

## Abstract

### Personnel policy at the UZ Gent (Ghent University Hospital)

*The Court of Audit has investigated matters related to personnel issues at the UZ Gent. It has established that the Flemish public institution UZ Gent, which enjoys a large autonomy in this regard, paid little attention to the rules governing its staff. The texts allow numerous departures from the rules and are hardly transparent. Furthermore, UZ Gent seems to implement its staff and external regulations in a deficient way. Permanent tasks are often performed by contract personnel instead of permanent civil servants. The Court of Audit has come to the conclusion that UZ Gent had hardly complied with the basic rules of public service. It should urgently adjust its staff management and policy.*

#### Staff regulations

UZ Gent staff regulations often did not go through a regular process. The managing board and not the board of directors drew up parts of the regulations on its own initiative often without union consultation. Regulations granting derogatory specific benefits to some members or categories of staff do not have the legal foundation required. When the decisions cannot be justified objectively, they also contravene the principle of equality.

#### Lack of transparency, numerous possibilities to depart from the rules

The coexistence of several regulatory texts has an adverse effect on transparency, the more so as they use unclearly defined notions or contain internal contradictions. For instance, the regulations do not state clearly which posts can be declared vacant at the UZ Gent, under what modalities appointment to several positions can be obtained, what is the career development and what salary should be applied. Moreover, the risk of arbitrariness is increased by the lack of complete standards and the possibilities to depart from the recruitment and promotion regulations; this is also the case for granting allowances. The Court of Audit has also noted that some rules regarding salary scales had been infringed.

#### Recruitment and promotion

Staff records at the UZ Gent are often incomplete, so that the legal position of numerous staff members is uncertain and internal and external control can only with difficulty be implemented. Decisions regarding appointment or promotion taken by the governing bodies were often with retroactive effect. In some cases they had no other alternative than to approve the situation as it was because it was an accomplished fact. Other decisions were taken *subject to later advice*. This way of deciding should be avoided, as there is a risk of premature execution. Sometimes legal rules were pre-implemented, for instance when the general manager was appointed. UZ Gent did not always respect the ranking of successful applicants for recruitment and promotion and sometimes did not even organise any selection. UZ Gent also appointed persons in ranks that are not provided for in staff regulations and therefore without any fixed terms of employment.

#### Permanent, contract or self-employed staff

In spite of the legal obligation to recruit permanent staff for permanent tasks, UZ Gent opted almost exclusively for contract employment as it faces a competitive environment. A Flemish decree is expected so as to put this situation right. UZ Gent also has a number of self-employed staff, such as physiotherapists, to meet staff needs that should normally be filled by permanent staff and only in exceptional cases by contract personnel. As self-employed do not go through a selection process, the equality principle is also endangered in this instance.

### **Senior posts and tasks**

The big number of appointments to acting position posts is a problem: they often concern positions which in fact fall under the scope of other statutory rules. Moreover, the managing board has granted a whole series of tasks without being qualified to do so and often without comparing applicants with each other. Most often this did not apply to management posts.

### **Seniority**

Salaries largely depend on seniority. At UZ Gent, there is a whole set of rules determining how previous experience can be counted in this calculation. In reality, though, UZ Gent almost completely disregards these rules. Differences between members of staff who previously worked full-time or part-time, on a contract or on a permanent basis are ignored in practice. Everyone is systematically awarded a 100% seniority. Moreover UZ Gent has granted a large number of members of staff two years notional seniority. All staff members also get salary rises in the context of the so-called 'functional career'. Through this system, an employee automatically gets a higher salary scale after a few years on the condition that he received a good job assessment. Although there is no such job assessment at UZ Gent, salary rises are granted.

### **Allowances and bonuses**

A lot of bonuses at UZ Gent have no legal foundation, such as bonuses for hard-pressed secretariats or hospital auxiliaries. They were implemented in disregard of the prescribed procedure and granting criteria have most of the time not been worked out. The rules for awarding a hospital bonus to doctors are unclear and there is no evaluation on a regular basis.

### **Minister's response**

The Flemish Education Minister has pledged to heed the Court's recommendations. UZ Gent intends to create a regulatory framework that would both take into account the specificities of the organization and respect the higher standard rules.