



Prime Minister of Sint Maarten
Her Excellency Silveria E. Jacobs
Souliga Road 1
Philipsburg, Sint Maarten

Ref. no.: IC-GEN/21.020

Subject: Advice on Implementation of the Civil Servant Code of Conduct

Philipsburg, July 21, 2021

Your Excellency,

Pursuant to Article 16, first paragraph of the *National Ordinance Integrity Chamber*, the Integrity Chamber is tasked with giving advice and making proposals on policies to generally improve integrity throughout government and its entities.

Introduction

The necessity for a Code of Conduct for the employees of the Government of Sint Maarten finds its basis in Article 44, second paragraph, and Article 83a, under c, of the *National Ordinance Substantive Civil Servants Law* (LMA). Within these provisions, it states that the Minister of General Affairs, or other competent authority, are responsible for the establishment of a code of conduct for civil servants.

Currently, there is no (general) Code of Conduct that is being applied to all civil servants within Government. However, it has been brought to the attention of the Integrity Chamber that the "*Gedragscode overheidsdienaren 2019*" (hereafter: the Code of Conduct), was prepared by National Decree (LB-19/0163, dated May 29, 2019), signed by the Governor and the Minister of General Affairs, and is awaiting implementation. It is not clear why the Code of Conduct has not been implemented.

A Code of Conduct guides employee conduct and plays a role in preventing conflicts and other integrity-related issues within the organisation. It also plays an integral role in ensuring ethical decision-making, while working as a communication tool that provides internal and external stakeholders with the prevailing rules, norms, and values of the organisation.

Advice

Based on the above, the Integrity Chamber advises the prompt implementation of the Code of Conduct. When implementing the Code of Conduct, the following should be taken into consideration.

The Code of Conduct should be properly embedded into the organisational structure of the administrative body. This can be achieved by:

- Making it accessible by distributing the Code of Conduct to all employees and ensuring that new employees are also provided with the Code of Conduct.
- Informative sessions for management in which the content of the Code of Conduct and the manner in which it should be enforced is thoroughly communicated. Management should be coached on the practicality and enforcement of, and compliance with the Code of Conduct (train-the-trainer concept).
- Informative sessions for employees in which the content of the Code of Conduct is explained, and questions can be answered. The expected behaviours and possible consequences in cases of non-compliance should be clearly communicated to avoid misunderstandings.
- Ensure continued awareness about the Code of Conduct with internal and external awareness campaigns informing the employees and the public of their respective roles and responsibilities.
- Periodically discuss expectations, rules, norms, and values making use of practical examples.

Evaluation

In an effort not to delay the implementation, the Integrity Chamber has opted not to advise on the content of the Code of Conduct. However, the Integrity Chamber advises that after the initial implementation, the Code of Conduct is evaluated on its effectiveness, its limitations and whether the goals and objectives of the Code of Conduct have been met. This can be achieved by:

- Obtaining feedback from the various stakeholders on the practical execution of the Code of Conduct.
- Observing and registering integrity risks and monitoring cases of non-compliance for the purpose of addressing these cases within the Code of Conduct.
- Discussing organisational values that have not been addressed within the Code of Conduct.

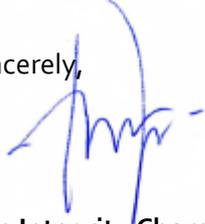
The Integrity Chamber can play a role in the evaluation and, if necessary, the revision of the Code of Conduct.

The Integrity Chamber advises on the above-mentioned approach for the efficient implementation of the Code of Conduct. Embedding the Code into the organisation, creating awareness, and evaluating the Code of Conduct after implementation, will help to improve integrity within the civil service of the Government of Sint Maarten.

You are requested to provide a motivated response to this advice within six (6) weeks of the date of this letter. A copy of this advice will be submitted to Parliament, in accordance with article 18 of the National Ordinance Integrity Chamber, and published in the National Gazette. The written response to this advice will also be published in the National Gazette.

The Integrity Chamber will follow-up on the implementation of this advice.

Sincerely,

A handwritten signature in blue ink, appearing to be 'H.W. Vogels', written over a faint blue circular stamp or watermark.

The Integrity Chamber

H.W. Vogels, President

R.A. Boasman

H.R. Lodder

CC: Parliament of Sint Maarten