

Recruitment and selection of contractual staff

In its audit report to the federal Parliament the Court looked into the recruitment and selection of contractual staff members with twelve federal government departments. It concluded that these recruitments did not always meet the exception cases allowed by the law for contractual recruitments. Guarantees for objective recruitments are insufficient.

The Court examined how the federal authorities recruit and select contractual staff members. The issue was to check within twelve departments whether the contractual recruitments were in accordance with the law and whether these staff members were subject to an objective and regulatory recruitment and selection process.

Theoretically the authorities are allowed to recruit contractual staff in the following exception cases: in order to meet exceptional and temporary staff needs, to fill replacements for temporary absences, to perform auxiliary or specific tasks as well as tasks that require expertise or extensive high level experience.

In spite of the obligation to recruit statutory civil servants, contractual staff accounts for about 26 % of staff members among the federal authorities. This audit revealed that contractual recruitments did not always meet the exception cases provided by the law. Moreover it was not possible to put a figure on the number of job vacancies filled irregularly on a contract basis failing a personnel establishment that would indicate the jobs to be filled statutorily.

In order to recruit contractual staff on an objective basis, regulations stipulate that candidates should have passed a statutory competition or, in its absence, a selection test organized by the state examination body Selor. Moreover, government departments are required to first consider recruiting successful candidates recorded in the Selor database.

The Court found that the hierarchy between the various procedures was not always abided by and that government departments failed to consult the Selor database. In some cases, successful candidates of statutory exams were disregarded or spontaneous candidates were recruited to the detriment of candidates recorded in the database. In some other cases the competence profile had been tailored to meet the characteristics of a candidate or selection criteria had been made easier during the selection procedure.

When there was no candidate recorded in the database, spontaneous candidates were frequently selected. These candidates had more often than not affinity with the department in some way or other. By selecting only among this restricted group, even when there was no candidate available in the database, the principle of equal access to a public office was largely undermined.

The recruiting government department can ask Selor to be allowed to organize the selection test itself, but Selor has to give its agreement to the content of the test. Although such rules are only optional, it appeared that the tests examined during the audit were all organized by government departments. They were also most of the time confined to an interview. The aim of the regulatory provisions, that is a centralized selection test to ensure equal treatment among the various government departments, was consequently not implemented.

The surveillance by Selor of these selection tests is insufficient to guarantee a uniform and objective recruitment procedure. Admittedly, government departments submit the minutes of the selection tests for approval but this is only applicable with database procedures.

Spontaneous candidates are not subject to this surveillance. Moreover these minutes were sometimes incomplete or contained erroneous data. The intrinsic value of the checks varied. On the one hand, the State examination body Selor observed that the competences assessed did not meet the competence profile. On the other hand, it appeared that certain departments either did not give precedence to successful candidates of statutory selections or implemented unauthorized preselections without the State body Selor objecting to it.

Departments did not always await Selor's approval of the minutes before recruiting contractual staff members. When the minutes had not been approved immediately Selor recommended that the document be modified by the departments without prior check of the factual situation. There was therefore a risk that the minutes might give a distorted reflection of reality.

As Selor's surveillance did not sufficiently prevent the occurrence of infringements, the Court considered it desirable that Selor should organize these selection tests itself in the future, which is in fact what the regulation aims to achieve.