & legal consequences
- Loss of the quality of civil servant
- Pecuniary regulations (freedom....// economic strength...)

## Royal Decree 3 July 2005

- Maximum length of the working week
- Minimum days of annual holiday in relation to the age of the worker
- Maternity leave = active situation
- Calculation of the holiday bonus
- Guaranteed minimal monthly wage

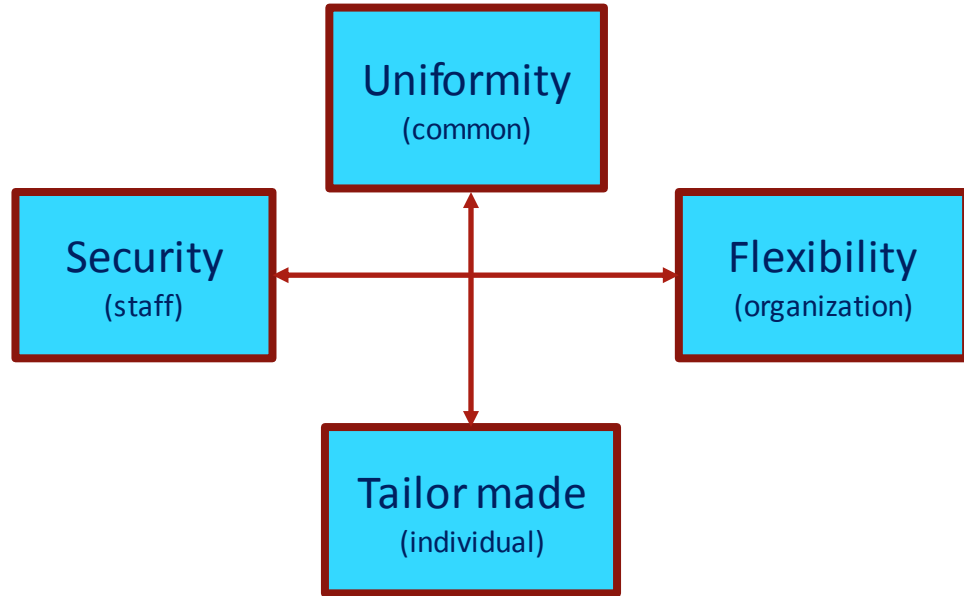


# Transfer of staff

- ✓ A typical case of change & project management
- ✓ Critical success factors:
  1. Implication
  2. Good technical preparation & formulation of the decision
  3. Clear political context as is & to be
  4. Define the goals & missions and the job content and impact on personal situation , assess and adapt if possible
  5. Transfer necessary capacity & resources
  6. Give time to time
  7. Administrative culture...
  8. Deal with the flaws

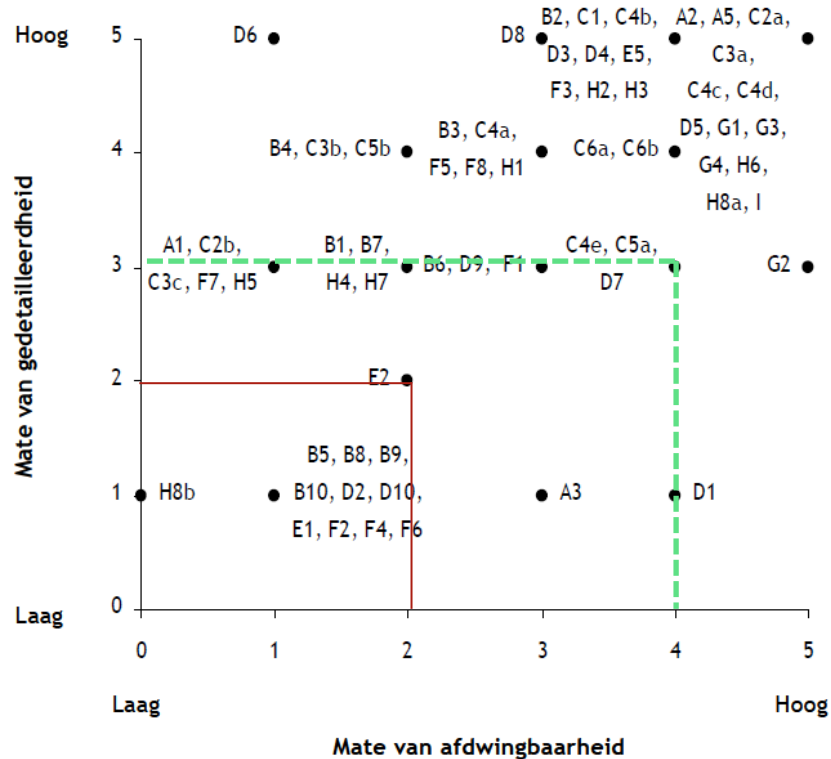
## Building separate rules

- Decentralization & (re-)centralization = push & pull in relation to the maturity & capacity
- What about local autonomy?
- Hypothesis: the more detailed rules are, the lesser autonomy for local authorities to execute those rules



# Evolution example 1: building staff regulations local governance (Flanders)

Figuur 5 - Algemeen (2008)



- Local autonomy is a basic principle
- Goal: to strive for an optimal equilibrium between administrative autonomy and administrative control & supervision.
- Most important criterion: the financial feasibility: local government must be able to sustain financially the shift.
- Plus: guarantee to respect the legal obligations
- Permanent assessment & adjustments if needed (or possible)

# Wallonia

- Wallonia also departed from the common rules as stipulated in slide 6.
- principle of local autonomy: it's up to local government to fix the contingency and the rules of their agents.
- a number of central rules and obligations govern the statute of the local civil servants, e.g. concerning the pensions, the involvement of the unions, labour related accidents, professional originated diseases, the disciplinary measures, pecuniary statute
- certain autonomy: tendency to be inspired by the dispositions governing the civil servants of the federal authority or the Walloon region.
- Any measure that has serious financial repercussions or implications and that has been introduced without any link to existing federal or regional rules, is met with caution.

# Forms of employment

- In principle: statutory (life long employment) as a rule or contract based as an exception
- Reality:
  - 35,2% Statutory (S)/ 64,8% contract based (C) (whole of public employment)
  - 77% S / 23% C(federal administration)
  - 56% S/ 44% C (Brussels Capital Region)
  - 32,2% S/ 66,8% C (Communes Flemish Region)
  - 37,3% S / 62,7% C (Flemish Region)
  - 70,7% S / 29,3% C (Flemish Education Staff)
  - 30,9% S /69,1% C (Walloon Region)

# Selection process: automated & objectivized

- SELOR & others (AGO,...)
- Statutory & contracted based staff
- Procedure:
  - Electronic inscription & uploading required attestations
  - Screening on CV (eliminary)
  - Computerized generic tests (eliminary)
  - Interview based on real life cases before a jury
  - Deliberation
  - Classification (merit based → prioritization/ranking)
  - Interview with the receiving administration (fit in or not)
  - Designation / contract

# Federal recruiting agency (SELOR)

1. The presence of a basis media mix for job openings who are not a bottleneck
  - Job posting on selor.be (on average 9.000 unique visitors daily , 35% of the visitors do it mobile)
  - Posting to our CV-database (approx. 270.000 ticket holders)
  - Through RSS on social media
  - Facebook: 42.216 fans
  - Twitter: : 3.315 followers
  - LinkedIn: 5.399 followers
2. When it concerns a bottleneck profession, the basis media mix is completed with the following channels:
  - Google advertising
  - Facebook advertising
  - Job postings on commercial jobsites
  - Other newspapers and/or magazines
  - Making movies on the subject
  - Job fairs
  - “guerrilla”
3. Provides also preliminary tests to prepare contestants for the generic tests



# Evolution example 2: selection of staff - Flanders

- Statutory vs. contractual recruitment and selection: matters into own hands
- Focus:
  - efficiency & efficacy
  - flexibility
  - more mobility among administrations
  - more quality & professionalism in the eyes of the citizen
  - taking into account recent trends & evolutions (economic evolution, shortages, ageing,..)
  - positive employer branding
  - competence based
  - specific rather than generic
  - subsidiarity

## Evolution example 2: selection of staff – procedure in local government (Flanders)

1. Function description
2. Salary scale
3. fixing the conditions for recruitment & promotion & the selection settlement
4. Declaring the function vacant & creating a selection reserve
5. Selection process
6. Composition of the selection commission.
7. Designation
8. Probation & swearing in
9. Incorporation in the reserve (if applicable)
10. Notification

# Wallonia & Brussels Capital Region

- The statutory selection is done by SELOR.
- Contract based staff are selected by the Walloon Region.
- Brussels Capital Region is working on a proper institution.