

Abstract

Audit of the administration of personnel matters at *Export Vlaanderen*

The Court reported to the Flemish Parliament about its audit findings concerning the administration of personnel matters at Export Flanders ("Export Vlaanderen"), a Flemish public institution. It found that this institution often ignored personnel regulations and violated or failed to enforce fundamental rules of basic provisions. Numerous departures from the rule conferred staff members non-statutory benefits and led to unequal treatment. This was partly due to regulatory weaknesses, such as missing service rules and inadequate personnel establishment as well as to the defective organization of the personnel services. Following the Court's audit, Export Flanders has already taken some measures.

Irregularities

Flanders Export's staff members earn wages, allowances and benefits that lack the necessary legal foundation. This situation led sometimes to unfair treatment. The Court insisted that the institution put an end to all irregularities.

Personnel establishment shortfall

In Export Flanders's present personnel establishment there is a shortfall of numerous posts of a permanent nature: these of director-general, export counsellor, Flemish economic representative, trade commissioner and support staff. Moreover, failing a recruitment plan and a periodical analysis of staff needs, a reliable staff planning is impossible.

No executive committee

For staffing decisions, Export Flanders cannot count on department heads and an executive committee legitimately set up. The appointment of acting heads of department and of a provisional executive committee in 1997 was made in violation of the rules.

Inadequate file management

Until recently, personnel files were inadequately managed at Export Flanders: documents were missing and, for some staff members staying abroad, a file did not even exist. Often, the Court could not identify a staff member's correct statutory position. Following the Court's investigation, the institution has launched a catching up operation.

Internal control

Personnel cycle internal control was nearly inexistent: the personnel department had been fragmented and lacked the necessary skills, control hardly ever took place and a large number of tasks within the personnel administration were concentrated in the hands of one staff member. There was thus a high risk of errors in personnel management. So far, no head of staff department has been designated and few procedures have been outlined. In 2003, the institution designed a new organization chart in an attempt to remedy this.

Employees working under contract

Only for a limited number of reasons, Export Flanders can hire contract personnel, but, in practice, the institution never stated the reason prior to hiring. Sometimes, it failed to publicize vacancies, which could lead to arbitrary decisions. Contract staff members cannot get promoted, but Export Flanders circumvented this by concluding a new contract with them in a higher rank. When it determined the salary, Export Flanders sometimes improperly allowed previous experience to count as service.

Export counsellors

Export Flanders hired and paid export counsellors for their services in violation of the present and the then existing regulations. In so doing, it awarded salary scales and an excessively high or fictitious seniority without any legal foundation.

Senior officials

The salaries granted to Export Flanders' successive directors general by employment contracts do not mesh with the main general personnel regulatory arrangements. Besides, the institution needs management continuity: in twelve years' time, it had no less than five senior officials. A particular case concerns a former director-general who was in charge of a special mission for a Flemish minister. Nonetheless, he was for some time secretary general of the Assembly of European Regions, an organization of the European Union. The personnel working under him for the special ministerial mission also worked for the Assembly. After 2001, the director-general no longer worked for a Flemish minister of Export Flanders, but continued to be paid by this institution until he retired on 1 February 2003.

Economic representatives

The introduction of new service rules for the Flemish economic representative in 2002 did not lead to the removal of all existing inequalities. Export Flanders also applied the new service rules, without further investigation, to the representatives who had been previously irregularly engaged, for instance without job capability test or trial period, or had got promoted, for instance without the required seniority. When having to determine the seniority of some representatives, Export Flanders erroneously included previous private experience.

Trade commissioners

Export Flanders has no service rules for its trade commissioners and the support personnel of the economic representatives abroad. Therefore, to date it has applied a complex set of rules, with an unequal treatment as a result. According to the Court, the post of trade commissioner should be clearly described with regard to the duties of a representative.

The minister's response

The Flemish minister for Foreign Affairs endorsed most of the Court's findings on 13 September 2003, but pointed out that Export Flanders put in efforts to comply with the Court's recommendations. He added that the heads of divisions could, however, only be designated after the reorganization of the Flemish Authority as part of the better administrative policy and after the

introduction of new general service rules for the Flemish civil servants. In the meantime, a new director-general was designated in order to calm things down within the institution.