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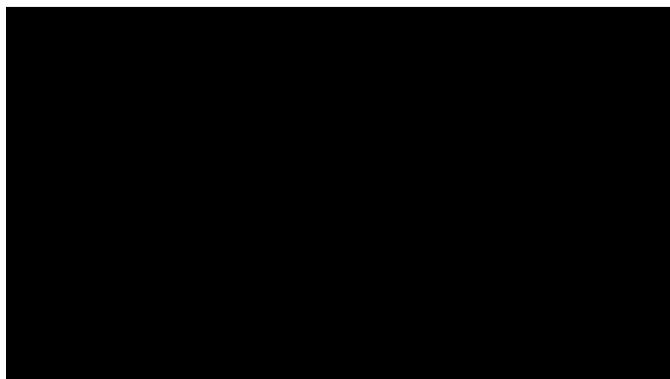
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ethics - *ethos*

The term 'ethics' is derived from the Greek word *ethos* which can mean *custom, habit, character or disposition*.

The concept of ethics has been defined as "the attempt to arrive at an understanding of the nature of human values, of how we ought to live, and of what constitutes right conduct."

The definition of ethics:

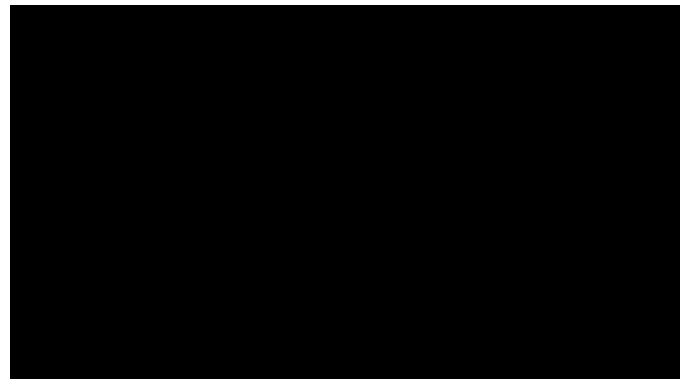
- the study or the science of morals; the branch of knowledge that deals with moral principles
- moral principles that govern a person's behaviour.

Morality is defined as "a sense of right and wrong", and being moral as "belonging or relating to the principles of good and evil, or right and wrong".

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integrity - *integritas*

The concept of integrity has been derived from the Latin "*integritas*" (wholeness). This suggests that for achieving integrity, something has to be whole, complete and undivided.

It is defined as **consistency between beliefs, decisions and actions, and continued adherence to values and principles.**

When someone is described as a person of integrity, the suggestion is that such a person is not corruptible as a result of the "**wholeness**" and "**connectedness**" of the **values and principles** that such a person subscribes to.

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The Key Principles

Ethics

Integrity

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ethics – *ethos*
integrity - *integritas*

Ethics are principles that guide behaviour.

Integrity suggests that we should carry out ethical principles in our daily lives and activities, rather than espousing an ideal and then doing something contradictory.

Ethics is understood to be a system of principles that guide how people make decisions and lead their lives.

In contrast to ethics, **integrity** is understood as a consistent application of ethical principles, particularly honesty.

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What Is a Code of Ethics?

A code of ethics is a guide of principles designed to help public servants or professionals to conduct business honestly and with integrity. A code of ethics document may outline the mission and values of the business or organization, how professionals are supposed to approach problems, the ethical principles based on the organization's core values, and the standards to which the professional is held.

What Is a Code of Conduct?

A code of conduct is a collection or set of principles, rules and policies about how employees can and cannot behave during working hours. A code of conduct is important in the workplace because it serves as a handbook on how employees act while performing their everyday tasks.

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Code of Ethics vs. Code of Conduct

A code of ethics is similar to a code of conduct.

Both are sets of professional standards to guide the behavior of an organization's members.

However, there are some subtle differences

A code of ethics is used to ensure that members have sound and unclouded judgment. Examples include the legal codes that prohibit lawyers from accepting cases where they have a conflict of interest or those that prevent brokers from trading against their clients.

A code of conduct, on the other hand, guides the specific actions of a company's employees. It may contain certain norms of professional responsibility, such as punctuality and accuracy.

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Organisational
&
Public

Integrity

Personal

Moral

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Moral Integrity

Moral integrity describes **adherence to moral values and principles**.

Moral integrity is **doing the right thing when no one is watching**.

We know what is right and wrong,
and we choose to do the right thing.

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Personal Integrity

Personal integrity refers to an individual being **committed** to personal values and principles.

Personal integrity is defined as **having strong morals or values and following those principles in both your words and actions**.

The concept of having integrity is really quite simple—living with integrity means you **uphold your values, no matter the situation or who is watching**.

An easy way to think about integrity is **matching up what you say with what you do**. For example, someone would show a lack of integrity if they say that honesty is one of their values but they're often dishonest or often don't share the entire truth with others.

You don't let others influence you easily, and you **stick to your principles** when it comes to what you want in life and the type of person you want to be.

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Organisational Integrity

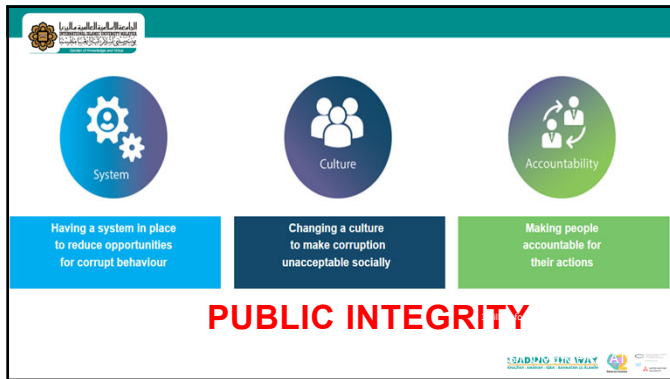
Integrity at the level of organizational structures and policies.

Organisational integrity refers to 'the ability of individual organisations to develop and implement an integrity management framework, and for employees to act in accordance with the values of the organization'.

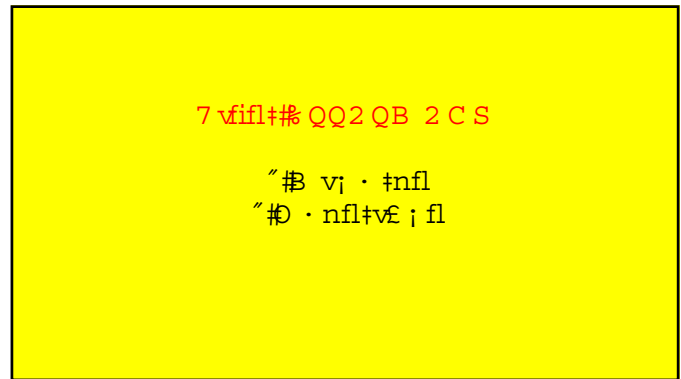
Organizational integrity refers to 'the ethical integrity of the individual actors, the ethical quality of their interaction as well as that of the dominating norms, activities, decision making procedures and results **within a given organization**'.

Anti-corruption culture

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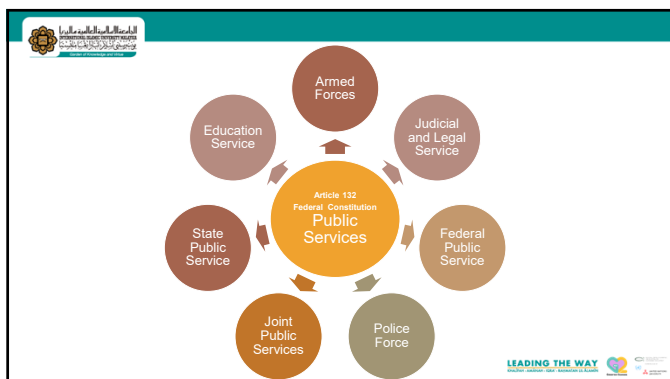
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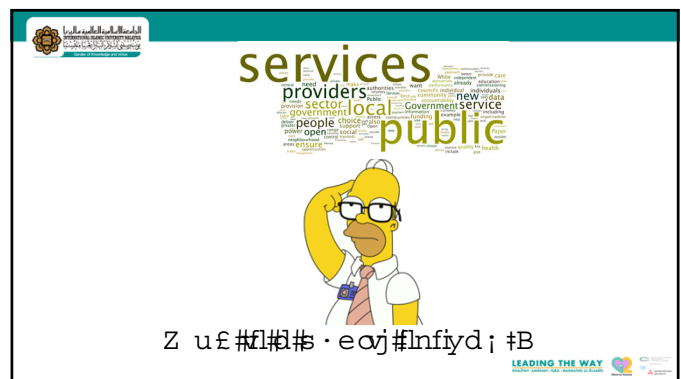
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Public Service/Public Sector	Private Sector
<p>The public sector is services and organizations owned and operated by the government.</p> <p>Public Sector encompasses institution, organization and department controlled, managed, and operated by the Government.</p> <p>The public service personnel comprise persons employed by public authorities at central, regional and local levels and include both civil servants and public employees.</p> <p>Public authorities must provide high-quality services to their citizens regardless of profit and benefit they receive.</p>	<p>Private Sector includes those companies, enterprises, or businesses that are owned by Private Individuals or Private Companies.</p> <p>The companies in the Private Sector are controlled, managed and operated by Private Individuals/Private Entities.</p> <p>In general, private sector organizations are companies that seek to earn a profit.</p>

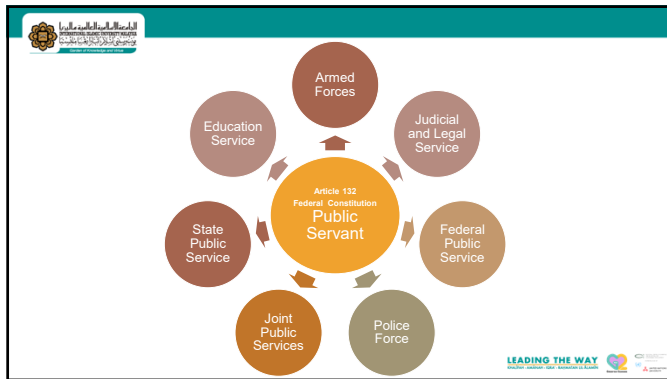
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Public Services - Public Servants
Doctrines Holding Office During the Pleasure

Federal Public Services	State Public Services
Article 132 (2) The qualifications for appointment and conditions of service of persons in the public services is regulated by federal law and by the Yang di-Pertuan Agong;	Article 132 (2) The qualifications for appointment and conditions of service of persons in the public service of any State is regulated by State law and by the Ruler or Yang di-Pertua Negeri of that State.
Article 132 (2A) A public servant in federal public services holds office during the pleasure of the Yang di-Pertuan Agong.	Article 132 (2A) A public servant in public service of a State holds office during the pleasure of the Ruler or Yang di-Pertua Negeri.

The English common law rule comprehensively expressed in the Latin expression "*durante bene placito*" (during pleasure) has been adopted in this country.
Art. 132(2A) has adopted the English common law that **every person who is a member of the public service of the Federal or of a State Government holds office during the pleasure of the Yang di-Pertuan Agong or the Ruler or Governor as the case may be.**
HAJI ARIFFIN v GOVERNMENT OF PAHANG [1969] 1 MLJ 6

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Public Services - Public Servants
Doctrines Holding Office During the Pleasure

A public servant holds office during the pleasure of **the Yang di-Pertuan Agong or the Ruler** and he can be dismissed from the service of **the Yang di-Pertuan Agong or the Ruler** at pleasure.

Even if there exists any special contract between the Crown and the civil servant concerned, **the Yang di-Pertuan Agong or the Ruler** is not bound by it.

The civil servant is liable to be dismissed without notice and they cannot claim damages for wrongful dismissal or immature termination of service.

The justification for the rule is that **the Yang di-Pertuan Agong or the Ruler** should not be bound to continue in public service any person whose conduct is not satisfactory.

This common law Doctrine is based on Public Policy.

The public policy is that a public servant whose continuance in office is not or is against the public interest must be relieved of it.

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Public Services - Public Servants
Constitutional Protection for Public Servant: Limitation to the Doctrine of Pleasure

Procedural Fairness

Federal Constitution

Article 135. Restriction on dismissal and reduction in rank.

(1) No member of any of the services mentioned in paragraphs (b) to (h) of Clause (1) of Article 132 shall be dismissed or reduced in rank by an authority subordinate to that which, at the time of the dismissal or reduction, has power to appoint a member of that service of equal rank:

.....

(2) No member of such a service as aforesaid shall be dismissed or reduced in rank without being given a reasonable opportunity of being heard:

.....

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AN OVERVIEW

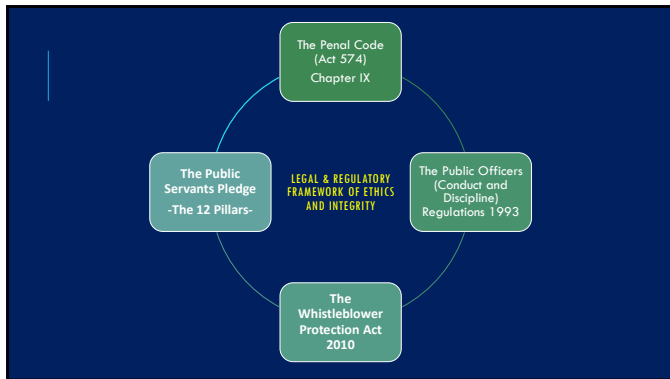
MALAYSIA'S
ETHICS INITIATIVES AND
LEGAL FRAMEWORK

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PUBLIC ADMINISTRATION IS NOT ONLY CONCERNED ABOUT THE **EFFICIENCY** AND **EFFECTIVENESS** OF PUBLIC SERVICE BUT ALSO THE **ETHICAL CONDUCT** OF THE PUBLIC SERVICE.

'Integrity of the Public Service' Report The Corruption Prevention Ordinance 1950	The Corruption Prevention Act 1961 The Anti-Corruption Agency (ACA) - 1967 National Investigation Bureau (NIB) - 1973	The Anti-Corruption Act 1982 The Anti-Corruption Agency (ACA) - 1982 Malaysian Anti-Corruption Commission (MACC) - 2009
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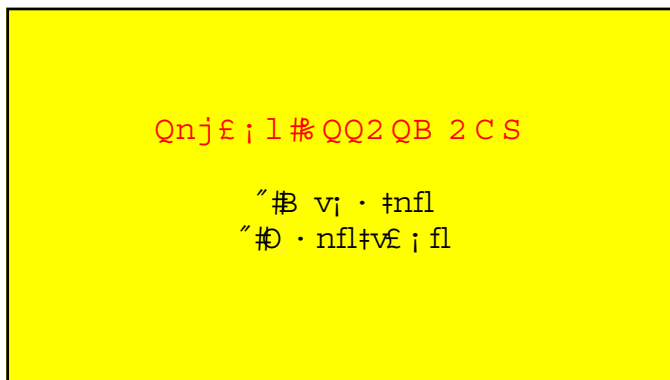
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Table 1: Malaysian ethics initiatives

Initiative	Year introduced
Work Ethics	1981
Look East Policy	1982
Instilling the Islamic values in service	1985
Excellent work culture	1989
12 Pillar	1992
The Values Program	2000
National Integrity Plan	2004
Government Transformation Program	2010
Public Service Ethos	2012

INSTITUT INTEGRITI MALAYSIA (IIM) - 2004

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KEY PRINCIPLES OF ETHICS AND INTEGRITY

- A. Importance of the Key Principles
- B. Principles on Ethics and Integrity of Public Services
- C. Implementing Key Principles
- D. Breaches of Key Principles
- E. Strategies in Achieving Key Principles

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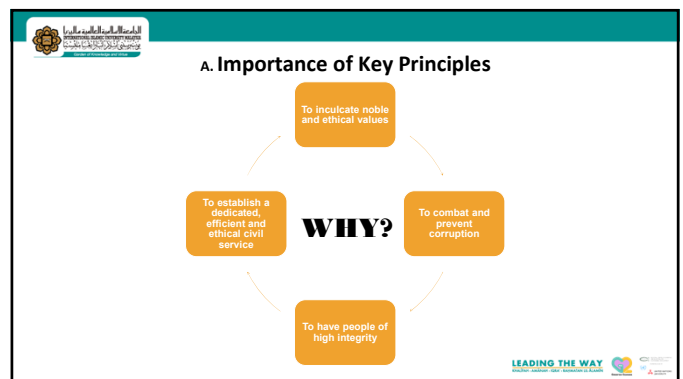
The Key Principles

Ethics

Integrity

LEADING THE WAY

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B. Principles on Ethics and Integrity of Public Services

The civil service, which serves the government & the people, is governed by the following principles:

Fairness. Impartial. Independent

- Serves without fear or favour
- Free from political or partisan standing
- Make decisions and act in a fair and equitable manner, without bias or prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.

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B. Principles on Ethics and Integrity of Public Services

Responsiveness. Serving the public interest. Dignity of individual

- Serve the interests and needs of the Government and all citizens, with
- Customers/The public are to be treated humanely; with respect, patience, diligence, care, and courtesy
- Maintain and strengthen the public's trust and confidence in government, by demonstrating the highest standards of professional competence, efficiency and effectiveness.
- Avoid waste and extravagance in expenditure and the use of public asset

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B. Principles on Ethics and Integrity of Public Services

Accountability, Responsibility & Transparency

- Use powers and resources for public good, under government policy
- Accountable for the decisions made, and prepared to justify the actions.
- Decisions made by civil servants and public officials should be made as transparent and open as possible that include providing reasons for official decisions.

Legitimacy

- Civil servants and public officials are required to administer the laws, and to exercise administrative power on behalf of the Government, or the Parliament, or other such authority.

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B. Principles on Ethics and Integrity of Public Services

Complaint Mechanism

- Availability of complaints mechanism for failure to perform and to receive appropriate remedies.

Control over Maladministration & Abuse of Power

- 'Maladministration' refers to the making of an official decision in a manner which is contrary to law, arbitrary, unreasonable, without proper justification, lacking in procedural fairness, or made without due consideration of the merits of the matter, or made corruptly.
- Law against Corruption & Anti-Corruption Agency

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C. Implementing Key Principles

In order to implement the principles, we have to ensure that that **civil servants**

- know the standards** that are expected of them by the stakeholders, and
- are capable of identifying key ethical problems.**

Code of conduct ensures that the minimum of ethical & moral values are observed.

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D. Challenges in Implementing Key Principles

Individual employee needs to equip oneself with the knowledge on procedures and policies addressing integrity with each organization.

Integrity normally requires sacrifices often at the expense of personal interest.

To uphold integrity is not easy because of the various challenges to overcome such as:

- Condoning of misconduct by supervisors
- Varying work process and procedures
- Varying standards of enforcement of rules
- Unavailability of witnesses
- Insufficient evidence

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D. Challenges in Implementing Key Principles

Causes of Breach of Integrity

- Dishonest and acting without integrity
- Acting without integrity without being dishonest
- Losing control out of spite, or uncontrollable action
- Not able to accept reality that he/she is wrong, denial syndrome
- Acting out of self-interest
- Failure to admit his/her shortcoming
- Not telling the truth even though he/she has discovered the truth
- Lack of good work culture, the day to day aspect of personal integrity

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D. Decision-Making: The Ethical Way

Ask yourself the questions and your answers will become a guide to your decision:

- 1. The Legal Requirements**
 - Is my decision/action in keeping with the law?
- 2. Spiritual/Religious Convictions**
 - Is my decision/action conforming to spiritual and religious convictions?
- 3. The Policy Requirements/Employer's Code of Ethics**
 - Does my decision or action conform with the Institution's policies, procedures and codes of practice?

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D. Decision-Making: The Ethical Way

- 4. Personal Conscience**
 - Does my decision or action conflict with or jeopardize my personal values and beliefs?
- 5. Personal Interest/Self-interest**
 - Is my decision/action influenced by my own self-interest? Do I have a vested interest in the outcome?
- 6. The Welfare of Stakeholders/the Greatest Good**
 - Does my decision/action cause harm to the welfare of stakeholders and others? Is it beneficial to their welfare?

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E. Strategies in Achieving Key Principles

The Punitive Strategy	The Preventive Strategy	The Community Strategy
a. Detection of Suspected Offences b. Investigation of Breach of Integrity Cases c. Prosecution of Offender	a. Detection of Loopholes b. Breach of Integrity c. Prevention Advice	a. Training and Education against Breaches b. Fostering Public Support in Combating Breaches of Integrity

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