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“Citizens’ Participation in Governance”

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Executive Summary

Reviews of practices in the Thai public administration have revealed that the managerial approach to the operations of public administration are slow in responding to the changing environment as a consequence of the era of globalization. Management is slow in changing and adapting to the need for improvements in work efficiency, the need for professionalism in service delivery and requiring new techniques and applications to be learned, in order to respond to the changing environment and changing needs of the public and their communities. With the introduction and implementation of the Public Administration Act 2004, the Act highlights new requirements and many changes to the execution of public administration by focusing on establishing values and principles that guide civil servants' conduct and performance within the public sector, ensuring that employment decisions are to be based on merit and promoting the highest possible standards of professionalism and governance in the public sector.

In order to provide the efficiency of public administration and the continuity of the provision of quality public services, the concept of "Citizen's Participation in Governance" must be seen as critical in the new approach to the implementation of public sector services. The participation concept relates to the issue of providing accountability to the public and allowing the citizen to express their opinions to public sector management on the approach and delivery of the services they receive. This paper discusses how the relationship and possible discourse between the adoption of union representation and citizen participation in the governance of public sector administration could work.

The Office of the Civil Service Commission (OCSC), as having its role as public human resource agency, is currently undertaking research into best practice regarding the concept of "Citizen

Participant in Governance”. The OCSC has produced the draft Royal Decree on Civil Service Assembly, allowing civil servants to form a civil service union, as part of Thailand’s compliance with the ILO conventions 87 and 98. The analysis indicates that there are several possible areas in the implementation of the quality and performance focused requirements for citizen focused service delivery, where unions will be involved and which will affect their members. Consequences to areas of financial implications to Agencies, such as overtime working should new approaches to service delivery be implemented and the union acting as a possible broker between Agency management and citizens.

This paper concludes that there is a need for agency management to change working methods to initiate a more performance focused culture towards the needs of the citizens, as well as the recognition that with the implementation of union representation, decision making will be affected and possible financial implications could result from the consultation process.

It also concludes that, due to the recognition of civil service unions, it could permit citizens to further take part in public managerial decision making by using the union as a way to gain their views heard and as a broker by negotiating with Public Sector Management to achieve their requirements.

1. Background

Since 2002 Thai public administration has been going through a process of reform moving to democratic governance, with the result that public administration has been adjusted to deliver professional performance for the benefit of the Thai citizen as well as enhancing society's well being. Following this new approach, the Public Administration Act 2004 has been introduced and one of its key principles is to establish values and principles that guide conduct and performance within the public sector, to ensure that employment decisions are based on merit and to promote the highest standards of professionalism and governance in the public sector.

The public engagement or so called "Engaged Governance Culture." has been seen as the important factor in the Thai public administration reform and this approach has therefore affected all government agencies with immediate effect. This means that the government agency has to develop its mechanism to allow citizens' participation to its administration at all organizational levels. Consequently, many government agencies have started to rethink their managerial approach to organizational management and many of the agencies starting to use the concept of "New Public Management" as a tool to enhance their organizational performance in order to be seen as allowing citizens to participate in the governance of their services.

The Office of the Civil Service Commission (OCSC), having as its role and responsibility to act as a secretariat body of the Civil Service Commission and to make proposals and give advice to the Cabinet concerning standards of civil service personnel administration, is currently undertaking best practice in human resource management approaches regarding the concept of Citizen Participation. One of these approaches relating to the theme of Citizen Participation is to allow government

officers to form a civil service union. By doing so, this permits the government officer to take part in managerial decisions as well as to participate in their work approach, so that, for instance, the management decision to be made is the best way to provide a quality service to the citizen and the citizen can participate through the process of informal meeting or joint consultation between the member of civil service union and executive staff.

This paper provides a background and overview of the process of the approach to civil service union representation and specifically focuses upon some of the details of the rules and regulations of the civil service union in order to pursue public sector working conditions to allow for government officers to perform at a professional level, thus delivering their best contribution to the public service. The final section outlines issues for further discussion in the pursuit of civil service best practice to achieve the government officer's professional performance for the public sector to deliver a quality service to the citizen.

2. Constitution make-up of the Civil Service Union

The new approach to public employee relations has become necessary due to Section 43 of the Civil Service Act 2008, which stipulates that:

“Civil Servants have the liberty to assemble as a group as provided in the Constitution, provided that such assembly does not affect the efficiency of the national administration and continuity of public services and must not have a political objective. The rules, procedures and conditions for assembly shall be as prescribed by Royal Decree.”

Since 2009, OCSC has been working on creating a suitable framework for the Thai civil servants to obtain the freedom to form the Civil Servant Union and subsequently in 2011 the cabinet has approved the draft of the Royal Decree on the Regulating Rules, Procedures and Conditions for Civil Servant assembly B.E. The cabinet has further suggested that the draft of the Royal Decree on the Regulating, Rules, Procedures and Conditions for Civil Servant assembly B.E.

should be passed to the office of the Council of State for approval¹. This is the new step in the Thai public sector's human resource management's evolution with regard to employee relations and the re-engineering to modernise and democratise the whole system of employee relations.

Following the re-engineering of the Thai public sector's employee relations, OCSC has increased efforts in conducting intensive studies into for instance, how the Trade Unions have been formed and structured and what the collective bargaining systems are in different countries in order to create the best possible civil service union framework.

The draft of the Royal Decree on the Regulating, Rules, Procedures and Conditions for Civil Servant Assembly B.E. has passed the process of Office of the Council of State approval and its final format contains 48 sections and 3 chapters: Chapter 1: General information, Chapter 2: Establishment of the Civil Service Union and Chapter 3: Monitoring the Civil Service Union and Civil Service Federation. This paper will thus simply summarise the main points, being as follows:

Part One: General Information

- (1) A group of Civil Servants assembled is called "Civil Service Union".
- (2) Each group of civil servants must register as a "Union" based on one of the following 6 categories:
 - 1) The Union of the Civil Service.
 - 2) The Union of the Civil Service based in the same Department.
 - 3) The Union of the Civil Service based in the same Ministry.
 - 4) The Union of the Civil Service affiliated to the provincial administration at the same province.
 - 5) The Union of the Civil Service based on an Executive Position.
 - 6) The Union that has been agreed by the Civil Service Commission.

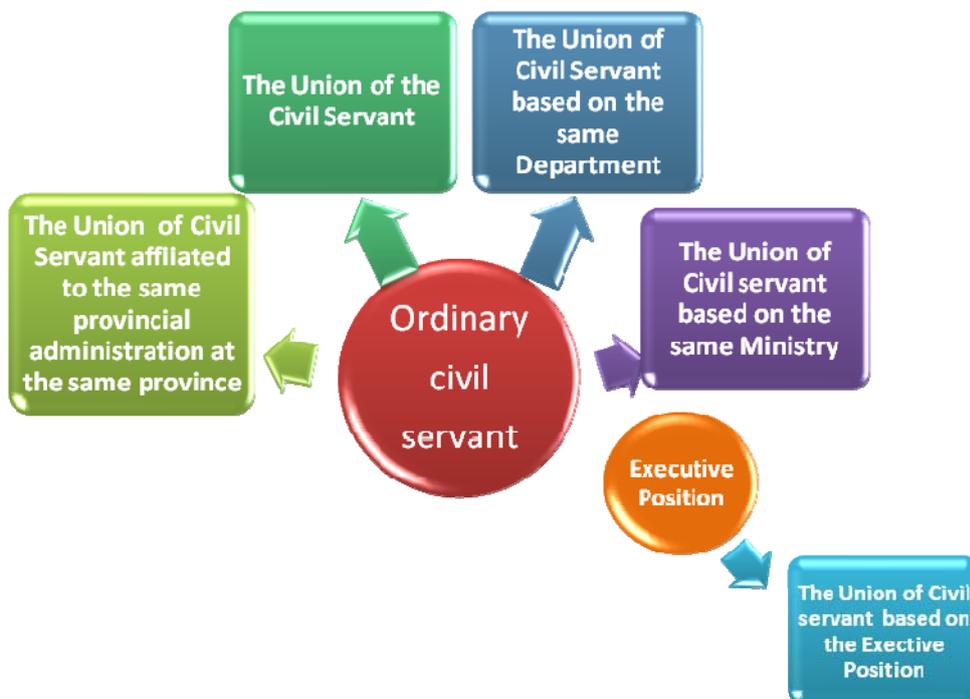
Each civil servant can join a maximum of 4 unions, which are

¹ The cabinet meeting in March 28 2011

- 1) The Union of the Civil Servant
- 2) The Union of the Civil Servant based in the same Department
- 3) The Union of the Civil Servant based in the same Ministry
- 4) The Union of the Civil Service affiliated to the provincial administration in the same province

Those civil servants in an Executive position can only join one union, which is the Union of the Civil Servant based on the Executive Position. This is shown in figure 1 below.

Figure 1: Six Categories of Civil Service Union



(3) The “Civil Service Union” ought to have the following objectives:

- 1) Promoting better relationships between Union members and their Supervisors.
- 2) Helping members to appeal and petition
- 3) Acquiring and protecting the interests of Union members with regard to their Terms and Conditions of Employment.

4) Co-operating with the promotion and enhancement of the efficiency and protection of the interests of the civil and public service. The objectives of Civil Service Union is shown in figure 2.

Figure 2: The Objectives of Civil Service Union



(4) The “Civil Service Union” has the right to submit a complaint, request or make suggestions relating to their member’s Terms and Conditions of Employment² to the responsible officials.

Part Two: Establishment of a Civil Service Union

² **Condition of Employment** means “terms of employment, working days and hours, official holiday and leave, salary, pay for positions, extra pay for positions, extra pay for cost of living, quality of life and all matters relating to personnel management under merit system”

- (5) To apply for Union registration, not less than 10 eligible civil servants in each category have to, as the promoters, submit a written application to the Registrar, being the Secretary General of the Office of the Civil Service Commission.
- (6) Together with this written application the draft Regulation of that Civil Service Union, including the list of names with signatures of not less than 20 percent of those civil servants working in the same department, ministry, province or position as the promoters, needs to be submitted.
- (7) The Civil Service Union is strictly prohibited to strike or take any action affecting the efficiency of national administration; the continuity of public services or against the Government. In addition, the Civil Service Union is not allowed to accept money donated from political parties or politicians or engage in action for political purposes.

Part Three: Monitoring the Civil Service Union and Civil Service Federation

- (8) The Office of the Civil Service Commission is assigned to supervise, oversee, monitor and evaluate the establishment and management of the Civil Service Union to maintain fairness and appropriateness.

3. Managerial decision through Civil Service Union

Employee Relations is universally the major part of a human resource management framework that could enhance employee relations, particularly in terms of organising and representing government officers' interests both in the workplace and society as well. Creating Civil Service Unions is the turning point in reforming the Thai public sector's human resource management as well as enhancing democratisation by giving the freedom to civil servants to assemble, establish a Civil Service Union and to conduct employment joint consultation, although within the human resource management policies.

The important issue contributing to the citizen's well being is that by creating the better relationship between Civil Servant union members and their supervisor will lead to a professional performance

for the public sector. Different cases of managerial decisions to enhance public service allowing citizen to participate are as follows:

(1) It is deemed nowadays that the E-government infrastructure has become a common feature and that almost every country in the world is investing this infrastructure into their public sector. Similarly the Thai public sector is currently building an E-government infrastructure into almost all government agencies, with it aims to establish a dynamic communication system within a government agency as well as to permit citizens to have full access to the public sector information. Therefore each government agency will need to provide training for its staff, as being a web-master, if not a web-site designer. In this sense, the civil service union can be involved in the discussions about training staff. Additional pay, if staff need to be able to maintain a web-site or design a program. Thus a managerial decision needs to be made regarding staff requirements for computer training in order to provide a high standard service to the citizen.

(2) It might be common in several countries that public services are provided after normal working hours, if not in a public holiday, paying overtime payment for the staff. Citizens usually need public services to be provided almost 24 hours a day, although this might result in taxes being raised to cover the cost of having a 24 hour service. If this is the case, the civil service union can negotiate terms of working hours for their members, requiring management to pay extra pay for extra hours worked to cover the need to provide an almost 24 hour service to the community. Thus the civil service union can be seen as a major influence in managerial decision making when considering the provision of extra services to the community after a normal working day.

(3) Citizen voice regarding public services can be made in parallel to a voice of the civil service union. This means that the citizen can participate in governance by using the channel of the Civil Service Union to negotiate on managerial decisions in areas that are of common interest to the citizen and civil service union. Examples of this would be redundancies, cutting back services or stopping services altogether, thus affecting both the Citizen and government officers.

There will be further issues that the civil service union will involve itself with in influencing managerial decision making in providing the standard services to communities. The final aim of

developing the employee relation system is to allow citizens to participate in governance, so that this reflects how well the public sector contributes to the provision and quality of public services.
