

Press release

Report to the Federal Parliament: Penitentiary institutions' staff recruitment and remuneration

In its report to the Federal Parliament, the Court examined how penitentiary institutions recruit and remunerate their staff (Federal Department of Justice, Directorate General of Penitentiary Institutions). It made recommendations to, on the one hand, clarify and update the system of bonuses and allowances granted in addition to the incremental salary and, on the other hand, improve the readability of human resource investments, particularly in terms of budget structure.

The Directorate General of Penitentiary Institutions' main task consists in carrying out sentences and detention measures. It is made up of a head office with leading responsibility for the management of human resources and for external departments including prisons.

The Court examined how staff working in prisons were recruited and remunerated.

According to the Court's findings in the audit carried out in 2009, it can be concluded that the Personnel and Organization Division of the Directorate General of Penitentiary Institutions has a good quality expertise in the application of staff regulations pertaining to the prison sector.

Nonetheless, the Court noted that certain regulations contained in the system of additional bonuses and allowances should be updated and clarified so as to guarantee the entitlements to these wage supplements. Furthermore, it recommended to simplify and streamline the administrative system of bonuses and allowances by adopting a unique regulatory framework. Finally, it found that the tax treatment of the so-called inconvenience allowance should be clarified.

The Court expressed two remarks about the control of recruitment and remuneration processes. Firstly, it pointed out that various allowances though their amounts are relatively small are still paid by the external divisions on their own and not by the Federal Service of Finance (Central Fixed Expenditure Service or SCDF), which is responsible for the payment of all the other remuneration components. External departments are also in charge of establishing the individual entitlements in respect of their qualification for an allowance for irregular work. For the sake of legal certainty, the Court recommended that the allowance payments made locally should be entrusted to the SCDF and that the internal control over the establishment of individual entitlements in respect of qualification for an allowance for irregular working hours should be intensified. Secondly, it found that there were unusually long delays in forwarding the SCDF data, among others, about the impact of absences through sickness on the amount of the remuneration, thereby causing undue payments. It should be pointed out though that reforms have been planned or have already been undertaken by the Directorate General to improve the control of the system.

Besides, the Court considered that the use of lists of staff needs by prison is a good practice. This list (not to be confused with the Directorate General's former organic establishment and later replaced by staff policy plans) is informally used by the prison management and is an additional tool to an overall expenditure management based on a staff policy plan and a budget allocation principle. It found, however, that this list needed improving, particularly by specifying how these lists should be worked out and including references to common standards at the time staff requirements are being defined.

As far as the budget is concerned, the Court reiterated its remarks made in 2005 that the Federal Department of Justice should revise the staff cost structure in the prison sector so as to be able to provide Parliament with a clear overview of the issues related to such expenditure.

The Minister of Justice did not respond to the draft report sent by the Court in June 2010.