



Recommendation of the Council on
Public Service Leadership and
Capability



**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council on Public Service Leadership and Capability*, OECD/LEGAL/0445

Series: OECD Legal Instruments

© OECD 2022

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Background Information

The Recommendation on Public Service Leadership and Capability was adopted on 17 January 2019 by the Council on proposal of the Public Governance Committee. The Recommendation underlines that a professional, capable and responsive public service is a fundamental driver of citizens' trust in public institutions. The 14 principles in the Recommendation aim to identify what makes a public service fit for purpose and responsive today and will help ensure that they continue to be so in the future, and strategies to achieve and promote performance and quality service to citizens. The Recommendation promotes a highly professional administration based on objectivity, impartiality and the rule of law, as a fundamental condition to ensure citizen trust in public institutions and governance. Building on this foundation, the Recommendation aims to improve the ways of organising and managing public employees to emphasise proactive collaboration and innovation in service to citizens and economic activities in protection of public value and the common interest. Lastly, the Recommendation provides a basis on which to conduct further analysis and develop toolkits to support Adherents in their implementation efforts.

The OECD's expertise on public service reform

The OECD's work on the public service leadership and capability is overseen by the Working Party on Public Employment and Management (PEM). The PEM, a long-standing sub-body of the Public Governance Committee, supports good governance by helping governments understand and shape the changing nature of work in the public sector, and deliver value for society through skilled, committed and trusted public workforces. Recent research by the PEM looks at the skills and competencies needed in a high performing civil service, and the kinds of human resource management (HRM) policies, systems and practices needed to attract, retain, develop and lead a highly skilled public workforce. The PEM also develops and collects comparative indicators on public employment and HRM and supports governments with tailored made advice for civil service reform.

The need for a professional, capable and responsive public service

OECD Member countries invest considerable resources in public employment. In 2015, an average of 9.5% of GDP was spent in OECD Member countries on general government employee compensation, making this the largest input in the production of government goods and services. Historically, this investment has helped to support economic growth and stability; public servants have been a major actor in modern society's greatest achievements: health care, education and childcare, access to water and sanitation, energy, communication, response to disasters, science and technology, among others.

Public servants contribute to policy development, oversee the investment of public funds in essential services collectively needed by communities, uphold the rule of law, and ensure fairness and equality in society. Public servants also deliver many goods and services, at times during critical events or crises, or when markets fail to do so. All of this underlines the fact that a professional, capable and responsive public service is a fundamental driver of citizens' trust in public institutions.

Just like any other sector, the context and challenges of the public service are changing at a fast pace, and the capabilities of public servants and those who lead them are constantly required to adjust. The implications are many.

A comprehensive legal instrument on how to improve the organisation and management of the public service

The Recommendation, developed by the PEM under the aegis of the Public Governance Committee, helps equip public workforces with the skills, leadership and people management systems needed to tackle today's and tomorrow's public governance challenges. It promotes a highly professional administration based on merit, transparency, accountability and the rule of law.

Building on this foundation, the Recommendation aims to improve the organisation and management of public employees to encourage proactive collaboration and innovation in the design and delivery of public policies and services. It recommends that Adherents embed these values and principles in the

strategic management of human resources so that government ministries and agencies have a workforce with the capabilities needed now and in the future. The Recommendation places a heavy onus on public service leaders, who require the mandate, competencies, and conditions necessary to provide impartial evidence-informed advice and speak truth to power.

The draft Recommendation presents 14 principles of a fit-for-purpose public service under three main themes:

- A values-driven public service where commonly understood values guide a results-oriented and citizens-centred culture, leadership and policy and services design;
- A trusted and capable public service with the ability to identify the skills and competencies it needs, and which aligns its employment systems to bring those skills and competencies in, develop them, and motivate their use;
- A responsive and adaptive public service with the empowerment, resources and agility needed to effectively and efficiently address fast changing, ongoing and emerging challenges.

An inclusive process to develop the Recommendation and support its implementation

In addition to the PEM and public Governance Committee, the OECD's Working Party of Senior Public Integrity Officials also provided valuable input in the development of the Recommendation, as did Members of the OECD Secretariat's Directorate for Employment, Labour and Social Affairs.

The Recommendation benefited from a public consultation that received input from a wide range of government officials (in management, analyst and administrative positions), employees of civil society organisations and private individuals. A number of partner institutions and networks also provided useful input, in particular the Trade Union Advisory Committee and the United Nations Office on Drugs and Crime.

The Recommendation provides for the conduct of further analysis and the development of toolkits to support Adherents in their implementation efforts. The PEM will focus on the development of these tools and supporting implementation in the coming months and years through an inclusive process involving all relevant stakeholders.



Relevance to COVID-19 Response and Recovery

The COVID-19 crisis has resulted in one of the largest people management challenges faced by governments. Almost overnight, vast public organisations had to transform their business models and shift to remote working in order to deliver essential public services to citizens amidst the crisis. This required agile changes to public employment systems at a scale never before experienced: leading agile organisational transformation and managing remote teams, protecting employee health and wellbeing, hiring and reallocating staff to essential services, training and onboarding while managing burnout at the frontlines. This has put human resources departments in the centre of the crisis response, and public service leaders and managers' skills and capabilities in the spotlight. The Recommendation provides a set of policy recommendations that underpin this response, including on the kind of leadership and management skills required in the civil service, to ensure wellbeing, inclusion and innovation. It calls for investing in public service capability by identifying the skills needed in the public service and provides insight on the ways that civil service systems can be made agile and flexible to respond quickly to fast changing environments, in the face of uncertainty.

For more information, see:

- [Public servants and the coronavirus \(COVID-19\) pandemic: Emerging responses and initial recommendations](#)

For further information please consult: <http://www.oecd.org/governance/pem/recommendation-on-public-service-leadership-and-capability.htm> or download the flyer [here](#).

Contact information: PEM@oecd.org or Daniel.GERSON@oecd.org, Public Governance Directorate.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council for Improving the Quality of Government Regulation [[OECD/LEGAL/0278](#)], the Recommendation of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service [[OECD/LEGAL/0316](#)], the Recommendation of the Council on Regulatory Policy and Governance [[OECD/LEGAL/0390](#)], the Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship [[OECD/LEGAL/0398](#)], the Recommendation of the Council on Gender Equality in Public Life [[OECD/LEGAL/0418](#)], the Recommendation of the Council on Public Integrity [[OECD/LEGAL/0435](#)];

RECOGNISING the important work done on public employment and good governance by the United Nations, embodied in particular in the work of the International Labour Organisation, the United Nations Convention against Corruption and the United Nations Sustainable Development Goals;

RECOGNISING that public servants and the systems used to manage them are an essential component of public governance, directly impacting the quality of democratic processes, and the capacity of the government to contribute to and protect citizens' well-being and generate and sustain inclusive, economic growth;

RECOGNISING that public services are facing new challenges to which they must be enabled and empowered to respond effectively, including through innovation and greater accountability, while at the same time remaining stable, trustworthy and reliable in delivering services in a fair and timely manner and based on principles of good governance;

RECOGNISING the important role played by non-governmental organisations with respect to the governance of the public service, in particular trade union organisations such as the Trade Union Advisory Committee (TUAC);

CONSIDERING that, while ensuring high levels of public service leadership and capability is primarily a responsibility of central government, it is a responsibility that is shared at all levels of government and by all public institutions and that accordingly this Recommendation is relevant to all such levels and institutions, in accordance with their national legal and institutional frameworks;

On the proposal of the Public Governance Committee:

I. **AGREES** that, for the purpose of the present Recommendation, the following definitions are used:

- **the Public Service:** the workforce in those entities (for example, ministries, agencies, departments) at the service of the central/federal elected government, and to which common policies for people management may apply.
- **Public Servants:** all government employees who work in the public service, that may be employed by way of various contractual mechanisms (e.g. civil servant statutes, collective agreements, labour law contracts), on indeterminate or fixed-term employment contracts, but not normally including employees of the broader public sector who are usually regulated under alternative employment frameworks (e.g. most doctors, teachers, police, the military, the judiciary, or elected officials).
- **Values:** citizens expect public institutions and public servants to serve their interests. In the context of this Recommendation, "values" refers to core organisational values that guide the judgement of public servants as to how to perform their tasks in daily operations. While such

values may vary by system, commonly stated core public values include accountability, impartiality, the rule of law, integrity, transparency, equality and inclusiveness.

- **Merit-based:** ensuring a fair and open system for recruitment, selection and promotion, based on objective criteria and a formalised procedure, and an appraisal system that supports accountability and a public-service ethos. Merit-based processes should also consider positive policies and practices to ensure an appropriate level of diversity.
- **Senior-Level Public Servants:** public servants who take decisions and exert influence at the highest hierarchical levels of the public service. Political leadership and their cabinets/advisors are not within the scope of this Recommendation.
- **Competencies:** Competencies are observable characteristics in the form of applied knowledge or actual behaviour, which contribute to successful functioning in a specific role or function.
- **People Management:** the full range of policies, systems, processes and functions which manage the public service workforce; including formal human resource management systems and public employment policies, and the functional role of those who manage and lead public servants.

II. **RECOMMENDS** that Members and non-Members having adhered to the Recommendation (hereafter the “Adherents”) **build values-driven culture and leadership in the public service**, centred on improving outcomes for society, by:

1. **Defining the values** of the public service and promoting values-based decision-making, in particular through:
 - a. Clarifying and communicating the shared fundamental values which should guide decision-making in the public service;
 - b. Demonstrating accountability and commitment to such values through behaviour; and
 - c. Providing regular opportunities for all public servants to have frank discussions about values, their application in practice, and the systems in place to support values-based decision making,
2. **Building leadership capability** in the public service, in particular through:
 - a. Clarifying the expectations incumbent upon senior-level public servants to be politically impartial leaders of public organisations, trusted to deliver on the priorities of the government, and uphold and embody the highest standards of integrity without fear of politically-motivated retribution;
 - b. Considering merit-based criteria and transparent procedures in the appointment of senior-level public servants, and holding them accountable for performance;
 - c. Ensuring senior-level public servants have the mandate, competencies, and conditions necessary to provide impartial evidence-informed advice and speak truth to power; and
 - d. Developing the leadership capabilities of current and potential senior-level public servants.
3. Ensuring an **inclusive and safe public service that reflects the diversity of the society** it represents, in particular through:
 - a. Publicly committing to an inclusive, and respectful working environment open to all members of society possessing the necessary skills;

- b. Developing measures of diversity, inclusion and well-being, and conducting measurement and benchmarking at regular intervals to monitor progress, detect and remove barriers, and design interventions; and
 - c. Taking active steps to ensure that organisational and people management processes as well as working conditions, support diversity and inclusion.
4. Building a **proactive and innovative** public service that takes a **long-term perspective in the design and implementation of policy and services**, in particular through:
- a. Ensuring an appropriate balance of employment continuity and mobility to support policy and service implementation beyond a political cycle;
 - b. Investing in foresight, innovation and analytical skills and capabilities; and
 - c. Engaging with communities outside the public service to set quality standards and ensure policies and services are responsive to users' needs.

III. RECOMMENDS that Adherents **invest in public service capability** in order to develop an effective and trusted public service, in particular by:

1. Continuously **identifying skills and competencies needed** to transform political vision into services which deliver value to society, in particular through:
 - a. Ensuring an appropriate mix of competencies, managerial skills, and specialised expertise, to reflect the changing nature of work in the public service;
 - b. Reviewing and updating required skills and competencies periodically, based on input from public servants and citizens, to keep pace with the changing technologies and needs of the society which they serve; and
 - c. Aligning people management processes with identified skills and competencies.
2. **Attracting and retaining** employees with the skills and competencies required from the labour market, in particular through:
 - a. Positioning the public service as an employer of choice by promoting an employer brand which appeals to candidates' values, motivation and pride to contribute to the public good;
 - b. Determining what attracts and retains skilled employees, and using this to inform employment policies including compensation and non-financial incentives;
 - c. Providing adequate remuneration and equitable pay, taking into account the level of economic development; and
 - d. Proactively seeking to attract under-represented groups and skill-sets.
3. Recruiting, selecting and promoting candidates through **transparent, open and merit-based processes**, to guarantee fair and equal treatment, in particular through:
 - a. Communicating employment opportunities widely and ensuring equal access for all suitably qualified candidates;
 - b. Carrying out a rigorous and impartial candidate selection process based on criteria and methods appropriate for the role and in which the results are transparent and contestable;
 - c. Filling vacancies in a timely manner to remain competitive and meet operational staffing needs;

- d. Encouraging diversity – including gender equality- in the workforce by identifying and mitigating the potential for implicit or unconscious bias to influence people management processes, ensuring equal accessibility to under-represented groups, and valuing perspective and experience acquired outside the public service or through non-traditional career paths; and
 - e. Ensuring effective oversight and recourse mechanisms to monitor compliance and address complaints.
4. Developing the necessary skills and competencies by **creating a learning culture and environment** in the public service, in particular through:
 - a. Identifying employee development as a core management task of every public manager and encouraging the use of employees' full skill-sets;
 - b. Encouraging and incentivising employees to proactively engage in continuous self-development and learning, and providing them with quality opportunities to do so; and
 - c. Valuing different learning approaches and contexts, linked to the type of skill-set and ambition or capacity of the learner.
 5. Assessing, rewarding and recognising **performance, talent and initiative**, in particular through:
 - a. Aligning and assessing individual, team and organisational performance through agreed indicators and criteria which are regularly discussed and reviewed;
 - b. Rewarding employee performance by appropriate means and addressing under-performance as part of a coherent approach to performance management; and
 - c. Ensuring that managers have the capabilities and support necessary to carry out performance management and to identify and develop talent.

IV. RECOMMENDS that Adherents develop Public Employment systems that foster a **responsive and adaptive public service** able to address ongoing and emerging challenges and changing circumstances by:

1. Clarifying **institutional responsibilities for people management** to strengthen the effectiveness of the public employment system, in particular through:
 - a. Establishing institutional authority to set and oversee common minimum standards for merit-based people-management.
 - b. Delegating an appropriate level of autonomy to individual agencies, ministries, leaders and/or managers, in order to allow the alignment of people management with their strategic business objectives;
 - c. Ensuring appropriate mechanisms for communication and information sharing among institutional actors in the public employment system; and
 - d. Ensuring that each institutional actor in the public employment system has the appropriate mandate and resources to function effectively.
2. Developing a **long-term, strategic and systematic approach to people management** based on evidence and inclusive planning that:
 - a. Is informed by evidence-based assessment of skills needed and skills available to meet current and future core business requirements, using HR and workforce data for strategic and predictive analytics, while taking all necessary steps to ensure data privacy;

- b. Sets strategic direction and priorities with input from relevant stakeholders, in particular public servants and/or their representatives, and the management accountable for implementation;
 - c. Considers all relevant aspects of people management and ensures alignment with strategic planning processes of the government, including budget and performance management; and
 - d. Includes appropriate indicators to monitor progress, evaluates the impact of HR policies and processes, and informs decision-making.
3. Setting the necessary conditions for internal and external **workforce mobility and adaptability** to match skills with demand, in particular through:
- a. Establishing common frameworks and/or vocabulary to identify transversal job requirements and competencies (for example, through common competency frameworks and/or standardised job profiles);
 - b. Enabling and encouraging short- and medium-term assignments within and outside of the public sector, while ensuring conflicts of interest are avoided, in order to encourage learning and exchange of information or to occasionally meet short-term labour demands,
 - c. Valuing mobility as an asset for merit-based and transparent job promotion; and
 - d. Making available adaptable and remote working options where possible and suited to the needs of the organisation, in order to enhance productivity.
4. Determining and offering transparent **employment terms and conditions** (e.g. compensation, term length, job security, rights and obligations) that appropriately match the functions of the position, taking into account external and internal labour markets, in particular through:
- a. Clearly defining the categories of employment that fall under civil service statutes, where such statutes exist, or general labour law, based on transparent and objective criteria;
 - b. Clearly defining, and consistently applying, the terms and conditions of employment for functions and positions based on factors such as the nature of the work, labour market considerations, and public service capability development needs ; and
 - c. Engaging representatives of public employees in legitimate consultation procedures, negotiating through open and fair processes such as collective bargaining, and setting procedures for monitoring the implementation of agreements.
5. Ensuring that **employees have opportunities to contribute** to the improvement of public service delivery and are engaged as partners in public service management issues, in particular through:
- a. Enabling employee representation and entering into constructive social dialogue with them;
 - b. Regularly consulting employees on issues such as their well-being and engagement, in order to identify strengths, challenges and trends to inform leadership and improve management decision-making;
 - c. Ensuring ongoing communication between the front lines and senior-level public servants, and horizontally through networks and communities of practice.

-
- d. Having processes in place for employees to report grievances and violations of integrity standards, without fear of retribution or harassment, and providing appropriate follow-up procedures.
- V. INVITES** the Secretary-General to disseminate this Recommendation.
- VI. INVITES** Adherents to disseminate this Recommendation at all levels of government.
- VII. INVITES** non-Adherents to take due account of, and adhere to, this Recommendation.
- VIII. INSTRUCTS** the Public Governance Committee, through its Working Party on Public Employment and Management, to:
- a develop an implementation toolkit that helps Adherents to implement the Recommendation;
 - b monitor the implementation of this Recommendation; and
 - c report to the Council on the implementation of this Recommendation no later than five years following its adoption and every ten years thereafter.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Türkiye, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 460 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions** are adopted by Council and are legally binding on all Members except those which abstain at the time of adoption. They set out specific rights and obligations and may contain monitoring mechanisms.
- **Recommendations** are adopted by Council and are not legally binding. They represent a political commitment to the principles they contain and entail an expectation that Adherents will do their best to implement them.
- **Substantive Outcome Documents** are adopted by the individual listed Adherents rather than by an OECD body, as the outcome of a ministerial, high-level or other meeting within the framework of the Organisation. They usually set general principles or long-term goals and have a solemn character.
- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several other types of substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.