

Ethics Guidelines for Civil Servants Q&A

Q1. Who do the Guidelines apply to? Are physicians at public hospitals, public school teachers or employees of public enterprises subject to them?

A:

1. Scope of applicability: The Guidelines are for all personnel governed by the Civil Service Act who work for the Executive Yuan or its subordinate units (see Guidelines, Article 2, Paragraph b). The relevant statute and interpretation are as follows:

- a. Article 24 of the Civil Service Act states “This Act is applicable to all salaried civil servants, military personnel and other employees of public enterprises.”
- b. Judicial Yuan Interpretation No. 308 (abstract) states: “The Civil Service Act shall apply to teachers who serve concurrently as administrators of school affairs.”

2. Physicians at public hospitals

- a. Medical staff of public hospitals employed in accordance with Article 33 of the Civil Service Employment Act and Articles 3, 4, 8 and 10 of the Statute for Medical Personnel. By definition, they are also civil servants under Article 24 of the Civil Service Act, thus the Guidelines also apply to them.
- b. The Guidelines also apply to contract physicians at public hospitals who are employed as per the terms of the Contract-based Worker Employment Act, as defined in a Ministry of Civil Service interpretation concerning to whom the Civil Service Act applies. Hospitals may also elect to apply the Guidelines to contract

personnel employed under the Guidelines for the Hiring and Management of Contract Employees at Hospitals Affiliated with the Department of Health (to whom the Civil Service Act does not apply), or include certain of the Guidelines' articles into contracts to address ethics.

- c. Each agency, in accordance with its managerial needs, is authorized to set ethical standards and rules stricter than those outlined in the Guidelines and determine the scope of applicability.

- 3. **Public school teachers:** Judicial Yuan Interpretation No. 308 (abstract) states: "The Civil Service Act shall apply to teachers who serve concurrently as administrators of school affairs," making such teachers subject to the Guidelines. However, the competent authority for educational matters has the power to set other ethics Guidelines for public school teachers.
- 4. **Employees of public enterprises:** As such individuals are subject to Article 24 of the Civil Servant Act, employees (including the chairperson, auditors and general managers—see Judicial Yuan Interpretation No. 24) of public enterprises are thus subject to the Guidelines. The Guidelines, however, do not apply to laborers.

Q2. What does “having vested interests in civil servants’ official duties” mean in the Guidelines? Could you please give some examples?

A:

1. **“Having vested interests in civil servants’ official duties”:** This indicates individuals, legal persons, groups and others who are in one of the following circumstances when involved with an agency or its subordinate unit(s):
 - a. having business dealings with the agency, carrying out projects under the agency’s supervision or being subsidized by the agency;
 - b. seeking to gain, or having gained, a contractual relationship with the agency in connection with executing projects, supplying goods or providing services; or
 - c. being likely to benefit from or be adversely affected by the agency’s business decisions and by the implementation or non-implementation of such decisions.
2. **Examples:**
 - a. Business dealings: A person or legal person who acts as representative, assistant, or mediator for a designated industry or group in dealing with a government agency. This includes, for example, the representative of a business in the karaoke, hairstyling, spa, dance hall, bar or special coffee/tea house sectors entering into a relationship with the law enforcement, legal or prosecutorial body or court; a land registrar (solicitor) with a public land management or land registration organization; an

accountant or a bookkeeping agent with a tax agency; an architect or builder with a building oversight agency; a customs broker with a customs agency; an investigator with an oversight agency; or a fire prevention administrator or firefighter with the firefighting agency.

- b. Supervision: This includes, for example, top-level agencies and their subordinate units; high-ranking officials and their subordinates; city and county councilors and city and county governments; legislators and executive agencies; the Financial Supervisory Commission and financial institutions; the Ministry of Economic Affairs and businesses; and the Ministry of Transportation and Communications and transportation-related organizations.
- c. Subsidy: The Council for Cultural Affairs and the cultural groups it funds; the Ministry of the Interior and the public-welfare organizations it subsidizes; the National Youth Commission and the young-entrepreneur associations it supports; and the Government Information Office and the art groups it funds.
- d. Seeking to gain, or having gained, a contractual relationship with the agency in connection with executing projects, supplying goods or providing other services: This includes, for example, an agency that puts out a tender to contract for services or goods and a firm that is considering bidding for, has bid for, or has won the contract.
- e. Other contractual relationship: This includes, for example, those who sign rental contracts with government agencies.

- f. Those likely to benefit from or become adversely affected by the agency's business decisions and the implementation or non-implementation of such decisions: This includes applicants whose applications are being processed by civil servants, and those that are being inspected by, have been reported for misdemeanor to, or are being considered to carry out duties by civil servants.

Q3. How do the Guidelines address ceremonial protocol? Please give examples.

A:

1. **Protocol** means domestic and overseas activities that, in accordance with common courtesy and local custom, are conducted by civil servants when visiting, meeting with or receiving foreign dignitaries or carrying forward government business or facilitating discussions (see Guidelines, Article 2, Paragraph 4).
2. **Examples:** Visits by the head of an agency or other employees to another organization and the exchange of souvenirs as gifts, or activities held by overseas compatriots abroad to which officials of the Ministry of Foreign Affairs, Overseas Compatriot Affairs Commission or other government agencies are invited.

Q4. What of cases where civil servants receive gratuities from those who have no vested interest in their performance of official duties? Please give examples.

A: Measures employed to address this issue (see Guidelines, Article 5, Paragraph 1, Item 2):

1. **Market value of the gratuity does not exceed the amount customarily given under such circumstances:** The gratuity may be accepted without need to inform the agency in writing.
2. **Market value of the gratuity exceeds the normal customary amount:** Recipients of such gratuities shall, within three days of receipt thereof, report such occurrences in writing to their supervisors and, when deemed necessary, to their agencies' ethics offices. Following a review by the ethics office, the gratuity is to be disposed of in line with Item 12, Paragraph 2 of Article 5 of the Guidelines.
3. **Gratuity is from relatives or friends who have no vested interest in the performance of the civil servant's official duties:** The gratuity may be accepted without need to inform the agency in writing.

Q5. May civil servants attend dinner parties hosted by those who may have a vested interest in the performance of their official duties? How must this be handled? Please give examples.

A:

1. **In principle**, civil servants are prohibited from taking part in dinner parties or other entertainment activities at the invitation of those who have vested interests in their official duties (see Guidelines, Article 7).
2. **Exceptions may be made under the following circumstances** (as per Article 7 of the Guidelines):
 - a. Civil servants are obligated to attend as a matter of ceremonial protocol in the conduct of official duties.
 - b. Such activities are held in conjunction with traditional festivals and are open to the public at large.
 - c. Such activities are arranged by one's superior as recognition of or a reward for job performance.
 - d. Such activities are arranged in connection with wedding engagements, weddings, giving birth, moving to a new residence, taking up a new position, being promoted or transferred, retiring, or resigning from or otherwise leaving one's professional position, and they do not go beyond the normal custom.
3. **Proper procedure:**
 - a. When attendance is required as a matter of ceremonial protocol in the conduct of official duties and such activities are held in conjunction with traditional festivals and are open to the public at

large, civil servants may attend only after obtaining the approval of their supervisors and notifying their agency's ethics office of their plans (see Guidelines, Article 10).

- b. For activities arranged by a supervisor as recognition, reward, or in connection with wedding engagements, weddings, giving birth, moving to a new residence, taking up a new position, being promoted or transferred, retiring, resigning from or otherwise leaving one's professional position, civil servants may attend without obtaining the approval of supervisors or notifying their agency's ethics office, as long as the activities do not go beyond the normal custom.

4. Examples:

- a. Required by ceremonial protocol: An agency head is invited to attend a celebration marking the groundbreaking of a new facility; the Child Welfare League Foundation invites civil servants from the Ministry of the Interior's Child Welfare Bureau to attend a tea reception or dinner on the first anniversary of its founding.
- b. In conjunction with attendance at traditional festivals open to the public at large: A company working on a building project for an agency is holding its annual Lunar New Year's banquet and invites civil servants to attend.
- c. Given by a supervisor as a form of recognition or reward: The head of an agency or a supervisor invites his/her subordinates to a Lunar New Year banquet; treats colleagues to birthday cake; or treats co-workers to a meal following completion of a major

undertaking.

- d. Concerning promotion or transfer: A civil servant moves from the New Taipei City Government to the Environmental Protection Administration, and is invited by colleagues to share a meal. This is acceptable so long as the cost for each participant in the activity does not exceed what is customary.

Q6. Can a civil servant take part in a banquet or social activity if the host has no vested interest in the civil servant's official duties?

A:

1. Based on public trust, civil servants have a duty to serve the public at large, and must adhere to the Guidelines when using or allocating public resources.
2. As per Paragraph 2 of Article 7 of the Guidelines, civil servants shall avoid taking part in social activities which, although not involving the hosts' vested interests in the civil servants' official duties, nevertheless are clearly inappropriate in consideration of the civil servant's official positions and responsibilities. For example, if the host is an acknowledged member of an organized crime syndicate or a stock operator, or if the venue is an establishment providing female companionship, civil servants should not attend the event.

Q7. What restrictions do the Guidelines place on the hourly fee civil servants may accept for serving as speakers, symposium panelists, seminar presenters or expert appraisers/judges? If the fee in question is deemed an honorarium, do the Guidelines also apply?

A:

1. The Guidelines apply where civil servants participate in activities outside the public sector.
2. Remuneration for taking part in such activities shall not exceed NT\$5,000 per hour (see Guidelines, Article 14, Paragraph 1).
3. Remuneration for preparing manuscripts in connection with the aforementioned activities shall not exceed NT\$2,000 per 1,000 Chinese characters (see Guidelines, Article 14, Paragraph 2).
4. Civil servants are permitted to take part in events organized by parties that have vested interests in their official duties, or upon the request of such parties, only after reporting in writing and receiving the approval of their supervisors, and after their ethics offices have been informed and filed appropriate records (see Guidelines, Article 14, Paragraph 3).
5. The Guidelines do not specifically address honorariums, however, civil servants are advised to adhere to the spirit of the Guidelines so as to avoid the appearance of impropriety.

Q8. How do the Guidelines define “entreaties” and “lobbying”? How should civil servants handle these?

A:

1. **Definition:** “Entreaties” or “lobbying” means communication/contact with civil servants which concerns a government agency’s (or its subordinate units’) business decisions or the implementation or non-implementation of such decisions, and such decisions’ implementation or non-implementation may violate the law or is otherwise improper (see Guidelines, Article 5, Paragraph 2). Entreaties or lobbying, then, must be connected with a specific case, such as the transfer of personnel, the postponed destruction of an illegal structure, the reduction or elimination of a sentence, or the prison transfer or release of a convict.
2. **Proper procedure:**
 - a. The civil servant shall report in writing to his/her supervisors and to his/her agency’s ethics office within three days of such an occurrence (see Guidelines, Paragraph 11).
 - b. The ethics office shall handle such cases in accordance with Article 12 of the Guidelines.

Q9. What is meant by “improper contacts” in Article 8 of the Guidelines?

A:

“Improper contacts” means civil servants maintain a private liaison with individuals having a vested interest in their official duties. Civil servants must, for example, maintain professional distance from corporate representatives. Examples of questionable contact include sharing a meal, attending social gatherings, playing golf together, and traveling domestically or abroad together.

Specific examples of questionable relationships:

1. Personnel of the Ministry of Education and those in the tutoring industry;
2. An agency’s procurement contact and a company representative;
3. A justice and parties involved in an ongoing litigation case or those seeking to use their influence to affect a legal proceeding’s outcome;
4. A chief physician at a public hospital and the representative of a pharmaceutical or medical equipment company;
5. A law enforcement agent and a member of an organized crime syndicate;
6. A civil servant at an agency supervising the financial, broadcast/communications, health/food safety, roads, buildings, or fire safety sectors and professionals in the business they are supposed to oversee—those in the financial industry, accountants, telecom providers, foodstuff manufacturers, construction agencies; and
7. Customs or tax authorities and customs brokers.

Q10. What channels are available for civil servants to have questions about the Guidelines answered?

A:

1. **Agency ethics offices:** The ethics office of each agency shall have a specialist responsible for explaining the Guidelines and how they apply in particular instances as well as providing other ethics-related consultations (see Guidelines, Article 17).
2. **For agencies that do not have an ethics office,** personnel in other positions who double as ethics specialists, or a person appointed by the head of the agency, shall be held responsible for explaining the Guidelines (see Guidelines, Article 18).
3. **If ethics officers have questions, they may refer the issues in question to higher-level ethics organizations for disposition:** Top-level organizations under the Executive Yuan (ex. the Ministry of Finance, Ministry of Transportation and Communications, and Ministry of Economic Affairs) are responsible to answer questions raised by the ethics personnel of their subordinate units.
4. **The Ministry of Justice may provide an explanation of the Guidelines regarding related questions at an appropriate time.**