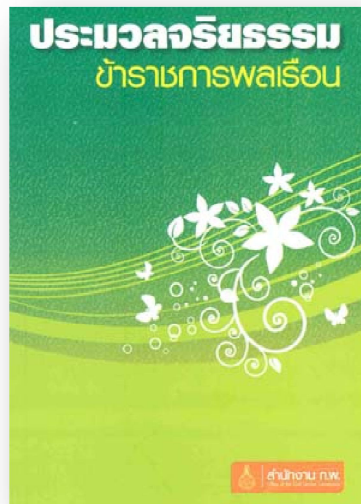


Translation

Civil Service Code of Ethics



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Translation

Civil Service Code of Ethics

Preamble

Whereas section 279 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) provides that ethical standards of holders of political positions, government officials or various categories of state officials shall be as stipulated by codes of ethics, the provisions of which shall provide for a mechanism and operational system to ensure efficient enforcement, as well as procedures for imposing sanctions commensurate to the severity of actions, based on the underlying principle that failure to comply with ethical standards shall be deemed as a disciplinary offence.

The CSC^{*}, in its capacity as the central personnel administration agency for civil servants, has undertaken careful deliberations and determined that all civil servant positions are under an obligation to act in such a way as to ensure that public administration within one's responsibility confers the greatest benefit to society. Hence, when exercising powers to complete one's assigned responsibilities, all civil servants must commit themselves to virtue in order to act appropriately pursuant to common and individual benefits, and adhere themselves to morality that dictates which conducts should be avoided due to common and individual harms. These components constitute ethics for the civil service, or honourable conduct apt for civil servants.

Section 280 provides that the Ombudsman shall have the power and duty to give suggestions or advice on the preparation or revision of the code of ethics under section 279 and to promote the ethical conscience of holders of political positions, government officials and state officials, as well as the duty to report acts in violation of the code of ethics to enable the authority in charge of enforcing the code of ethics to ensure compliance with the code of ethics under section 279.

* The Civil Service Commission

Therefore, civil servants in all offices are under an obligation to act in accordance with the law in order to preserve common and national interests, maintain political impartiality, afford convenience and provide public services pursuant to good governance principles. The 9 core values of holders of political positions and state official ethical standards expressed by the Office of the Ombudsman which must be upheld are as follows:

- (1) commitment to virtue and ethics;
- (2) having a good conscience, honesty, integrity and responsibility;
- (3) acting in pursuance of national interests above personal interests and eliminating any conflict of interests;
- (4) resolute determination to act properly, fairly and lawfully;
- (5) provision of expeditious, courteous and indiscriminate public services;
- (6) disclosure of complete, accurate and undistorted information to the public;
- (7) aiming to achieve outcomes, maintaining standard, quality, transparency and accountability;
- (8) adherence to the democratic form of government with the King as head of state;
- (9) observance of professional codes of conduct of the organisation.

In pursuance of section 279 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) in conjunction with the core values of holders of political positions and state officials in the advice given by the Ombudsman to various agencies, the CSC by the approval of the Council of Ministers therefore prescribes ethical standards in the form of a Civil Service Code of Ethics to instil a thoughtful conscience and righteousness in the performance of duties, to uphold honour and dignity of government officials deserving of trust and confidence from the public, and to conduct oneself in an exemplary manner worthy of an official serving under His Majesty the King, the exemplar of highest ethics, which shall apply as a common standard, as follows:

Chapter 1

General Provisions

Article 1. This Civil Service Code of Ethics shall come into force upon the expiration of ninety days as from the date of its publication in the Government Gazette[†].

Article 2. In this Civil Service Code of Ethics:

“Code of Ethics” means this Civil Service Code of Ethics;

“government official” means a civil servant, government employee or worker engaged in the civil service;

“head of a government agency” includes a provincial governor in the case of a provincial administration official;

“ethics committee” means an ethics committee of a government agency;

“gift” means a gift pursuant to the organic law on anti-corruption or law relating to conflicts of personal and common interests.

Chapter 2

Civil Service Ethics

Article 3. A government official must adhere to ethics and be resolute in acting rightfully and fairly, and shall at a minimum comport oneself as follows:

(1) Comply with the Code of Ethics in a candid manner and not circumvent this Code of Ethics. In the case of doubt or objection that any act of a government official might be inconsistent with this Code of Ethics, the government official must not commit such act, or if the act is in progress, he/she shall cease the act and refer the matter to the ethics committee. In the case where the ethics committee finds

[†]Published in the Government Gazette, Vol. 126, Part 162d, page 73, dated 9th November B.E. 2552 (2009).

that the act is inconsistent with the Code of Ethics, the government official shall not perform the act.

(2) Upon knowledge or witnessing of a violation of this Code of Ethics, a government official is under a duty to immediately report such violation along with evidence (if any) to the head of a government agency and/or the ethics committee.

In the case where a violation is committed by a head of a government agency the report must be submitted to the Permanent Secretary or a higher superior official of the head of a government agency as the case may be, and/or the ethics committee.

(3) A report of positions held, with or without remuneration, in a juristic person which is not a government agency, state enterprise, public organisation, local administration, other state agency and enterprise in which the state is a majority shareholder, must be submitted to the head of a government agency and ethics committee where such position may conflict with the performance of duties or be detrimental to the performance of duties.

The provisions of this article shall apply to the act of being an employee, contractor, agent, broker and other comparable forms of legal relationship.

(4) In the case where a government official attends a meeting and witnesses an act described under (2) of this article, or a matter described under (2) of this article has been proposed, the government official must object to such act and record one's objection in the minutes of the meeting or on such matter, as the case may be.

Article 4. A government official must have a good conscience, be responsible for duties, and also show sacrifice and perform duties expeditiously, transparently and accountably, and shall at a minimum comport oneself as follows:

(1) Devote oneself to the prudent performance of duties to the best of one's ability. In the case where a government official is required to perform other state duties, such performance shall not cause detriment to his/her primary functions.

(2) Avoid all acts which would be detrimental to one's official functions or other government officials as well as refrain from wrongfully interfering or intervening in the performance of duties by other government officials.

(3) Exercise discretion and reach decisions in the performance of duties by relying on knowledge and ability pursuant to professional standards in a straightforward manner, free from any prejudice, in accordance with evidence and suitability in each case.

(4) Upon an error in the performance of duties, remedial action shall be taken immediately and the head of a government agency shall forthwith be informed.

(5) Inspections carried out by an agency tasked with inspection duties by law, or by the public, shall not be obstructed. Cooperation shall be extended to agencies having inspection duties by law or the public undertaking inspections. True and complete data shall be provided upon request for inspection.

(6) An official order which could have a detrimental impact on the government service shall not be issued verbally. In the case of a verbal official order on such a matter, the subordinate official shall record the matter in writing pursuant to the order for further deliberation by the order issuer.

Article 5. A government official shall differentiate personal matters from official functions and give priority to the common interests of the nation above one's own personal interests. At a minimum, a government official shall comport oneself as follows:

(1) Not allow personal relationships with other persons, whether as a relative, associate, friend or benefactor, to influence the exercise of discretion in favour of or to the detriment of such person, or to give discriminatory treatment to such person due to an affection or hatred.

(2) Not expend official time, money, property, personnel, services or facilities for the interests of oneself or others, unless duly authorised by law.

(3) Refrain from any act or holding any office or performing any act in one's personal capacity which could cause suspicion or doubt of a conflict with common interests within one's official responsibilities.

In a case of suspicion or doubt, the government official shall cease such action and notify a superior official, head of a government agency and ethics committee for consideration. Upon a decision by the ethics committee, the government official shall act accordingly.

(4) When performing a duty under one's direct responsibility or other duties in the government service, state enterprise, public organisation or state agency, a government official shall principally adhere to the interests of the official service. In the case of a conflict of interests between the interest of the official service or common interest and personal interest or group interest which necessarily requires a decision or ruling, the official interest or common interest shall primarily be upheld.

Article 6. A government official shall refrain from exploiting wrongful gains from one's position and shall not commit an act which constitutes a conflict between personal and common interests. At a minimum, a government official shall comport oneself as follows:

(1) Not demand, receive or accept, or condone to the demand, receipt or acceptance by others of a gift for oneself or one's relative, regardless of whether such gift is given before or after holding office or performing a duty, and regardless of whether or not there is any relevance to the performance of one's duties, except where the gift is given pursuant to moral etiquette, or pursuant to tradition, or to persons generally.

(2) Not use one's position or perform an act in favour of or detrimental to any person because of a prejudice.

(3) Not propose or approve a project, action or legal transaction or contract which one or another person would benefit in any way which is contrary to the law or this Code of Ethics.

Article 7. A government official must observe and comply with the Constitution and all laws in a candid manner, and shall at a minimum comport oneself as follows:

(1) Not violate the Constitution, laws, regulations, rules or lawful resolutions of the Council of Ministers. In the case of doubt or question on the rightfulness of an act under the Constitution, law, regulation, rule or lawful resolution of the Council of Ministers, a government official must notify the head of a government agency and ethics committee for consideration and may proceed with the action only upon final decision by the authorised agency.

(2) Upon finding that an order issued by a superior official or any action with which one is involved is wrongful under the Constitution, law, regulation or rule, a written objection must be given.

(3) Upon finding that a resolution of the Council of Ministers is unlawful, the matter shall be raised with the head of a government agency for consideration and referred to the Secretariat of the Cabinet for legal resolution.

(4) The law shall not be circumvented. Neither shall gaps in the law within one's responsibility be exploited nor advice given on the exploitation there of for the benefit of oneself or others, and such gap shall be remedied without delay.

(5) One shall not allow another person to rely on one's name to hold property, right or other benefit on behalf of another person as a means of circumventing the law, or to use the name of another person to hold such item on behalf of oneself to conceal one's property.

(6) Upon knowledge of an infringement or non-compliance with a law in one's government agency, the head of a government agency must take necessary action to secure legal conformity without delay.

(7) Upon receiving a notice or advice from the Ombudsman or other agency that a law, regulation or rule within the responsibility of one's agency causes undue burden on the public or causes unfairness, a revision of the law, regulation or rule must be conducted without delay.

Article 8. A government official must perform duties fairly and with political impartiality. Services shall be provided to the public in a courteous manner without unfair discrimination. At a minimum, a government official must comport oneself as follows:

(1) Complete the performance of a duty without avoiding, neglecting or omitting the exercise of powers beyond the limits set by law.

(2) Perform duties or take other action with due regard for human dignity and the rights and liberties of a person, and refrain from acting in a way which would prejudice the rights and liberties of a person or create a burden or duty on a person without lawful authority.

(3) Provide services and facilitation to the public in a courteous manner, free from prejudice and unfair discrimination against a contacting person on the basis of

origin, race, language, gender, age, disability, physical or health condition, personal, economic or social status, religious belief, education, training or political views which are not unconstitutional, except for actions taken pursuant to measures prescribed by the state to eliminate obstacles or to promote the accessibility of a person to rights and liberties on an equitable basis, or a discrimination which is reasonable, fair and generally acceptable.

(4) Refrain from giving interviews, debates, speeches, lectures or criticisms which prejudices political impartiality, except for expressions of academic opinions in accordance with academic principles.

(5) Not confer special benefits upon a relative, associate, friend or benefactor, and duties must be performed fairly without preferential treatment to any person.

(6) Not reproduce or plagiarise the works of other persons without reference to the sources of such works.

Article 9. A government official must strictly and expeditiously comply with the law on official information without any undue delays and official information obtained from operations shall only be used to perform duties. Information shall be provided to the public in a complete, accurate and timely manner with no distortion of facts. At a minimum, a government official shall comport oneself as follows:

(1) Not use information obtained from operations for other purposes unrelated to the performance of duties, in particular to obtain benefits for oneself or others.

(2) Give an explanation along with true and complete reasons for actions which affect the rights and liberties of others, denial of permission or authorisation pursuant to a person's application, or as requested by a person pursuant to a law, except for actions excluded by the Administrative Procedures Committee under the law on administrative procedures. In any event, requests must be processed within fifteen official days as from the action or receipt of request.

Article 10. A government official must strive to achieve outcomes, strictly maintain quality and professional standards. At a minimum, a government official shall comport oneself as follows:

(1) Perform works by striving to achieve the greatest efficiency and effectiveness pursuant to one's full potential.

(2) Utilise budgets, properties, rights and benefits provided by the official service sparingly, economically and not wastefully.

(3) Apply knowledge and competencies prudently to the performance of duties in strict conformity to professional quality and standards.

Article 11. A government official must strictly adhere to the democratic form of government with the King as head of state. At a minimum, a government official shall comport oneself as follows:

(1) Not express dissent towards the democratic form of government with the King as head of state or support the adoption of another form of government which is not headed by the King in Thailand.

(2) Remain loyal to the King and not violate the King, Queen and heir to the throne, whether physically or verbally.

Article 12. A government official must behave as a good role model and maintain the reputation and image of the official service as a whole. At a minimum, a government official shall comport oneself as follows:

(1) Not violate the fundamental principles of morality, religion and tradition. In the case of a conflict between this Code of Ethics and a fundamental principle of morality, religion or tradition, a government official must submit the matter to the ethics committee for deliberation.

(2) A head of a government agency and superior officials at all levels in a government agency must administer subordinate officials fairly, without regard for relationships or personal favours, and control strict compliance of the Code of Ethics by subordinate officials.

(3) A head of a government agency and superior officials at all levels in a government agency must support, promote and give recognition to subordinate officials who are honest, have outstanding work performance, are knowledgeable, competent and diligent, without favouritism and in adherence to the merits system.

(4) Not perform any act which could be detrimental to and cause distrust in the government agency or official service as a whole.

Chapter 3

Mechanisms and Systems for Enforcement of the Code of Ethics

Part 1

Ethics Protection Body

Article 13. The CSC has supervisory duties to ensure comprehensive and earnest compliance with the Code of Ethics. In particular, the CSC has the following powers and duties:

(1) To issue rules governing all necessary aspects concerning the enforcement of the Code of Ethics.

(2) To protect and guarantee the independence and fairness of the ethics committee and the ethics protection section.

(3) To protect government officials who have candidly complied with the Code of Ethics from the unfair exercise of powers by a superior official against such government official.

(4) To publicise and instil an ethical conscience on a wide scale basis amongst government officials and the public.

(5) To promote and show recognition for government agencies, head of agencies, superior officials and government officials who comply with the Code of Ethics earnestly.

(6) To monitor and conduct surveillance on the enforcement and compliance with this Code of Ethics. In the case of an ethical violation and whilst no action has been taken, the CSC may adopt a resolution to direct the head of the violating government official's agency to comply with the Code of Ethics.

(7) To coordinate with the Ombudsman to ensure that compliance with the core values for holders of political positions and state officials, as well as this Code of Ethics, are truly effective, efficient and comprehensive.

(8) To assess compliance with this Code of Ethics by heads of agencies, ethics committees and all government officials, and to submit an annual report to the Council of Ministers and Ombudsman before dissemination to the public.

(9) To interpret and adjudicate on questions arising from this Code of Ethics.

(10) To consolidate interpretations and decisions on questions arising from this Code of Ethics every year and to disseminate such information to government officials for observance and as a guideline for subsequent practice.

(11) To review the need for amending this Code of Ethics every four years.

(12) To take other actions pursuant to this Code of Ethics or as agreed with the Ombudsman.

Article 14. The CSC, upon proposal by a head of a government agency shall appoint an ethics committee for a government agency to control and supervise compliance of this Code of Ethics.

An ethics committee shall comprise:

(1) A chairperson as nominated by the head of a government agency from external qualified persons with evident integrity with the approval of the CSC.

(2) Two members elected by and amongst those holding executive or managerial positions.

(3) Two members who are government officials in the government agency selected from government officials, government employees and workers of such government agency in accordance with procedures deemed appropriate by each government agency.

(4) Two external qualified members jointly nominated by the head of a government agency and deputy head of a government agency.

The head of ethics protection section shall be the secretary of the ethics committee.

An ethics committee member must be a person who has never been imposed a disciplinary punishment and must be an honourable person accepted by such government agency.

Article 15. An ethics committee shall have the following powers and duties:

(1) To control, supervise, promote and give advice on the enforcement of this Code of Ethics in a government agency.

(2) To conduct surveillance to ensure compliance of the Code of Ethics in a government agency. In the case of doubt or a complaint of an ethical violation, the

matter shall be referred to the head of government agency to secure compliance with this Code of Ethics without delay.

(3) To adjudicate questions arising from the enforcement of this Code of Ethics in a government agency. A decision shall be sent to the CSC immediately. If the CSC does not decide otherwise within sixty days of receipt of the matter, the decision of the Ethics Committee shall be final.

(4) To refer a matter to the CSC for a decision where it is found that the matter has significance or a wide scale impact on several government agencies and there has not yet been a decision of the CSC or Ombudsman.

(5) To protect and guarantee the independence and fairness of the ethics protection section in a government agency.

(6) To protect government officials who complies with this Code of Ethics candidly from the unfair exercise of powers by a superior official against such government officials.

(7) To submit the assessment result of compliance with this Code of Ethics by a head of a government agency to the CSC, and to submit the assessment result of the ethics protection section of the government agency to the head of a government agency for consideration in connection with salary promotion or positional promotion of the government officials in the work section.

(8) To propose amendments to this Code of Ethics or other matters as deemed appropriate to the CSC.

(9) To take other actions pursuant to this Code of Ethics or as assigned by the CSC.

The law on administrative procedures shall apply *mutatis mutandis* to meetings of the ethics committee.

Article 16. A head of a government agency and executive officials of a government agency, from executive level, managerial level or other position classes charged with command authority is under a duty to complied with this Code of Ethics and to behave in an exemplary manner for subordinate officials and to ensure subordinate officials' compliance with this Code of Ethics, as well as to promote subordinate officials who are loyal, perform satisfactory work and possess knowledge

and competence, and comply with this Code of Ethics. Such official shall have the following powers and duties:

(1) To protect and guarantee the independence and fairness of the ethics protection section of the government agency.

(2) To protect government officials who have candidly comply with this Code of Ethics from abuse or unfair exercise of power. In the case where a head of a government agency or executive official of a government agency from managerial level upwards is alleged by a government official to have failed to comply with this Code of Ethics, the alleged government official shall not take any action relating to the issuance of an order to appoint, relocate or transfer, raise salary, appoint a factual investigation committee or disciplinary committee, or any action which is detrimental or prejudicial to the rights and duties of the alleging government official without the approval of the government agency ethics committee.

(3) To regularly promote and publicise compliance with this Code of Ethics.

(4) To conduct surveillance to ensure strict compliance of government officials in a government agency with this Code of Ethics.

(5) To comply with resolutions or decisions of the CSC or ethics committee and recommendations of the Ombudsman. In the case where an ethics committee gives a decision which the head of a government agency disagrees, he/she may submit his/her opinion along with the decision of the ethics committee to the CSC for review, except where the Ombudsman or the CSC has already given a final decision on such case.

(6) To collate problems on compliance with this Code of Ethics and propose revisions to this Code of Ethics or on other matters as deemed appropriate to the CSC.

(7) To take other actions under this Code of Ethics or as assigned by the Ombudsman or CSC.

Article 17. An ethics protection section shall be established in every government agency. The ethics protection section shall report directly to the head of a government agency and shall have the duty of protecting ethics under this Code of Ethics. The ethics protection section shall be independent and headed by a

government official holding the position of primary executive level, and shall have the following powers and duties:

(1) To publicise, instil, promote, give recognition to exemplary government officials and regularly conduct surveillance on compliance with this Code of Ethics.

(2) To investigate facts concerning an ethical violation and report to the head of a government agency for consideration. Such action may be taken pursuant to a request by any person or as assigned by the head of a government agency, or as deemed appropriate.

(3) To assist and safeguard government officials who candidly comply with this Code of Ethics from abuse or unfair exercises of power.

The provisions of article 16(2) shall also apply *mutatis mutandis* to government officials in the ethics protection section, in which case the CSC shall be the approver.

(4) To perform secretarial tasks for the ethics committee of the government agency.

(5) To take other actions as provided in this Code of Ethics or as assigned by the head of a government agency, ethics committee or CSC. In no event shall such action prejudice the independence of a person holding office in such work section.

Part 2

Code of Ethics Enforcement System

Article 18. An ethical violation under Chapter 2 of this Code of Ethics constitutes a disciplinary offence under the Civil Service Act B.E. 2551 (2008), Rules of the Prime Minister's Office on Government Employees B.E. 2547 (2004) or Rules of the Ministry of Finance on Permanent Workers of Government Agencies B.E. 2537 (1994), as the case may be.

Article 19. Upon an ethical violation, a superior official may impose a disciplinary punishment, warning, written bond of good behaviour or order developments as deemed appropriate.

Article 20. A head of a government agency, ethics committee and CSC shall promote ethics of a government official by at least taking the following actions:

(1) When making an appointment, giving a salary raise, relocation or transfer of a government official, the ethical behaviour of such person shall be considered in junction with knowledge and competence.

(2) Instil ethics in new government officials, arrange for government officials to affix signatures to acknowledge the Code of Ethics, provide for a personal record book in relation to the ethics of each government official, as well as regularly hold ethics promotion events for executive officials and government officials.

(3) Assess government officials' compliance with the Code of Ethics.

(4) Provide sufficient protection for government officials who comply with this Code of Ethics.

(5) Give recognition to government officials and government agencies which strictly comply with this Code of Ethics.

(6) Give responses to doubts or questions relating to compliance with this Code of Ethics.

(7) Arrange for a study of values which pose obstacles to compliance with this Code of Ethics and take actions to change such values.

(8) Publicise the Code of Ethics to the public, spouses, relatives, siblings, associates and acquaintances of government officials, including members of the public who makes contact in an official business in order to prevent actions that could promote or instigate an ethical violation.

(9) Arrange for a compliance assessment of this Code of Ethics.

Article 21. Upon a question concerning any matter in regard to compliance with this Code of Ethics, a government official may submit such a question to the head of ethics protection section of his/her government agency in request of a decision or permission, as the case may be, from the ethics committee. In the case where the matter is of significance or has a wide scale impact on several government agencies and there has not yet been a decision of the CSC or Ombudsman, as the case may be, the ethics committee may refer the matter to the CSC for a decision.

In the case where the CSC finds that a matter under paragraph one is a significant matter which calls for advice from the Ombudsman, such a referral could be made.

A government official who complies with a decision of an ethics committee, CSC or Ombudsman is not liable to disciplinary punishment.

Article 22. In the case of a necessity to take any urgent action, where a delay could prejudice common interests or interests of the official service, and a meeting of the ethics committee cannot be convened in a timely manner, a government official may request for advice from the head of ethics protection section of his/her government agency.

The head of ethics protection section under paragraph one has the duty of giving appropriate advice in accordance with decisions of the ethics committee, CSC or Ombudsman. If a decision on the question has never been given, the head of ethics protection section may give advice pursuant to the greatest common interest, as well as aim to instil a conscience and fairness in the performance of duties, uphold honour and dignity of government officials in fostering public trust and confidence, and comport oneself in an exemplary manner. The matter shall also be sent to the ethics committee and CSC for acknowledgement.

A government official who, in good faith, acts in accordance with the advice of the head of ethics protection section pursuant to the approach previously determined by the ethics committee, CSC or Ombudsman is not liable to disciplinary punishment.

Transitory Provisions

Article 23. An ethics committee and ethics protection section shall be established in every government agency within ninety days as from the effective date of this Code of Ethics.

Article 24. Upon the expiration of one year as from the effective date of this Code of Ethics, the CSC shall arrange for an assessment of compliance with this Code

of Ethics as well as conduct a revision of practices or amendments to the Code of Ethics as deemed appropriate.

When undertaking actions under paragraph one, the CSC shall hear opinions from a wide range of government officials, heads of ethics protection sections, ethics committees, heads of agencies and the Ombudsman. Actions under paragraph one shall be completed within one hundred and eighty days upon the expiration of one year as from the effective date of this Code of Ethics.

Issued on 16th September B.E. 2552 (2009)

Abhisit Vejjajiva

Prime Minister

Chairman of the CSC