

PYSKALAND

FHS

essential elements of the constitutional system of government, but also imposes on government comprehensive obligations towards its employees with regard to protection and welfare.

Guideline 3

Public service employment is for life, limited by age and ability to work.

Comment

In the words of the German Supreme Court, the purpose of the civil service is to guarantee stable administration based on expertise, professional performance and loyal fulfilment of duty and, as such, to constitute a factor balancing out the policy-sector in which politicians work. The obligations deriving from this can only be appropriately fulfilled by public employees if they are in a position to be able to fulfil the tasks assigned to them in a situation involving neutrality of interests, personal responsibility and independence from external influences. Personal responsibility and inner independence preserve the values that characterize a system of government based on the rule of law and are guaranteed by legal safeguards for life-long employment. This is of course limited by the constraint that the employee in question must be mentally and physically able to fulfil his work duties (ability to work). If this is not the case, the employee in question is transferred to retirement status. The definition of a specific age limit after which the occurrence of work disability can be expected according to experience, is in the interest of having a uniform system and avoiding conflicts and, as such, does not stand in contradiction to the principles at hand. In any event, economic security must be guaranteed on the basis of an age-related or work-disability-related system of pensions. As an exception to the principle of life-long employment, there are time-limited periods of employment for purposes of training and of testing qualifications during a probationary period. They are intended to lead to permanent employment and, as such, do not call the principle into question.

Alpingi

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