Quick Scan of the Integrity Infrastructure of Government Ministries

Ministry of Public Health, Social Development and Labor

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1   Introduction

Previous studies[1] conducted in Sint Maarten regarding the status of integrity within the public sector came to the conclusion that there is a need for improved integrity within Government. Although the validity and recommendations of those studies are still of significant importance, it cannot be assumed that the results of those studies are still accurate today as the studies were published several years ago.

For this reason, based on Article 16, paragraph 1, of the National Ordinance Integrity Chamber, the Integrity Chamber decided to conduct a Baseline Integrity Measurement in the form of a Quick Scan of the various Government Ministries to obtain an understanding of the current integrity infrastructure within the Government of Sint Maarten.

The Quick Scan is a preliminary study conducted with the purpose of determining the foremost risks, challenges, and areas for improvement as it pertains to the completion, implementation, awareness, compliance with, and enforcement of the current integrity infrastructure.

This report outlines the results of the Quick Scan within the Ministry of Public Health, Social Development and Labor (in Dutch: *Ministerie van Volksgezondheid, Sociale Ontwikkeling en Arbeid*) (hereafter: Ministry of VSA or Ministry). Chapter 2 discusses the purpose, methodology and limitations of the Quick Scan. Chapter 3 discusses the integrity infrastructure and the organisational elements observed within the Quick Scan. In chapter 4, the results, and findings of the Ministry of VSA and certain specific executing agencies are presented. Lastly, the conclusions of the Quick Scan and brief recommendations are given.

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[1] De Algemene Rekenkamer, *Nulmeting Sint Maarten, Stand van Zaken institutionele integriteitszorg 2014* (2014); Commissie Integer Openbaar Bestuur, *Doing the right things right (*2014); PriceWaterhouseCoopers, Integrity inquiry into the functioning of the Government of Sint Maarten (2014); Transparency International, *St. Maarten 2015, National integrity system assessment* (2015).

2 Quick Scan Purpose, Methodology and Limitations

2.1 Purpose

The Quick Scan was formulated to gain a general understanding of what is in place as it relates to the current integrity infrastructure of the Government Ministries and the most significant bottlenecks and challenges. The goal is to be able to determine the priorities for improving the integrity infrastructure within the different Ministries.

2.2 Methodology

The main tools or instruments utilised during the execution of the Quick Scan were interviews conducted with key stakeholders within the Ministry of VSA. A topic list was used as a guideline to ensure consistency in the information requested and to obtain a sufficient impression of the status of the integrity infrastructure from the perspective of the respondents. The interviews were carried out in a manner that allowed the respondents to provide insight into their executing agency outside of the listed topics. The results of the Quick Scan represent the information shared with the Integrity Chamber.

Persons interviewed included the heads of varying executing agencies and departments, as well as a limited number of staff within the Ministry. Interviews were carried out by two (2) persons from the Integrity Chamber to ensure uniformity within the process, and consistency during the data collection and analysis.

2.3 Limitations

A Quick Scan is not a comprehensive study. It is inherently limited due to the reduced amount of data collected. The information in the report is, for example, solely based on information gathered from the respondents. Therefore, it only presents the foremost challenges. Furthermore, not all the departments or executing agencies within the Ministry were approached. This also results in reduced data due to the restricted number of respondents. Nonetheless, this approach was selected to acquire as much information as possible within a brief period of time. While the information gathered by the Quick Scan is not comprehensive, it provides vital information, as the most pressing and urgent needs are presented.

3 Integrity Infrastructure

A proper integrity infrastructure within the administrative body is vital to compliance and integrity within the organisation (organisational integrity). It also builds trust and solidifies social cohesion among citizens.

The integrity infrastructure comprises two (2) aspects, namely:

1. All legislation and regulations (policies and procedures), and moral codes or principles of the administrative body and its execution (hereafter: the legal and regulatory framework); and
2. All additional elements necessary for the fulfilment of organisational objectives (hereafter: organisational elements).

These aspects will be discussed in more detail in the following paragraph.

3.1 Legal and Regulatory Framework

In any democratic society, a comprehensive legal and regulatory framework is necessary. An ambiguous or incomplete legal and regulatory framework leads to organisations, employees, clients, and society on a whole, not being (fully) aware of their rights, duties, and obligations. When that is the case, the potential for integrity related risks and misconducts present itself.

Transparency and accessibility are also important to maintain a level of discipline and consistency. When information is not shared or properly explained it can lead to inconsistent behaviour. In addition, without awareness, taking the relevant and necessary measures would prove difficult in the case of non-compliance. Employees must continuously be reminded of the existence of and/or changes to the applicable legal and regulatory framework.

3.2 Organisational Elements

Legislation, regulations, and moral codes cannot be fully effective in reducing and preventing integrity risks or misconducts if certain organisational elements are not in place. Several basic conditions have been recognised as necessary for an effective and efficient fulfilment of the organisational objectives of the executing agencies: elements such as, the prevailing organisational culture, the reputation of the executing agency, the available material and human resources, the awareness of integrity, etc.

The following two (2) organisational elements were observed as being a challenge within the Ministry:

*   Material and Human Resources
*   Consistent Organisational Culture

3.2.1 Material and Human Resources

Material and human resources form the basis for the effective and efficient operation of an organisation. Material resources are, for example, housing, IT hardware and software, or vehicles. Human resources are the availability of sufficiently qualified, capable, and willing employees.

A lack of human and material resources has major consequences for an executing agency. A lack of material resources can lead to uncertain and unhealthy work environments, while a lack of human resources can lead to an executing agency's inability to fulfil its tasks, due to a lack of capacity or sufficiently trained employees. This in turn can have a negative effect on organisational integrity.

The most common cause of a lack of resources are financial constraints. However, a lack of resources can also be a consequence of unavailability or inaccessibility of the resource, inadequate decision-making, or even delays in maintaining/repairing damaged material resources.

3.2.2 Consistent Organisational Culture

Every organisation has a culture. This culture can be cultivated and maintained by persons within the organisation, particularly by leadership, or it can be allowed to develop on its own. Organisational culture incorporates the norms and values of the organisation and expresses itself as the collection of beliefs, values and methods of interaction that create the environment of an organisation. Organisational culture plays a crucial role in shaping behaviour in organisations and defines how employees work and function.

When there is no attention given to creating and/or maintaining a positive culture, a negative organisational culture may develop in the following ways: there may be an increased risk or occurrence of misconduct, the work environment may become unhealthy and may demotivate and frustrate employees, or it may affect the quality of work produced.

When there is a consensus within the organisation on expected employee behaviour, and the organisation ensures consistency in its compliance, it is that the organisation will be successful. The risks and occurrences of integrity issues will be greatly reduced. In the long run, a consistently positive organisational culture will ensure the effective and efficient fulfilment of the organisational objectives.

4   Quick Scan findings

In this chapter, the findings of the Ministry are presented. The findings are divided by the following categories, the legal and regulatory framework, human and material resources, and consistent organisational culture.

4.1   Ministry of VSA

The Ministry of VSA is responsible for the legal, policy and quality framework for healthcare in Sint Maarten. The Ministry prepares laws and regulations on public health, health care, social affairs, and labor and provides policy advice on public health, health care, social development, and labor in the broadest sense of the word. The Ministry also coordinates and implements specific assignments such as, vaccinations, vector and various types of inspections and awareness activities related to the objectives of the Ministry.

The Ministry further serves the public by investigating and monitoring the health, employment, working and social living conditions of residents, providing care for community development, neighbourhood, and community work, providing job placement services, and the issuance of work permits.

For this Quick Scan, a general analysis of the Ministry of VSA took place and persons in the following four (4) departments / executing agencies were interviewed:

- The Department of Public Health[2];
- Division Labor Affairs and Social Services.
- The Inspectorate of Public Health, Social Development and Labor; and
- Division Collective Preventive Services

The interviews provided information on the existing integrity infrastructure, along with challenges occurring within the Ministry and the executing agencies that cause or may cause integrity risks. General findings concerning the Ministry, and specific findings of the various executing agencies can be found in this chapter.

4.2   General Findings

4.2.1   Legal and Regulatory Framework

The information presented below should be read as follows: The **bold text** indicates the topic/summary by the Integrity Chamber of the information provided by the various respondents below. Within the text, the integrity risks and challenges associated are mentioned.

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Ministry of VSA:

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[2] Based on the National Ordinance Structure and Organisation of National Government (LIOL) the Department of Public Health is a department, while the other three (3) are seen as executing agencies.

General regulatory framework is in place. The current regulatory framework applied within the Ministry is the Landsverordening Materieel Ambtenarenrecht, the Employee Handbook, and the civil servant oath of office. This framework contains general regulations determining employee duties, rights, and behaviour, such as performing ancillary activities, the expected behaviour of a good civil servant and accepting gifts. In practice, the adherence to the rules can be challenging.

Specific integrity regulations are lacking. Specific integrity-related regulations and measures, such as a Code of Conduct, Confidential Advisors, employee-client behaviour, the sharing of confidential/private information, and guidelines on the responsible use of social media and other outlets, are lacking. Some executing agencies and departments also have internal policies and procedures relating to specific tasks. However, compliance is not always enforced which can lead to integrity issues.

Deviation from the function book. Respondents stated that the legislative formation does not always fully correspond with the tasks, goals, or objectives of the Ministry. The current formation was established in 2009 and implemented after 10-10-10. However, the Ministry has evolved since then. The Department of Personnel Affairs was tasked with assessing and evaluating the need for an amendment to the function book in 2013, but that task was never completed. As a result, the function book does not reflect all the needs of the Ministry. In some cases, persons are employed to carry out a certain function, while their daily responsibilities differ from what is documented in the function book. Respondents stated that the decision-makers within the Ministry are aware of this deviation from the function book.

A lack of specific integrity regulations makes it difficult to structurally address integrity issues. Integrity issues are addressed on an ad-hoc basis. Internal discussions are held by department heads when incidents occur amongst employees. When there is the opportunity for discussion, persons are reminded of their responsibilities. Structural communication about integrity related topics within the Ministry is lacking. The Ministry recognized a need for improved communication among employees and has recruited a communication officer, who is tasked with communicating the (general) activities of the Ministry. However, integrity and expected behaviours are not addressed or communicated via this channel.

4.2.2 Material and Human Resources
The following information was obtained about material and human resources within the Ministry of VSA:

Human Resources
Demotivated employees. The employees of the Ministry have become demotivated due to the feeling that their basic expectations are not being met, such as difference in employee's work-ethic, a lack of recognition, growth possibilities, and salary compensation. The Ministry has limited possibilities to enhance the motivation of the employees e.g., trainings, team building sessions, or other rewards due to limited finances. There are continuous discussions surrounding the allotted

government budget for the Ministry, the rising costs of living and its effects on the compensation of the employees' salaries. There are also insufficient possibilities to provide mental and social assistance or support for employees encountering personal and professional difficulties. The effects of Hurricane Irma and the global pandemic COVID-19 also seems to have exacerbated the situation. Unsatisfied and demotivated employees can lead to integrity misconducts, such as bribery and the abuse of personal or sick leave.

Material Resources

Financial challenges lead to a lack of assistance for vulnerable groups. Government utilizes financing to aid vulnerable groups in society e.g., elderly, children, and disabled. The Ministry does not have sufficient financing to aid several vulnerable groups. The lack of financing also results in insufficient tools and resources necessary for the Ministry to execute some of its mandated tasks. Examples are the lack of social housing for mothers and children, elderly care, assistance for the homeless, the possibility of guided living for juveniles, and the provision of food for eligible persons. The respondents stated that even though there are financial challenges the employees try to find ways to assist these vulnerable groups. There is, however, a risk that the lack of resources could lead to preferential treatment of individuals/groups over other groups.

4.2.3   Consistent Organisational Culture

The following information was obtained about Consistent Organisational Culture within the Ministry of VSA:

Unwritten guidelines for employee behaviour. Respondents stated that there is a certain standard of behaviour expected of employees of the Ministry. However, these expectations are generally unwritten, whereby certain undesired behaviours could occur due to a lack of awareness. Instances such as the sharing of information (internally and externally) without consent, or posting work related information via social media, have occurred. There have also been instances where mutual respect amongst employees were lacking. While a need for written guidelines have been recognized, discussions on standards of behaviour and integrity do not occur and is not prioritized.

Ensuring client trust. Clients that request assistance or services from the Ministry may be in vulnerable positions. Some clients are hesitant to request help because of pride or the concern that their personal information may be made public. The client should not doubt and must feel comfortable that the Ministry will be able to assist without having their personal situations shared unnecessarily. It takes trust from the client to approach the Ministry and this relationship of trust must be built and maintained.

4.3   Specific Findings of the Department of Public Health

The Department of Public Health is responsible for developing and evaluating policies, laws, and regulations with regards to public health, (financial) healthcare services and vulnerable groups. The

Department is also charged with supporting the coordination and implementation of emergency public health services in disasters, representing the public health interests of the country, and ensuring and safeguarding the accessibility of quality health care.

4.3.1   Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Department of Public Health:

Legal and regulatory framework does not correspond in practice. The standard Government regulations are applicable to the Department. In accordance with the organisational structure, the Department falls directly under the responsibility of the Secretary-General. However, in practice, there is a direct line of communication between the Department and the Minister and his cabinet.

Utilizing office values to decrease integrity risks. The values of the Department have been incorporated into the Department's work processes by utilizing the performance evaluation, providing opportunities for team building and creating a 'tight-knit team'. Respondents stated however, that there is no specific written guidance on expected employee behaviour; employees are expected to take the initiative and ask questions. When necessary, the values and the expected behaviours are discussed on individual levels.

4.3.2   Material and Human Resources

The following information was obtained about material and human resources within the Department of Public Health:

The Department of Public Health did not share any challenges pertaining to material and human resources.

4.3.3   Consistent Organisational Culture

The following information was obtained about consistent organisational culture within the Department of Public Health:

Lack of sharing information with the public. The public is insufficiently informed of the tasks and functioning of the Department resulting in a lack of transparency. Additionally, respondents stated that there should be open lines of communication externally and internally within Government. The lack of an informed public makes the work of the Department more challenging, as the public may have expectations from the Department that they are unable to fulfil.

External influences and decisions. There are external influences that sometimes attempt to influence or change the decisions, advice, or policies of the Department. Respondents stated that this is a regular occurrence. The attempted influence often comes from higher-ups, or other stakeholders.

When these issues occur, the Department does not deviate from their legislative framework, but documents the attempt and motivates why it is not possible.

It also occurs that decisions are taken without requesting the necessary advice from the Department. The respondents stated that these actions have a demotivating effect on the employees and may negatively affect productivity. The Department also stated that when external influences are successful, it weakens Government's position and makes them susceptible to court cases, which have happened in the past.

4.4 Specific Findings of the Division of Labor Affairs and Social Services

The Division of Labor Affairs and Social Services is responsible for handling requests for medical, financial, and social-emotional assistance and providing immaterial aid (social help) to the public. The Division is also responsible for handling requests for labor permits and handling labor disputes, complaints and dismissals between employees and employers.

4.4.1 Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Division of Labor Affairs and Social Services:

Several specific integrity regulations in place. It was stated that there are several division-specific regulations in place such as policies, ministerial decrees, and ordinances which determine how the Division executes its tasks and what is expected of the employees. However, the Division does not have an internal and external complaint procedure. A lack of procedures may prevent persons from reporting integrity issues, resulting in integrity issues or misconduct going unnoticed or unresolved.

Department audits no longer regularly conducted. Conducting formal external and internal audits are necessary to uncover irregularities, possible integrity issues or other challenges and to improve the system. Previously, procedures, cases, reports, security levels, checks and balances, deviations from legislation and financial expenditures, were regularly audited. While there is currently an audit being conducted on utilized procedures, the last completed (financial) audit was in 2017.

Procedures to prevent integrity risks. When necessary, the Division attempts to adjust their working method in an effort to improve or maintain integrity. An example of this was when the Division introduced new procedures and an increase in checks and balances based on observed misbehaviour from an employee. Concurrently, it was also noted that there is a department with only one employee providing the advices for permits. This can pose a challenge when executing the necessary checks-and-balances.

4.4.2 Material and Human Resources

The following information was obtained about material and human resources within the Division of Labor Affairs and Social Services:

Human Resources

Inability to execute consequences. The HR-cycle (performance evaluation) is utilized within the Division. The evaluations are completed on an annual basis in compliance with the approved HR-cycle. The outcome of the HR-cycle report, either positive or negative, should be implemented. However, respondents stated that the Division has not been able to perform the necessary actions as the current policy restricts the ability to execute the outcome of the HR-cycle. This can lead to negative outcomes for the department as it pertains to cases with integrity issues. A re-evaluation on the scoring system, the core competencies and the methodology of the entire HR-cycle needs to occur.

Lack of support for employees. There are no (social) systems in the workplace to provide help for employees dealing with financial, social, emotional, or health issues. Particularly after Hurricane Irma and COVID-19, it has become obvious that employees may need support. These issues do affect their work performance or mental well-being. The lack of support for employees presents challenges which could lead to integrity issues and related risks such as, reduced employee productivity and increased sick-leave.

Material Resources

Inadequate environment for intakes. Intakes and interviews with clients are held in booths in the Government building. However, these booths have an open structure that do not allow for adequate privacy. Clients, employees, and other visitors can hear each other's conversations. The client may not be comfortable sharing private information. There is a risk that private information can also be shared or misused by persons overhearing the conversation.

Other material challenges. There are insufficient opportunities for (leadership) training for employees. There is also a need for various material resources, particularly for IT hardware and software. The Division works mainly in an automated management system. All information is stored in the system. Previously all client information was lost due to a system crash resulting from a lack of storage space and maintenance. The Division has no control over the back-up or maintenance of the systems which is done by the IT department, and there is a risk that client information can be compromised.

4.4.3   Consistent Organisational Culture

The following information was obtained about consistent organisational culture within the Division of Labor Affairs and Social Services:

Deviation from the advices of the Division. Respondents stated that when the Division gives advice based on the legislative framework, they are sometimes overruled by decision-makers. However, the Division does not alter the advice to suit the decision but documents the reasons/motivation for the deviation from the legislative framework. Occasionally, advices have been changed based on legal advice or a judge's ruling.

4.5 Specific Findings of the Inspectorate of Public Health, Social Development and Labor

The Inspectorate of Public Health, Social Development and Labor is responsible for determining the compliance of various institutions on Sint Maarten (restaurants, pharmacies, day-care centres, health institutions) to the applicable legislation (national and international). The Inspectorate is divided into the following specialist units: Food & Water Safety, Labor, Public Health, Day-care Centres, Pharmaceuticals and Environmental Hygiene (non-operational).

4.5.1 Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the Inspectorate of Public Health, Social Development and Labor:

Specific integrity regulations lacking. The tasks of the Inspectorate are executed in accordance with national and international legislative standards, such as Sint Maarten legislation, World Health Organization legislation, and the International Labour Organization convention. Each unit within the Inspectorate has their own specific legislation for the execution of their specific tasks. While the above-mentioned regulations ensure a certain standard that employees must follow, there are no specific integrity-related regulations that guide behaviour.

Outdated legislation and organisational structure. Respondents stated that certain aspects within the organisational structure require an update. An example is one function within the structure which carries two sets of responsibilities, namely that of Chief Healthcare inspector and Inspector General. According to the respondents, this is not practical as the combined roles carry a lot of responsibility for one person and the execution of the function may result in a conflict of interest due to inability to conduct sufficient checks and balances.

Another example is the outdated legislation of the Day-Care Inspection unit, which results in some facilities not being inspected. When the necessary safety, cleanliness and other necessary standards cannot be applied across every institution equally, it can lead to certain health risks for the public. An example within the unit of Labor Inspection and the Food Safety Division, is that there are differences in tasks and compensation between inspectors and controllers. In reality, they carry out the same tasks but are compensated differently (based on the function book). This can result in inequality, unclear roles and responsibilities, and frustration among the employees.

Integrity instruments utilized to avoid integrity risks. The Inspectorate utilizes several instruments to avoid integrity risks and issues. The following examples were mentioned:

- Structurally and consistently refusing offers of commodities (tokens of appreciation) from inspected parties. As a result, they are no longer offered;
- Inspectors may not inspect the same area or business for more than a year and are rotated yearly;
- Inspectors are not allowed to share information obtained within the Inspectorate with the public;
- Situations are openly discussed, and varying perspectives are requested from the relevant colleagues when needed. Inspectors also correct each other and hold each other accountable;

- Inspectors are required to always maintain professional working relationships with clients;
- Reports must be based on fact-finding. No assumptions or opinions are allowed in a report;
- Inspection reports and directives are mostly (excluding healthcare due to the diversity of the different institutes) written according to an established template;
- As much as it is possible, inspections are done in groups of two (2), or with other relevant stakeholders; and
- Inspectors are advised to avoid patronage to certain establishments, particularly if they are responsible for the inspection of the establishment, or if there is a relationship or history with the owner/client.

4.5.2   Material and Human Resources

The following information was obtained about material and human resources within the Inspectorate of Public Health, Social Development and Labor:

Human Resources

Limited growth in compensation. Respondents stated that some of the inspectors have reached the maximum salary in their scale, or have not received additional compensation, or the cost-of-living adjustment (COLA) in years. Being an inspector means that lots of side activities/jobs are not allowed as it may potentially cause conflicts of interest. The respondents indicated that they are not aware of any bribes being accepted, however they believe that an inspector's should be sufficient compensated to minimize the risk of bribery. The current compensation is seen as demotivating for the inspectors, and some are not performing as they should. The HR-system is not sufficient to solve these challenges.

Limited capacity within the specialised units. Some of the specialized units of the inspectorate only have one (1) or two (2) employees. When necessary, the inspectors consult colleagues from other units for assistance, however, these colleagues may not possess the specialized knowledge needed. Furthermore, with limited staff per unit, it is almost impossible to prevent personal connections during inspections. The Inspectorate's general rule is to conduct inspections with more than one (1) person, however, in practice this is not always possible.

Material Resources

Lack of finances for continuous learning programs. Due to the specific tasks of the Inspectorate, and the specialized tasks that they execute, there is a need for continuous learning programs because the standards in inspection are continuously updated globally. However, these programs are not available or accessible due to a lack of financial resources within the Ministry. The limitations in upgrading the knowledge of the inspectors can lead to them not recognising possible misconducts or being unable to fully observe misuse of the system by external parties. The Inspectorate also

recognizes a need for integrity-related procedures, as well as refresher courses pertaining to integrity.

Need for improved technical support. Respondents stated that the IT-system and network security need improvements. The hardware (computers and laptops) does not suit the needs of the Inspectorate. They are slow and outdated. The necessary IT- support to maintain the software program is not available due to a lack of knowledge pertaining to program maintenance. Instead of using the appropriate software, the Inspectorate uses an alternative self-made excel sheet.

4.5.3   Consistent Organisational Culture

The following information was obtained about consistent organisational culture within the Inspectorate of Public Health, Social Development and Labor:

Implied integrity due to professional backgrounds. Respondents stated that there is an implicit level of trust within the organisation. Because of the inspectors' background in health (doctor, nurse, pharmacist, etc.), confidentiality and professionalism has been embedded through their education and expected from them. An example given is the confidentiality of personal information. The privacy law was mentioned, and respondents stated that it is adhered to although it was unclear to them if anybody enforces this law. There are no structural discussions on integrity however the respondents stated that they hold each other accountable and speak up when they experience behaviour contrary to what is expected.

Dependence on external parties. Based on their duties, the Inspectorate is dependent on administrative bodies and organisations or institutions in the private sector to carry out their tasks. The inspectors regularly encounter stalling techniques. An example given was the refusal of a manager to provide the Inspectorate with the necessary information or access to the facilities. This behaviour has hampered the ability of the Inspectorate to carry out their tasks. Consequently, it can lead to risks for the public if the health care institutions, labor, and day-care centres are not accessible for inspection or not compliant with the required standards. This dependency on third parties makes the functioning of the Inspectorate vulnerable as the inspection process may remain pending or may not be completed.

Political interference. When an organisation has political connections, they sometimes attempt to halt or postpone the Inspectorate from carrying out their tasks. However, respondents stated that the Inspectorate does not allow this interference to prohibit them.

4.6   Specific Findings of the Division Collective Preventive Services

The Division Collective Preventive Services [hereafter: CPS] is divided into two (2) sections: Youth Healthcare and General Healthcare. The Youth Healthcare section is responsible for school and baby immunizations, eye tests, dental care programs and other health concerns for children. The General Healthcare section is responsible for disease reporting and monitoring, vector (mosquito) inspection,

and epidemiology. Since 2020, additional temporary support staff has been acquired to assist CPS in its COVID response. Supporting activities provided range from assistance with the 914-call center, source and contact tracing, testing, data entry and covid vaccinations.

4.6.1 Legal and Regulatory Framework

The results of the Quick Scan reveal the following about the legal and regulatory framework of the CPS:

Integrity regulations in place. In addition to the standard Government, employees are expected to comply with legislation and to be honest, transparent, and open. These keywords and values are embedded into the In-House Manual and the Code of Conduct of the Department. CPS also has posters and card-sized reminders of the expected rules. CPS has an external and internal complaint procedures and an internal vehicle/gas policy. While discussions on integrity and standards of behaviour do not occur regularly, In July 2022, there was a strategic planning session where the norms and values of the CPS were discussed on a surface-level. There are plans to update the In-house Manual and the Code of Conduct in the near future. Although some of the integrity regulations are in place, the department faces challenges with compliance and enforcement.

Integrity should be ensured government wide. Respondents were of the opinion that integrity should be handled government-wide, per ministry and then within a department. If one (1) department is taking actions against integrity issues but the same is not done in the rest of the ministry or government, it is difficult to enforce compliance. E.g., CPS has their own manual, Code of Conduct and Vehicle Guidelines. However, if an employee were to challenge these regulations by the Minister or the Department of Personnel Affairs, it is not clear whether the department would be supported.

Department norms and values embedded into (dormant) HR-cycle. Respondents stated that the HR-cycle gives management the opportunity to remind employees of their responsibilities and the behaviour that is expected of them. This is also done when the employees are hired. Pre-COVID, the HR-cycle was utilized, and the expected behaviour of the employees was alluded to. The HR-cycle was dormant in 2020 & 2021. Due to their COVID priorities and response, year planning was not consistently implemented across the entire department. The Department stated that it is once more being utilized post-COVID. It is the intention that department norms and values are expressly discussed.

4.6.2   Material and Human Resources

The following information was obtained about material and human resources within CPS:

Human Resources

Lack of appreciation especially during COVID period. The COVID-19 pandemic brought a lot of additional work for employees. Employees believe that there has been a lack of appreciation from Government for all their hard work, particularly during the pandemic. There are no incentives available, particularly financial. Respondents stated that attempts to acquire additional compensation for employees was only partially successful. This increases the risk that employees seek extra compensation elsewhere, which may conflict with their duties.

Employee support system. There are no Government programs in place to assist employees with (personal) issues or behavioural challenges. Furthermore, if assistance has been provided to employees in the form of treatment or following a course, there is no subsequent guidance to sustain the newly learned skills. Some employees also require personal coaching in different areas which is not available.

Material Resources

Insufficient capacity due to budgetary constraints. Currently, only half of CPS' formation has been filled. This is due to a lack of adequate financial resources. This inhibits the division from properly executing their tasks as mandated by law and puts additional strain on the existing team.

4.6.3   Consistent Organisational Culture

The following information was obtained about consistent organisational culture within CPS:

Lack of compliance to department guidelines. Employees sometimes simply do not follow the guidelines as requested by management. When these behaviours are discussed during the HR-cycle, it is then seen as punitive or as an attack on the employee. If the behaviour is discussed after an incident has happened, the employees are defensive and do not want to discuss it. Due to prior acceptance, or not discussing unwanted behaviour, certain issues or behaviours have now become part of the organisational culture, such as non-compliance to various departmental policies (vehicle, attendance, etc.). It is currently difficult to ensure compliance and enforcement.

Internal grievances discussed with third parties. It is expected from the employees that grievances are internally discussed and addressed. This is not always the case. It has happened that outside parties, for example a Minister or the union, are informed of employee grievances before it is discussed with management. External parties do not always follow the hierarchy of the CPS in regard to communication or discussing issues.

Undesirable behaviours displayed towards employees and management. Internally, there is some undesirable behaviour displayed, such as not being professional towards colleagues, improper

handling of the government vehicles and not adhering to working hours. Mutual respect among employees is sometimes lacking. The same behaviour is not observed towards clients. It also happens that employees refuse assigned tasks because they do not believe it falls within their function or they do not get paid enough to execute the task.

Vulnerabilities within processes dealing with client contact. Respondents stated that there are not many vulnerable processes within their day-to-day functioning, as they are not charged with the enforcement of rules, however, there are integrity risks within any process that deals with clients (field work/stakeholders contact). There is a possibility for clients to be prioritized based on relationship or that certain processes are not executed according to the guidelines.

Public officials expecting certain privileges. CPS experienced challenges at the beginning of the public COVID-19 vaccinations, as some public officials were requesting preferential treatment in violation with the recommended guidelines. These officials were refused. While this was an exceptional situation, the expected preferential treatment may also be expected within other situations or services.

Acceptance of gifts. The public (businesses and community) has sent gifts as a 'thank you' for the hard work performed during COVID-19. CPS stated that there were doubts about whether or not to accept the gifts, particularly because the employees were already feeling underappreciated and overworked. Most of the gifts given were of a low value (pizza, flowers, chocolate) and were accepted. Gifts of high value or cash were refused by CPS. Respondents noticed that employees would go an extra mile when they felt appreciated by the public.

5 Conclusions

The Quick Scan was conducted with the purpose of determining what is in place and what is lacking as it relates to the integrity infrastructure within the Ministry of VSA. This was done by interviewing persons in the following four (4) departments/executing agencies:

- The Department of Public Health;
- Division Labor Affairs and Social Services;
- The Inspectorate of Public Health, Social Development and Labor; and
- Division Collective Preventive Services.

The integrity infrastructure consists of the legal and regulatory framework within the Ministry, including the moral codes and principles, and the organisational elements necessary for the fulfilment of organisational objectives. Omissions in the organisational elements can indirectly create integrity risks.

Below is a conclusion based on the determined challenges within the Ministry and their related integrity risks. The mentioned challenges and integrity risks are not exhaustive.

Legal and Regulatory framework

The following has been determined as it pertains to the legal and regulatory framework of the Ministry of VSA:

The Government-wide regulations are applicable within the Ministry, as well as several internal policies for specific executing agencies and departments. However, there are instances where (1) the regulatory framework does not correspond with the tasks, goals, or objectives of the Ministry in practice, (2) the function book and the regulated FTE's do not correspond with the needs of the Ministry, and (3) the legislation is outdated.

In general, the Ministry is lacking specific integrity regulations, such as a Code of Conduct, Confidential Advisors, regulations concerning employee-client behaviour, guidelines on the sharing of confidential information and the responsible use of social media and other outlets.

The following integrity risks have been identified:
- A lack of specific written guidance on expected employee behaviour may lead to an increase in misconducts and makes it difficult to structurally address integrity issues occurring within the organisation and
- An outdated or inadequate legislative framework leads to inconsistent execution or the possibility of not adhering to industry standards.

Human and Material Resources

The following has been determined as it pertains to human and material resources in the Ministry of VSA:

The Ministry faces financial challenges as it pertains to the effective and efficient execution of Ministerial tasks, goals, and objectives. There are insufficient funds for the Ministry to provide the desired aid to vulnerable groups. Furthermore, there is a lack of the necessary training for employees as well as the necessary technical support (IT-system, software maintenance, network security).

The Ministry also faces challenges within human resources. There is a lack of capacity within several departments, and employees feel underappreciated. Complaints regarding inadequate financial compensations, and the lack of an adequate employee support system for employees struggling financially, socially, or mentally, are prevalent. Employees are demotivated and frustrated, and the Ministry has limited tools to enhance motivation. Another challenge is the inability to carry out the necessary actions (positive or negative) towards employees as it relates the HR-cycle.

The following integrity risks have been identified:
- Inadequate human and material resources can lead to the Ministry not being able to execute its goals effectively and efficiently;
- Insufficiently trained staff can increase the possibility of human errors and may cause employees to be more vulnerable to integrity risks;
- Understaffing can lead to employees taking on more than one task which can in some cases lead to a conflict of interest;
- The inability to carry out the actions based on the HR-cycle, may result in (1) employees feeling unappreciated and demotivated, or (2) employees that believe that there are no consequences to behaviour that is in violation of the norms and values of the organisation; and
- Unappreciated and undercompensated employees may become more susceptible to receiving bribes or inappropriate gifts and favours.

Consistent Organisational Culture

The following has been determined as it pertains to having a consistent organisational culture within the Ministry of VSA:

As stated, actively creating and maintaining a positive organisational culture is a crucial element to an organisation's success. A consistent organisational culture improves the effective and efficient fulfilment of the organisational objectives.

Within the Ministry it was determined that integrity is not regularly discussed, rules are often unwritten, internal grievances are shared with third parties, and undesirable behaviours are sometimes displayed towards employees and management. Furthermore, the integrity of employees is often assumed based on their professional background.

The organisational culture is also challenged when stakeholders attempt to influence advices or decisions and when public officials expect certain privileges from the Ministry.

There are initiatives within the Ministry to implement integrity regulations, however, these regulations are inconsistently applied. This negatively affects the organisational culture.

The following integrity risks have been identified:

- When employees do not adhere to policies, procedures or guidelines of the Ministry, it can lead to increased integrity issues or misconducts;
- When the expected behaviours remain unwritten, it can lead to employees attempting to solve integrity issues or situations in a manner that is inconsistent with the organisational values of the Ministry;
- When integrity is not regularly discussed, but assumed based on the employee's professional background, it can lead to insufficient checks and balances;
- When internal grievances are shared with third parties, it exposes sensitive information and puts the employees, departments, and the Ministry at risk for false allegations;
- When stakeholders attempt to influence advices or decisions or if public officials expect certain privileges, it directs political or economic pressure toward the Ministry to influence their decisions. It may also lead to preferential treatment towards certain clients; and
- When undesirable behaviours are displayed towards employees and management, it promotes a negative organisational culture, which may become known outside the organisation, affecting public trust and making it harder to maintain or attract employees.

6 Recommendations

The Integrity Chamber hereby provides the following recommendations to curb the most prevalent integrity risks occurring within the Ministry.

Legal and Regulatory Framework

- Adjust the legislative framework based on the tasks, goals, or objectives of the Ministry, as well as the function book and the regulated FTE's.
- Develop specific policies and procedures for confidentiality, frequent client contact, receiving gifts, information sharing and handling complaints and embed them in the Ministry.
- Implement a structure that ensures the execution and enforcement of the integrity infrastructure.
- Enforce sanctions for non-compliance of policies and procedures.

Human and Material Resources

- Evaluate and adjust the HR-cycle processes to improve the Ministry's ability to perform necessary actions.
- Take inventory of the training needs of employees and implement a plan to structurally upgrade their knowledge and skills.
- Establish a system to provide mental and social assistance or support for employees encountering personal and professional difficulties.
- Create an inventory of the IT (software and hardware) needs of the Ministry and prioritize implementations that will reduce human errors.

Consistent Organisational Culture

- Utilize the Government wide Code of Conduct and regularly discuss expected behaviours with employees.
- Structurally execute trainings and workshops on integrity-related topics.
- Utilize the advices of the relevant executing agencies when taking ministerial decisions. Ensure that deviations are motivated and taken in an accountable and transparent manner.

Annex A: List of applicable Integrity-Related Legal and Regulatory Framework

Below is a list of the current integrity-related legal and regulatory framework that is applied within the Ministry of VSA in general, and specifically for the department/executing agencies, as indicated by them.

Ministry of VSA (applicable for the entire ministry)
- Landsverordening Materieel Ambtenarenrecht (AB 2017, 32)
- Employee Handbook Sint Maarten Government (2015/2018)

The Department of Public Health
- Policy Establishment of Healthcare Services
- PPP- internal routing procedures
- Protocol Vestigingsbeleid medische beroepsbeoefenaren: Tijdelijke Landsverordening Beperking Vestiging Medische Beroepsbeoefenaren (P.B. 2005, no. 69)

The Division of Labor Affairs and Social Services
- Beleidsregels HRD 2013
- Competency Catalogue BC261006,22
- Manual Human Resources Cycle for Employees December 2009, BC 141209.23
- Templates Individual Performance Contracts
- Functieboek Dienst Arbeid
- Functieboek Sociale Dienst
- Policy on Incidental Labour Construction Workers
- Ministerial Work Instruction: Guidelines for the issuance of work permits for large-scale construction projects, 30 September 2021, no. 1031
- Labor Permit Procedure Process #A.1.8
- National Ordinance Foreign Labor Articles of denial
- Complaints & Dismissal Manual – Officer v1.0
- Complaints & Dismissals Manual – Management v1.0
- Employment Permit Manual – Section Head v1.0
- Employment Registration Manual – Section Head v1.0
- Employment Registration Manual – v1.0 Intake Officer
- Employment Registration Manual –Job Placement Officer v1.0
- Employment Permit Manual – Head Caseworker v1.0
- Employment Permit Manual – Department Head v1.0
- Employment Permit Manual – Caseworker v1.0
- Social Assistance Manual – Department Head v1.0

- Social Assistance Manual – Caseworker v1.0
- Vacancies Manual –Job Placement Officer v1.0
- Receptionist Manual v1.0
- Vacancy Manual – v1.0 Intake Officer
- Social Assistance Manual – Senior Caseworker v1.0
- Vacancies Manual – Section Head v1.0

## The Inspectorate of Public Health, Social Development and Labor
- LHAM Kinderopvang AB 2013 GT no 64
- LANDSVERORDENING Kinderopvang SXM AB 2013 GT no 67
- Convention C081 - Labour Inspection Convention, 1947 (No. 81)
- LANDSBESLUIT, HOUDENDE ALGEMENE MAATREGELEN, ter uitvoering van de artikelen 5, vierde lid, onder b, en 6 van de Landsverordening op de geneesmiddelenvoorziening
- LANDSVERORDENING houdende regels inzake de Inspectie voor de Volksgezondheid
- LANDSVERORDENING houdende regels nopens de geneesmiddelenvoorziening en de uitoefening van de artsenijbereidkunde
- The Commodities Act
- The National Drinking Water Ordinance

The Division Collective Preventive Services
- The National Ordinance on Public Health
- Revised Manual of Basic Work Policies 20-02-13
- Code of Conduct

Annex B: Organisational Chart of the Ministry of VSA
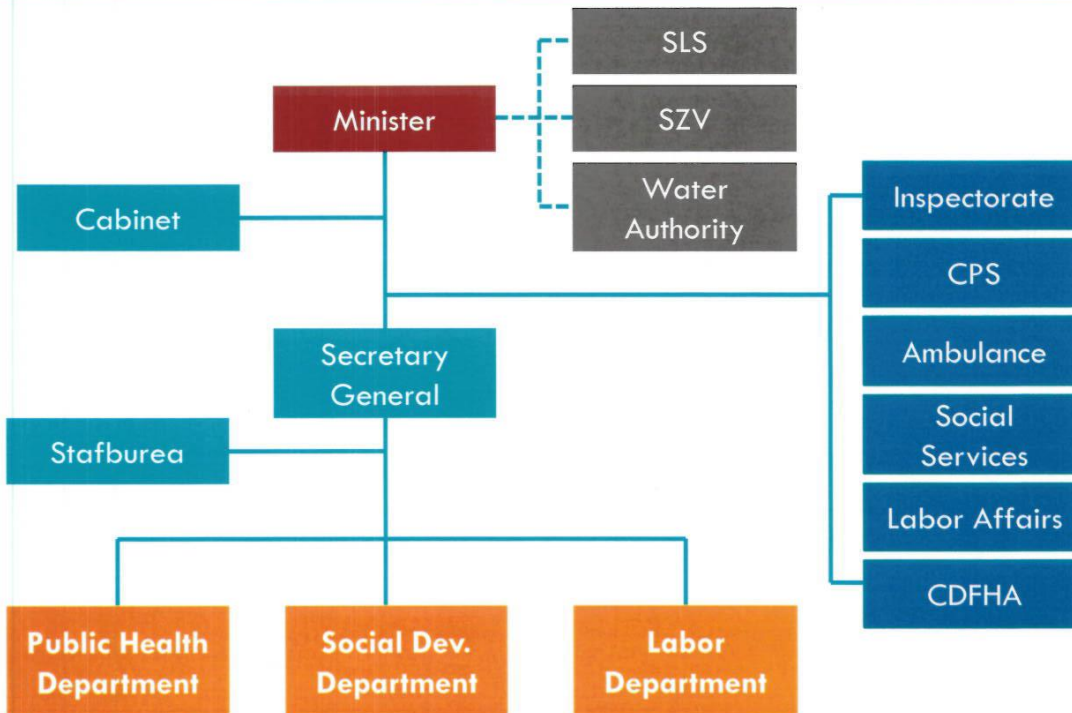
Source: The Ministry of VSA of Sint Maarten.