



Code of Ethics

for Employees of the
Judicial Service Of Ghana





Code of Ethics

for Employees of the
Judicial Service Of Ghana



gtz

Office Accra



PREFACE

All employees of the Judicial Service of Ghana hold highly visible positions of public trust. Every employee must therefore conduct their business in an environment and in a manner that favourably reflects the ideals consistent with the fundamental values of the Ghanaian judicial system, as identified by the laws of the land. These values include: transparency, fairness, accessibility, accountability, effectiveness, responsiveness and independence. Our actions at all times should uphold and increase the public trust and confidence in the judiciary as the third arm of state, reflect the highest degree of integrity and demonstrate commitment to each principle embodied in this code.

RULE 1: ABUSE OF POSITION

- A. All employees of the Judicial Service shall not use or attempt to use their position to secure unjustifiable privileges for themselves or others.**

Commentary

Rule 1 (A) of the Code of Conduct addresses the use of the real or apparent power of a position as an employee to “benefit” the employee or someone else personally. There are many degrees of “abuse” ranging from the seemingly inconsequential to situations in which the average person would immediately conclude an employee is obviously abusing their position. The Code does not attempt to define exactly what “abuse” is or try to quantify the amount an employee must benefit before a situation becomes abusive. The Code expresses ideals against which employees should measure their conduct.

The concept of the use of employment position to secure “privileges” or “exemptions.” Generally these would be special considerations given by others to the employee specifically because of the position as a Judicial Service employee. Employees should treat everyone with the same courtesy, tact and efficiency and expect to be treated that way. The enjoyment of special privileges or exemptions by an employee gives the impression that they are more special than ordinary people and reflects poorly on the notion that the judicial system and its employees are impartial. The acceptance of “partiality” by an employee gives rise to the belief that the employee is partial.

- B. All employees of the Judicial Service shall not solicit or accept, or appear to solicit or accept, any gift, favour, or anything of value that will influence his/her actions, decisions or judgments in performing his/her official duties.**

Commentary

Rule 1 (B) addresses the soliciting or acceptance of any gift, favour or thing of value based on an understanding that official actions will be influenced. The solicitation or acceptance of a gift with the understanding that something will be done in return contravenes the core of the ideals expressed in this section. Public service should be delivered impartially, and equally to all users. The administration of justice is subverted if employees appear to deliver service in a quid pro quo arrangement (i.e. delivering service in exchange of favour) or to appear to do so. To this end all users of the justice system must be treated equally. Gifts of any sort raise questions as to the independence of the employee. An understanding may be tacit on the part of the donor that the employee will look favourably upon the future. It will certainly seem so to observers. Seemingly, small and innocent gifts may soon lead to larger ones, more and more threatening the integrity of the employee.

- C. An employee of the Judicial Service shall not discriminate against or otherwise give special treatment or anything of value to any person, whether or not for compensation, or permit family, social, or other relationships to influence or appear to influence his/her official conduct or judgment.**

Commentary

Rule 1 (C) states the corollary that the official actions of an employee should not be affected or appear to be affected by kinship, rank, position or influence of any party or person. Many times relationships place temptation upon the employee to provide special

service or non-service to clientele without official payment for such services.

Again, differential treatment in any of these situations undermines the integrity of the employee and amounts to the abuse of the judicial system. In situations where an employee may appear to be favouring a relative or influential person, an employee could advise and seek counsel from their supervisor. An employee could also make sure another employee participates in the transaction so that the appearance of special unilateral action is eliminated.

- D. An employee of the Judicial Service shall not request or accept anything of value beyond his/her salary and allowance (if any) as provided by the conditions of appointment, for work.**

Commentary

Rule 1 (D) emphasizes that the compensation of employees is to be provided by the conditions of appointment through their salary and benefits. An employee should not request or accept any additional compensation for doing their duty. Acceptance of any additional compensation for doing their duty gives rise to the impression that the employee will be responsive to the needs of the giver.

- E. An employee of the Judicial Service shall use the resources, property, and funds under his/her official control judiciously and solely in accordance with prescribed legal and operating procedures.**

Commentary

Rule 1 (E) addresses the ideal that an employee is a steward of the public resources that are placed at their disposal. Funds should be expended carefully, only for the purposes intended by the Judicial Service. Pitfalls could include such temptations as personal telephone calls at Judicial Service expense, personal use of government property, such as pens, pencils, paper, printers, computers, vehicles, etc, or the use of Judicial Service property to assist non-employees in some way as a favour.

- F. An employee of the Judicial Service shall provide all clientele with appropriate procedural information and shall not offer suggestions/opinions.**

Commentary

Rule 1 (F) addresses the temptation to answer the many questions asked by users of the courts who call for legal advice. On the other hand, refraining from legal advice does not mean that employees should be afraid to provide excellent customer service. Legal advice does not refer to accurate information about the courts or court procedures. Pitfalls arise when individuals describe a factual situation and ask for information on what they should or should not do. No Judicial Service employee shall give/offer legal advice to the users of the courts.

RULE 2: CONFLICT OF INTEREST

- A. An employee of the Judicial Service shall avoid conflicts of interest (as defined in the definition of terms at the back of this code) and the appearance of conflicts of interest in the performance of his/her duties.**

Commentary

Rule 2 (A) infers that a conflict of interest exists when the employee's ability to perform his or her duty is impaired or when the court employee, his or her family, or business would derive some benefit as a result of his or her position within the court system. Employees are obligated to perform their duties in a fair, impartial and objective manner. It is, therefore, required that employees avoid situations that would impair their ability to fulfil that obligation.

Examples of conflicts of interest are:

- i. Employee entering contract directly or indirectly for services, supplies, equipment or realty with the Judicial Service.
- ii. Employees providing information to a company that would provide an advantage to that company over other companies.

- B. An employee shall not engage in outside employment which may conflict or appear to conflict with the performance of official responsibilities.**

Commentary

Rule 2 (B) indicates that the employee's position with the Judicial Service must be his or her primary employment. Outside employment must be fulfilled outside of the normal working hours of the Service and it must not be in conflict or interfere with the performance of the employee's duties and responsibilities at the office.

No form of outside employment shall be performed utilizing the resources of the office and shall not require or induce the employee to disclose information acquired in the course of his or her official duties. Outside employment should not reflect adversely on the integrity of the office.

RULE 3: CONFIDENTIALITY

- A. An employee of the Judicial Service shall not disclose to any unauthorized person any confidential information acquired in the course of his or her employment.**

Commentary

Sensitive information acquired by employees in the course of performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, employees should exercise a great deal of discretion. Sometimes breaches of confidentiality do not involve intentional disclosures of official records. Some are the result of innocent and casual remarks about pending or closed cases, about participants in litigation or about juries which could give attorneys, litigants and reporters confidential information. Such remarks can seriously compromise a case or a person's standing in the community. An employee should discuss cases only for legitimate reasons, and should handle sensational or sensitive cases with great care and

discretion. Examples of confidentiality issues are not limited to cases. Counter clerks should guard against being overheard when discussing legitimate confidential information.

RULE 4: POLITICAL ACTIVITY

- A. An employee of Judicial Service is free to engage in political activities during non-working hours if such activities does not expose his/her political inclination or lead to any political controversy.**

Commentary

Rule 4 (A) discusses an employee's participation in the democratic process. The Constitution of Ghana confers rights on all citizens of Ghana, including Judicial Service employees to join any political party or association of their choice. However, by virtue of the traditional role of the Judiciary and the Judicial Service, Judicial Service employees may not accept any office paid or unpaid, permanent or temporary in any political party or organization; declare himself openly as a registered member of a political party or association; indicate publicly his support for any party, candidate or policy; make speeches or join in demonstration in favour of any political person, party, or propaganda, engage in activities which are likely to involve him in political controversy. Notwithstanding, a Judicial Service employee is entitled to his or her views in political matters, and if so qualified, may vote at elections.

- B. An employee shall not discriminate in favour of or against any employee or applicant for employment because of his or her political contributions or political activities.**

Commentary

Rule 4 (B) states that interaction between employees during work hours should focus on professional duties and should exhibit mutual courtesy and respect to co-workers. Additionally, the evaluation of prospective employees should be based on their employable qualities such as job skills, knowledge, and attitude. Therefore, no employee will discriminate in favour of or against any employee or applicant for employment based on their political activities.

RULE 5: PERFORMANCE OF DUTIES

- A. An employee of the Judicial Service shall carry out his or her responsibilities to the public in a timely, impartial, diligent, and courteous manner.**

Commentary

Rule 5 (A) deals with the idea that the Service is a public institution, and that actions by employees should reflect a high level of professionalism and public service. Employees need to be able to provide complete and understandable answers to the public's questions in an efficient manner. Simultaneously, they must recognize that colleagues are also customers, and they should be given the same level of consideration as public clients.

- B. An employee of the Judicial Service shall not discriminate on the basis of, nor display by words or conduct, a bias or prejudice based upon race, colour, religion, national origin, gender, or other protected group, in the conduct of service to the office and the public.**

Commentary

Rule 5 (B) pertains to unfair criticism of any individual(s) by an employee. Essential to the administration of justice is allowing equal access and treatment for all. Employees are called upon to assist people. It is their responsibility to provide customers with the utmost service, regardless of the individual's race, religion, gender, national origin, etc. Discrimination can come in varying forms (speech, conduct, etc.), yet employees should be aware that no form of discrimination is acceptable and when discovered should be exposed and discouraged.

- C. Designated employees of the Judicial Service shall enforce or otherwise carry out any properly issued rule or order of court.**

Commentary

Rule 5 (C) addresses the idea that for the Service to be an effective institution, employees must follow the rules/orders designed by the Service. By enforcing the orders given by the court, employees encourage a shared level of understanding and efficiency. Disregarding rules/orders provided by the court allows for confusion and a decline in overall productivity that compromises the concept of professionalism.

- D. An employee of the Judicial Service shall promote ethical conduct and report any improper conduct and violations of this Code of Conduct by any persons to appropriate authorities.**

Commentary

Rule 5 (D) states that employees should faithfully pursue the guidelines explained in the Code of Conduct and that when necessary, report problems or violations to an appropriate authority within the Judicial Service.

- E. An employee of the Judicial Service shall actively pursue continuing education opportunities offered within the Judicial Service for the purpose of improving his or her professional skills and thereby providing higher quality service to the office and the public.**

Commentary

Rule 5 (E) acknowledges the idea that when working within the Judicial Service, laws and rules of operation are continually changing due to legislation, higher court decisions, technology, etc. Therefore, employees are encouraged to take advantage of educational opportunities that will advance their understanding and allow for better service.

- F. An employee of the Judicial Service should avoid any activity which would reflect adversely on his or her position or the Service.**

Commentary

Rule 5 (F) addresses the idea that employees are highly visible and that their actions reflect upon not only themselves, but the Service as well. Improper behaviour or the appearance thereof may compromise an employee's professional integrity. Before

partaking in a particular action, employees should consider its propriety. Employees should conduct themselves in a manner that engenders public trust and confidence.

G. An employee of the Judicial Service shall obey all lawful instruction regarding the Judicial Service in the execution of his work.

Commentary

Rule 5 (G) cautions employees to adhere strictly to instructions in performing their official duties. Disregarding lawful instructions laid down by the Service means working outside the rules and laws guiding the Service and amounts to unprofessional conduct and a breach of the code.

H. An employee of the Judicial Service shall protect the interest of the Judicial Service during the course of employment.

Commentary

Rule 5 (G) entreats the employee to be loyal and withhold information that is confidential. The employee's loyalty to the employer should be paramount at all times and in all circumstances. The employee must strive to uphold the good image and interest of the Institution at all times and must shun any disloyal conduct in order to secure his/her own integrity.

I. An employee of the Judicial Service shall take proper care of the property of the employer entrusted to the worker or under the immediate control of the worker.

Commentary

Rule 5 enjoins the employee to take good care of any property which the employee uses in performing his/her official duty that is provided or belongs to the employer. It places responsibility on the employee to ensure at all times that the property of the employer is used with care.

RULE 6: REPORTING PROCEDURE

A. Where there is a breach of this Code of Conduct a Judicial Service employee may report or complain to a superior officer or the appropriate authority.

Commentary

Reports under this code may be lodged in the following ascending order;

- a. Immediate Supervisor (of officer complained of)
- b. Head of Department/Registrar
- c. The Judicial Secretary
- d. The Chief Justice
- e. The Judicial Council

Where the officer to whom the report should be made, is himself involved in the breach of the Code, the matter should be reported to the next superior officer. In all cases, the reports should be copied to the Judicial Secretary and the Director of the Public Complaints and Court Inspectorate Unit.

- i. The Officer or Authority to whom the report is made shall indicate the action being taken within a period of two weeks from the receipt of the report, failing which the

complainant may take up the complaint with the next superior authority.

- ii. Notwithstanding this procedure, any matter which may be considered to be a breach of human rights or a case of fraud may be reported to the Officer of the Commission for Human Rights and Administrative Justice and the Serious Fraud Office respectively, where it is not feasible or practicable to invoke the procedure in this code.

RULE 7: DISCIPLINARY PROCEDURES/PENALTIES

- A. All employees of the Judicial Service may be subjected to the appropriate disciplinary or corrective measures in accordance with the provisions of the Judicial Service Regulations/Administrative instructions. (See Part IV, S.27-47 of Judicial Service Regulations, 1963 L. I. 319)**

All employers must endeavour to acquaint themselves with the provisions of the 1963 Regulations.

Commentary

Rule 7 (A) addresses the disciplinary procedures that may be initiated against an employee who fails to comply with the standards of conduct in this code. Where a case is proven, the Head of Department/Registrar shall cause a warning in writing to be issued to any officer whose work or conduct is determined to be unsatisfactory. In every case where an officer has been so warned, the fact should be so recorded by the Head of the Department or Registrar concerned. An officer should not be allowed to accumulate more than three of warnings for acts of misconduct before disciplinary action is taken against him or her. In cases where the misconduct is comparatively minor, action may nevertheless, be taken as soon as it is clear that the officer is not likely to respond to departmental corrections and when sufficient evidence is available to warrant proceedings under the code.

- B. The conduct of any Judicial Service employee which contravenes any rule of the Code shall be investigated for the purposes of discipline.**

Commentary

Rule 7 (B) pertains to Disciplinary Committee which shall be constituted to investigate acts of misconduct under this code and recommend appropriate disciplinary or corrective measures. A Disciplinary Committee at the Regional level shall be constituted in the following manner:

- a. A Judge nominated by the Disciplinary Authority as Chairman.
- b. One representative of the Regional Advisory Council (RAC) of JUSAG and one representative of the Magistrates and Judges Association and the Regional Registrar or an officer acting in that capacity shall act as the investigation officer.

Any Judicial Service employee appearing before a Disciplinary Committee shall be given every opportunity to defend himself and have a right of appeal not more than two weeks after the decision. The Committee's findings and recommendations shall be forwarded to the appropriate Disciplinary Authority within five days.

C. Disciplinary award may involve the imposition of major or minor penalties, depending on the seriousness and gravity of the offence or misconduct.

Commentary

For the purposes of this Code, penalty is classified as either, major or minor as defined below:

Major penalties shall in general consist of the following disciplinary awards:

- Reduction of rank
- Removal from office as the head of Unit or Registry
- Dismissal

Minor penalties shall in general consist of the following disciplinary awards:

- Warning or reprimand
- Suspension of increment in salary
- Suspension from duty with loss of pay/salary
- Reduction of salary
- Surcharge

MICELLANEOUS RULES

- a. Judicial Service employees should refrain from making false declarations or endorsing forged documents. At any rate, head of Registries should ascertain the authenticity of any document before endorsing it.
- b. Judicial Service employees shall dress appropriately at all times, in conformity with the Service's accepted standards and norms of dressing. Attire must not appear too colourful or shabby so as to draw unfavourable comments from colleagues or the public.
- c. Any act by a Judicial Service employee which is calculated to bring the Judicial Service into disrepute must be avoided. A Judicial Service employee will be expected to expose any act of misconduct, the commission of which he knows or ought to have known to be misconduct.
- d. A Judicial Service employee who believes that he is being required to act in a manner which is illegal, improper, unethical or in breach of the constitution, and which may involve possible maladministration or which is otherwise inconsistency with the Judicial Service Code of Conduct, or raises a fundamental issues of conscience, shall report the matter to his or her supervising officer.
- e. Any act of misconduct by a Judicial Service employee not expressly mentioned in this Code or in any regulations operating within the Judicial Service shall be reported to the Chief Justice who may after consultation with the Judicial Council, issue instructions as to how it should be dealt with, and the case shall be dealt with accordingly.

