



# **ASSISTANTS TO MPS:**

## EXPERIENCE OF SOME EUROPEAN STATES AND RECOMMENDATIONS FOR UKRAINE



## **ASSISTANTS TO MPS:** EXPERIENCE OF SOME EUROPEAN STATES AND RECOMMENDATIONS FOR UKRAINE

---

In order for a Member of Parliament to fulfill his duties in a successful way, assistance is necessary. Volumes of secretary and analytical work, as well as the processing of messages from the citizens that an MP is obliged to do are overwhelming for one person. That is why the institute of MP assistants exists in the majority of democratic countries. The present analytical note is directed at studying positive practices of certain foreign countries regarding this issue, as well as the opportunities to improve effectiveness and transparency of the work conducted by the assistants to the Verkhovna Rada deputies.

## LEGAL REGULATIONS REVIEW: UKRAINE

Ukrainian legislation regulates the status of an MP assistant in two main acts. First, there is the Law “On Status of the People’s Deputy of Ukraine”. Article 34 of this law defines the most important regulations regarding actions of the “assistant-consultants of the people’s deputy of Ukraine”. In particular, it includes the following key norms:

- *There can be no more than 31 assistant to one deputy;*
- *To become an assistant, one has to be a citizen of Ukraine, have either specialized secondary or tertiary educational background, and speak Ukrainian (no language test is required, however);*
- *An assistant can work either as a contract worker – full-time or part-time – or “on civil grounds”, i.e. as a volunteer;*
- *The MP himself defines the number of assistants and picks them. He also distributes functions among them. In addition, he or she defines the number of contracted assistants and their salary, in the scope of the budget that the MP is provided with.*

The Regulation on Assistant-Consultant to the People’s Deputy of Ukraine (further referred to as “Regulation”), adopted in 1995, elaborates these norms and adds up to them. It was amended five times during years 2015-2017; mostly, however, the amendments concerned social protection, and in particular, pensions. However, an important amendment was introduced by the changes introduced to the Law #889-19 “On Civil Service” on 10.12.2015: the Regulation was stripped of the norms that concerned civil service.

Before that change, four of the MP’s assistants – of the deputy’s choice – could be civil servants. This appointment would immediately grant them the 7<sup>th</sup> rank in the Ukrainian civil service, while the person who entered the civil service in a different way would receive the lowest, 11<sup>th</sup> rank. According to Andrii Kruglashov, ex-coordinator of the “Chesno” movement, such a rank was “tough to achieve beyond the parliament”<sup>1</sup>.

At the same time, the MP assistant enjoys broad rights of access to governmental bodies. In particular, according to the article 2.1 of the Regulation, he has a right to enter the Verkhovna Rada, central and local executive bodies and local self-governance bodies using an assistant’s ID, as well as to attend the

1 <https://www.radiosvoboda.org/a/26873280.html>

Verkhovna Rada sessions and (if delegated by the MP) committee hearings. The assistant is also allowed to receive documents and information requested by the MP from the governmental and local executive and self-governance institutions, as well as from state-owned enterprises. **Therefore**, MPs have a broad access to governmental institutions and broad capabilities to communicate with influential persons on multiple levels, which creates conditions favorable to lobbyist interactions.

The law also prescribes an assistant certain – quite broad – duties, mostly related to secretary and analytical work. They include:

- *Studying materials required for the MP's work;*
- *Assisting the MP in conducting reports and meetings with the voters, organizing personal appointments with the voters, reviewing proposals and pleas;*
- *Acting upon the MP's assignments in communication with the voters, governmental bodies, mass media etc.;*
- *Providing the MP with organizational, technical, "and other" information required to fulfill his duties.*

### **Ukraine: Practical Experience and Problems**

Ukrainian legislation and political practice related to the assistants to the Members of the national Parliament represents certain problems. Some of these were highlighted by the Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine, prepared by the European Parliament's Needs Assessment Mission during September 2015 – February 2016. In particular, it proposed a segregation of the parliamentary service from the general national system of civil service. While, in this regard, the authors did not stress upon MP assistants specifically, the 10.12.2015 amendments to the Law "On Civil Service" excluded them from the ranks of civil servants.

A separate paragraph was dedicated to the personnel working for the MPs, yet not as the Verkhovna Rada employees. It was highlighted that the permission for the MPs to hire up to 31 assistant, including volunteers, could lead to "a growth in influence of the external interests", i.e. of the lobbyists. Certain assistants, according to the Report, "are responsible for generating large quantities of draft legislation and parliamentary 'requests' and 'appeals'", which, according to the view of the Mission representatives, might be tied to the lobbyist influence. Therefore, it is recommended to limit the official duties of the volunteer assistants, and provide specific conditions of access to the parliamentary premises – in particular, by providing the pass only to some of the assistants.

Additional problems are highlighted by experts from non-state organizations who monitor the parliamentary work in Ukraine. In particular, the "Chesno" civil movement, grounding upon its research, states that deputies often hire their

former opponents from their constituency or their relatives as the assistants.<sup>2</sup>

Until recently, the official web resources contained no information on the MP assistants. However, as of now, the page of each deputy on the Verkhovna Rada portal allows to see the assistants working for him or her, and their status as contract workers or volunteers. At the same time, additional information on them is unavailable – including their contacts, which are normally provided in the European practice. In some countries, these contacts are provided at party websites; however, none of the Ukrainian parliamentary parties does so at their official pages. This might be considered a faulty practice, considering that one of the MP assistant's duties is to help the deputy in his or her communications with the voters.

A non-state project called “Minions”<sup>3</sup>, gathering a database of MP assistants from the fourth (2002-2006) to the present convocation is also currently active. However, the information this website provides is limited to whether an assistant worked previously for a different MP. In addition, it lists assistants who worked for each MP earlier. Generally, the information provided by this project does not significantly increase the transparency in MP assistant actions; in particular, because it is complicated to trace the work of the large numbers of assistants that are employed. Andrii Kruglashov from the “Chesno” movement stresses that the public needs to receive more information about the assistants; in particular, regarding their educational background, job experience, and the scope of their responsibilities<sup>4</sup>.

According to the data provided by “Minions”, 453 deputies who held a mandate at some point throughout the eighth convocation of the Rada had employed 9216 assistants in total during their term, which amounts to 20.3 on average for an MP. These numbers are much more modest than for the previous convocation (26.4 on average) and even more so than the one before that (37.7). However, as this note will further show, this is still a much larger number than in the developed European countries.

The OPORA civil network had conducted a study of the MP assistants' work in 2013<sup>5</sup>. By then, the monthly salary budget for MP assistants was 20.000 Ukrainian hryvnias per MP; on average, three paid MPs received 6.600 UAH, while four would receive 5.000. As of 2017, this budget reached 23.200 UAH, increasing modestly<sup>6</sup>. According to the adopted plea to the Verkhovna Rada regarding the increase in salary budgets for MP assistants (30.05.2017)<sup>7</sup>, an av-

2 <https://www.radiosvoboda.org/a/26873280.html>

3 <http://posipaky.info/>

4 <https://www.radiosvoboda.org/a/26873280.html>

5 <https://www.oporua.org/news/3662-pomichnyky-narodnyh-deputativ-pid-gryfom-lzasekrechenor>

6 <https://www.epravda.com.ua/news/2016/10/20/608549/>

7 <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=61926&pf35401=425259>

average assistant salary was at 6.200 UAH – significantly lower than in 2013, considering the drop in hryvnia's buying power during the past years. While, in 2013, the average salary of an MP assistant was approximately twice higher than the average salary across Ukraine<sup>8</sup>, in 2017 it was, in fact, lower than the national average<sup>9</sup>. Considering that the MP assistants have an influence over the legislative agenda and an access to the governmental institutions, such a low salary might lead to increased corruption risks.

OPORA's analysts have also criticized the lack of transparent recruitment mechanisms and the non-disclosure of information regarding the assistants. (As of the time of their study, names and employment terms of the assistants were not yet published.) It was stated that: 1) the voters have a right of access to information regarding state expenses on the MP's work; 2) public data on MP assistants complicates abuse of position; 3) this data would mean “a systemic approach towards securing constant communication with the voters”.

It must be noted that the disclosure of names and employment terms has only partially contributed to solving the two former problems, since voters still know little about the assistants, their relation to the deputies, and their past. It is a relevant problem in the situation when vast budget funds are spent for the MP assistants' work, while, simultaneously, this position is tied to increased risks of corruption. The latter problem was not solved, since publishing names only – without contacts – does not solve the issue of communication with voters.

### MAIN PROBLEMS IN UKRAINIAN POLITICS:

- *Permit a hire a large number of assistants, in particular as volunteers, which results in increased risks of lobbyists influences.*
- *Broad rights of access to governmental institutions of different levels for the MP assistants (a so-called “offroader” pass)*
- *Recruitment of relatives, former competitors from the constituency, business partners as assistants*
- *Lack of any information on MP assistants except their names - including contacts*
- *Non-transparent relations of the assistants with their MPs and with deputy's interests*

8 <https://index.minfin.com.ua/labour/salary/average/2013>

9 <https://index.minfin.com.ua/labour/salary/average/>

# LEGISLATIVE PRACTICE IN CERTAIN FOREIGN COUNTRIES

---

The present analytical note reviews legislative experience of the four European Union member states regarding operation of MP assistants in the national parliaments. We have analyzed legislation in two post-Socialist states, Poland and Lithuania, since these countries have tackled challenges and threats similar to that experienced by Ukraine. On the other hand, we have also analyzed the experience of two developed continental countries, Germany and France, that have adopted visibly different approaches regarding the issue of MP assistants. This analysis was aimed at defining the legislative best practices that could successfully solve the problems regarding effectiveness and transparency of MP assistants' work in Ukraine.

## GERMANY

The German Members of the Bundestag Act in article 12, part 4, defines the monetary compensations that an MP is entitled to<sup>10</sup>. In particular, paragraph 3 indicates that an MP receives reimbursements of expenses for the personnel hired by the MP to assist him or her in fulfilling the parliamentary tasks; salaries and other expenses for such personnel are paid by the Bundestag administration to the assistants themselves. The scope of expenses that can be reimbursed is to be defined by the Budget Act. The MP picks his employees at his own discretion; their work relationship is handled by private law.

The duties of an assistant to the Member of the German Parliament are not legally defined, although such employees can be divided into occupational groups: office workers, secretaries, clerks, and research assistants. MP assistants are not allowed to be civil servants or be contracted to the Bundestag administration. In addition, if the assistant is bonded to the MP by blood or marriage (including a dissolved marriage), or is in a registered homosexual partnership with the MP<sup>11</sup>, the law prohibits budget reimbursements of expenses for his salary. The general scope of expenses that can be reimbursed to the MP – including not only personnel expenses, but also those spent on offices at Bundestag and in the constituency, on constituency work, as well as travel expenses – is reduced by a certain amount each time the MP fails to attend the parliamentary seating or to take part in a vote. As of 2017, each MP could receive up to

---

10 <https://www.bundestag.de/blob/189732/6e3095be7d1968201ca34bbca5c285d9/memlaw-data.pdf>

11 [https://www.gesetze-im-internet.de/englisch\\_lpartg/englisch\\_lpartg.html](https://www.gesetze-im-internet.de/englisch_lpartg/englisch_lpartg.html)



20.870 EUR per month for the assistants salary payments<sup>12</sup> (with the minimum wage per assistant standing at 1.770 EUR). In addition, deputies are allowed to hire temporary interns and pay for their work from the assistant salary budget. Interns, according to the information the Bundestag had provided us with, are paid 300 to 850 EUR; although in practice, an internship might not be paid for at all<sup>13</sup>. There are no voluntary placements with the Members of Parliament. MPs have their own web pages; some publish information regarding their office employees at Bundestag and in the constituency<sup>14</sup>, others do not<sup>15</sup>.

Head of the German office of Transparency International states that the MP assistants belong to the main groups targeted by the lobbyists<sup>16</sup>. MPs and assistants are not prohibited from meeting lobbyists in Germany; however, according to the clarifications by the Bundestag, the typical MP assistant contract indicates that he is not allowed to accept gifts and rewards, including that for his work, without a consent from his employer MP<sup>17</sup>.

## FRANCE

France has recently adopted two laws that were called “laws on moralization of public life”. In particular, they introduce changes to the Penal Code and prohibit MPs to recruit relatives as their parliamentary assistants. Specifically, recruiting a spouse or a person the MP is in a civil partnership with is not allowed. It is also prohibited for the MP to recruit his children and parents, as well as children and parents of the spouse or the person that MP is in a civil partnership with<sup>18</sup>. Violation of this norm might lead to a 45.000 EUR fine and imprisonment up to three years, with a repayment of the expenses on that assistant's salaries to the budget. Deputies who hire second degree relatives are required to report to the Ethics Committee of their parliamentary chamber<sup>19</sup>.

This measure is an example of working with an existing problem: according to The Independent, one of six French parliamentary has a relative working as his assistant<sup>20</sup>. Le Figaro writes that recruiting relatives as assistants has become a custom<sup>21</sup>. Previously, the only limitation in this case was a wage cap for MP assistants who were also family members of that deputy<sup>22</sup>. Additionally,

12 [https://www.bundestag.de/abgeordnete/mbd\\_diaeten/1334d/260806](https://www.bundestag.de/abgeordnete/mbd_diaeten/1334d/260806)

13 <http://www.zeit.de/campus/2016-09/praktikum-bundestag-unbezahlt-cdu-abgeordneter>

14 [http://www.von-abcron.de/7\\_17\\_Mitarbeiter.html](http://www.von-abcron.de/7_17_Mitarbeiter.html)

15 <https://gaggelidis.abgeordnete.fdpbt.de/>

16 <http://www.spiegel.de/politik/deutschland/bundestag-lobbyisten-umgarnen-mitarbeiter-von-abgeordneten-a-959025.html>

17 <https://www.bundestag.de/blob/410022/e7d723cb30141594b09278eb7a8a954b/wd-6-095-15-pdf-data.pdf>

18 <https://www.legifrance.gouv.fr/eli/loi/2017/9/15/JUSC1715753L/jo/texte>

19 <https://www.publicsenat.fr/article/politique/moralisation-les-principales-mesures-76288>

20 <http://www.independent.co.uk/news/world/europe/french-mps-family-members-parliamentary-offices-lovers-staff-assistant-france-politics-a7870776.html>

21 <http://www.lefigaro.fr/politique/le-scan/2017/07/27/25001-20170727ARTFIG00151-les-deputes-votent-l-interdiction-des-emplois-familiaux.php>

22 <http://www.lemonde.fr/les-decodeurs/article/2017/02/02/affaire-fillon-qui-sont-les-assistants-parlemen->

adoption of this law was triggered by the resounding case of the presidential candidate Francois Fillon, whose wife and children, as it turned out early last year, were for a long time working as his assistants in parliament and received budget payments for an extremely narrow scope of work done<sup>23</sup>.

This law, however, does not solve another problem present in French politics; some deputies agree to hire each other's relatives<sup>24</sup>. This previously allowed to avoid the wage cap for family members working as assistants.

The official webpage of the National Assembly (lower chamber of the French parliament) provides detailed explanations regarding many issues related to the work of an MP assistant<sup>25</sup>. The deputy has the right to recruit up to five assistants, on grounds of private law, by signing either a temporary or an unlimited duration contract (the latter lasts until the end of MP's term), and acting as an employer. (One is allowed to work as an assistant for several MPs, although this is a rare occurrence in practice<sup>26</sup>.) Five is not a hard limit; approximately 4% of the MPs have more than 5 assistants (but no more than 8). Many assistants do not work full-time. 72% MPs in France employ three or four assistants<sup>27</sup>.

The National Assembly webpage also clarifies that the assistants help the MP in fulfilling his duties related to the parliamentary mandate. The assistant fulfills the duties set by his contract, either in the parliament or in the deputy's constituency (according to the information provided, two thirds of the assistants work in the constituencies, while the remaining third is employed in the Bourbon Palace, where the parliament operates). The majority of assistants fulfill secretary duties; the most qualified once, instead, take up writing speeches, assist in legislative actions, and so on.

For the purpose of paying their salaries, each National Assembly deputy receives monthly payments from the Department of Financial and Social Management. At this point, the monthly budget for the assistant salaries per MP is at 9.618 EUR (this sum will be increased to 10.600 EUR<sup>28</sup>). The MP is the assistant's employer, and is therefore allowed to hire workers at his discretion. Furthermore, the MP is allowed to either delegate functions related to payment

---

taires\_5073355\_4355770.html

23 <https://www.theguardian.com/world/2017/mar/14/francois-fillon-placed-under-formal-investigation-over-fake-jobs>

24 <http://www.lefigaro.fr/politique/le-scan/2017/07/27/25001-20170727ARTFIG00151-les-deputes-votent-l-interdiction-des-emplois-familiaux.php>

25 <http://www2.assemblee-nationale.fr/decouvrir-l-assemblee/role-et-pouvoirs-de-l-assemblee-nationale/les-autres-structures-de-soutien-a-l-activite-parlementaire/les-collaborateurs-de-deputes>

26 [http://www.lemonde.fr/les-decodeurs/article/2014/11/20/qui-sont-les-assistants-parlementaires-profession-sans-statut\\_4526808\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2014/11/20/qui-sont-les-assistants-parlementaires-profession-sans-statut_4526808_4355770.html)

27 [http://www.lemonde.fr/les-decodeurs/article/2017/02/27/enfants-epoux-suppliants-un-depute-sur-six-emploie-un-proche-comme-collaborateur\\_5086315\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2017/02/27/enfants-epoux-suppliants-un-depute-sur-six-emploie-un-proche-comme-collaborateur_5086315_4355770.html)

28 <https://www.nouvelobs.com/politique/20180124.OBS1136/collaborateurs-tenu-vestimentaire-avantag-es-ce-qui-va-changer-a-l-assemblee-nationale.html>

of assistant salaries, filling in their tax declarations etc. to the Department of Financial and Social Management, or receive the amount increased by 50% and do that on his own. The second option is unpopular; as of 2010, for instance, only 10 deputies have chosen it<sup>29</sup>.

In addition, MP assistants receive the thirteenth salary and other bonuses (such as child care pay) in the scope of the salary budget. As of 2015, the average wage of an MP assistant was at 3.300 EUR, while the bottom 10% of the assistants received fewer than 1.300 EUR each<sup>30</sup>.

Starting from 2017, the National Assembly publishes names of the assistants in the personal profiles of the MPs<sup>31</sup>. In the declarations that the deputies submit for this website, besides names of the assistants, their functions are also declared (i.e. “lawyer”, “assistant” etc.)

According to Article 26 of the Bureau of National Assembly General Instruction, assistants can only access the so-called “sacred perimeter” (parliamentary couloirs) an hour before the session and during it, showing their assistant ID. In addition, no more than three assistants per MP are allowed access to the parliamentary library, also using the ID<sup>32</sup>. Simultaneously, the entry to the parliamentary building itself is not strictly limited for them, since, as mentioned, approximately one third of the MPs work in the deputy’s office at the Bourbons Palace, where the parliament is situated. Access for people who do not have an official MP assistant status is not allowed in the instruction.

## POLAND

The website of the Polish Sejm<sup>33</sup> provides typical forms that a deputy or a senator has to submit for each of his personal assistants or deputy/senator office workers. These forms require information on employment, income and business activities of the assistant during the last three years before his recruitment as an assistant. While the positions of a personal assistant and an office worker are different and require different forms, the information required in these forms is identical. This data is required to be public by law; it is published in the profiles of deputies and senators at the Sejm and Senate website.

The law “On fulfillment of the deputy and senator mandate” (1996, last amended in 2016)<sup>34</sup> defines the functioning of MP or senator assistants. In particular, according to article 23, paragraph 4, deputies and senators are allowed

---

29 [http://blogs.lexpress.fr/cuisines-assemblee/2010/02/27/le\\_statut\\_des\\_assistants\\_parte/](http://blogs.lexpress.fr/cuisines-assemblee/2010/02/27/le_statut_des_assistants_parte/)  
 30 <https://actu.orange.fr/politique/salaire-role-qu-est-ce-qu-un-assistant-parlementaire-magic-CNT000000C-mX6H.html>  
 31 <http://www2.assemblee-nationale.fr/qui/les-collaborateurs>  
 32 <http://www.assemblee-nationale.fr/connaissance/instruction.asp>  
 33 <http://www.sejm.gov.pl/Sejm8.nsf/page.xsp/formularze>  
 34 <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20150001605>

to recruit employees for their offices at their discretion. This paragraph also states that in fulfilling their duties, deputies and senators can be aided by voluntary personal assistants. The present law, however, does not define the legal status of these voluntary workers. The Senate website provides clarification: personal assistants are not workers as understood by the labor law, and do not receive remuneration for their work<sup>35</sup>. Deputy and senator assistants receive IDs that confirm their status from the parliament's chancellery. In turn, according to paragraph 47 of the decree by the Sejm Marshalek (issued on 9.01.08) regarding entry to the premises that are run by the Sejm Chancellery, based on this ID, assistants receive one-time entry passes to enter the parliament on assignment from their deputy or senator<sup>36</sup>.

The clarification provided for the deputy as an employer (p.4) states: "A deputy can entrust fulfilling duties related to running office or to his deputy work in the constituency to persons employed under a labor contract; persons, with whom civil law agreements (entrustment or one-time contract) are concluded; or personal assistants who fulfill the assignments of the deputy on the unpaid basis"<sup>37</sup>. In other words, there is no legally binding delineation of duties between these categories.

Deputies and senators receive monthly sums for running their offices in the scope defined by the Marshalek (speaker) of the Sejm or Senate (paragraph 3); starting from May 2016, this sum is set at 13.200 zloty<sup>38</sup>. The deputy or senator can use these costs to pay salaries to the workers employed in these offices (paragraph 5) – not lower than the minimum wage, which, starting from January 1, 2018, is set at 2.100 zloty<sup>39</sup>. On an annual basis, he is obliged to provide information on his office expenses to the Chancellery of the Sejm or Senate respectively (paragraph 8). According to the amended Decree by the Sejm Marshalek (issued on 25.09.2001) regarding the organizational and technical issues of creating, functioning and liquidation of the deputy offices (article 1a, paragraph 3; article 9, paragraph 5), these costs cannot be used to finance obligations that arise from a contract of the deputy with a member of his family – spouses, first degree relatives and certain second degree relatives (siblings, aunts, uncles)<sup>40,41</sup>,

35 [http://www.senat.gov.pl/gfx/senat/userfiles/\\_public/bss/przewodnik\\_senatora/aktualizacja/spoleczni\\_wspolpracownicy\\_senatora.pdf](http://www.senat.gov.pl/gfx/senat/userfiles/_public/bss/przewodnik_senatora/aktualizacja/spoleczni_wspolpracownicy_senatora.pdf)

36 [http://www.sejm.gov.pl/kancelaria/zarz1\\_2008.pdf](http://www.sejm.gov.pl/kancelaria/zarz1_2008.pdf)

37 [http://orka.sejm.gov.pl/BOP\\_info.nsf/0/10F96539951EB34FC12580CE003BA4D8/%24File/Poradnik%20-%2020%20lutego%20%202017%20r..pdf](http://orka.sejm.gov.pl/BOP_info.nsf/0/10F96539951EB34FC12580CE003BA4D8/%24File/Poradnik%20-%2020%20lutego%20%202017%20r..pdf)

38 [http://orka.sejm.gov.pl/BOP\\_info.nsf/0/3076399D300CBB3EC125809C003C129D/%24File/D2017000174701%20minimalne%202018.pdf](http://orka.sejm.gov.pl/BOP_info.nsf/0/3076399D300CBB3EC125809C003C129D/%24File/D2017000174701%20minimalne%202018.pdf)

39 [http://orka.sejm.gov.pl/BOP\\_info.nsf/0/3076399D300CBB3EC125809C003C129D/%24File/D2017000174701%20minimalne%202018.pdf](http://orka.sejm.gov.pl/BOP_info.nsf/0/3076399D300CBB3EC125809C003C129D/%24File/D2017000174701%20minimalne%202018.pdf)

40 [http://orka.sejm.gov.pl/BOP\\_info.nsf/0/1676014210BDC418C125734E0030130A/\\$file/ZMS2001008-ujed15.pdf](http://orka.sejm.gov.pl/BOP_info.nsf/0/1676014210BDC418C125734E0030130A/$file/ZMS2001008-ujed15.pdf)

41 [http://www.szkołnictwo.pl/szukaj,Stopie%C5%84\\_pokrewie%C5%84stwa](http://www.szkołnictwo.pl/szukaj,Stopie%C5%84_pokrewie%C5%84stwa)

and persons that are involved in guardianship relations with the deputy. It is also prescribed that the Sejm Chancellery reimburses costs for three business trips per assistant per year, and if needed, organizes educational trainings for the assistants (Decree articles 22 and 23).

According to Patrycja Lipold's article in the *Polityka i Społeczeństwo* (Politics and Society) journal, deputies often do not officially register their employees. Besides, while the office workers act on grounds of the employment contract, personal assistants do so based on private agreements<sup>42</sup>. Therefore, the work of voluntary assistants in Poland is unregulated, despite them being able to receive one-time entry passes to enter legislative bodies if assigned by their deputy.

## LITHUANIA

The official website of the Lithuanian Seimas provides information on the secretary assistants of each deputy. Unlike in Poland, this information is limited to their names, phone numbers and e-mail addresses. The work of an MP assistant is regulated by the Statute of the Seimas, and in particular, its article 16<sup>43</sup>. The assistants are obliged to help the deputy in their parliamentary work. Each MP is entitled to three paid posts of the secretary assistants (one can hire fewer or more than three persons by recruiting an assistant for more or less than one full-time wage<sup>44</sup>). Deputies with special needs, upon a decision of the Seimas board, might be provided with an additional assistant post. Furthermore, Seimas members are allowed to use services of the public consultants<sup>45</sup>. Secretary assistants belong to the civil servants of political (personal) confidence, according to article 16 of the Seimas Statute. According to the law on civil service (article 12)<sup>46</sup>, the politician or political institution that recruits a civil servant of political (personal) confidence picks the employees at their own discretion, without additional competition. Secretary assistants and public consultants, in addition to the regular property declarations, are obliged to provide private interest declarations. These are defined by the Lithuanian law "On the Adjustment of Public and Private Interests in the Civil Service" (article 2) as personal economic or non-economic interests which "may affect his decision-making in the discharge of his official duties"<sup>47</sup>.

Upon our query, Mindaugas Skačkauskas, Chief Specialist at the Information and Communication Department of the Seimas, provided additional clarification:

---

42 Lipold, Patrycja. *Assistant or Employee – Unregulated Case of a Deputy's Co-Workers in Poland*. *Polityka i Społeczeństwo*, 3 (14), 2016.

43 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e495a6e2b60611e5be9bf78e07ed6470?jfwid=-fxdp70yww>

44 <https://www.alfa.lt/straipsnis/50250272/opozicija-skeptiskai-vertina-iniciatyva-seime-tirti-lrt-finansus>

45 <http://www.parliament.am/library/Standing%20orders/litva.pdf1>

46 <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN012617.pdf>

47 [https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS.330596/format/ISO\\_PDF/](https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS.330596/format/ISO_PDF/)

tions. The job description for an MP assistant secretary is provided by the Secretary General of the Seimas. This description includes numerous requirements for the assistant; in particular, higher education, acquaintance with the legislation, knowledge of at least one foreign language at B1 level at least, computer fluency (with the list of program types an assistant has to wield). In addition, his work duties are written out in detail and include aiding the MP in organizational work, participating in legislative and parliamentary control processes, preparing materials for the MP's meetings with representatives of institutions and NGOs, managing of document control and information that is related to the MP's parliamentary activity, supporting organization of the MP's business trips. By an MP assignment, he also manages other assistants and other assignments that concern parliamentary work.

Mr. Skačkauskas had also explained that the Lithuanian law does not in principle limit employment of relatives as MP assistants. However, "such practice (...) would evoke criticism by media from ethical point of view and would affect public opinion", and therefore MPs "tend to avoid hiring members of their immediate family". The salary fund for secretary assistants per MP, per month stands at approximately 2.232 EUR. A person is allowed to work at no more than 1.5 full-time wages and can be an assistant to several MPs, upon their agreement, if these MPs belong to one parliamentary group.

There are no legal regulations regarding activities of the public consultants (i.e. persons who assist the MP as volunteers), except their access to the parliamentary premises. On the recommendation of the head of each political group, no more than 15 voluntary assistants of that group (and no more than 3 voluntary assistants per MP) may receive long-term permissions to enter the building of the parliament, upon a decision of the Seimas board. However, each MP "has a right to issue one day permission to enter parliamentary building to the persons of his/her discretion".

According to a study by COEC (Chief Official Ethics Committee)<sup>48</sup> – an anti-corruption body created according to a 2008 law – an increased risk of conflicts of interests exists in the actions of public consultants and secretary assistants of the Seimas MPs. The study had shown that 39% of the public consultants have not provided declarations of private interests and 32% provided incorrect data; 6% of the secretary assistants have not provided these declarations, and 15% provided incorrect data. However, upon a public information campaign and sending personal notifications to the persons concerned, only 2.5% of the public consultants and secretary assistants failed to publish their declarations.

---

48 <https://rm.coe.int/168070b750> p.5



## COMPARATIVE TABLE OF

	UKRAINE	GERMANY
Maximum number	31	Unlimited
Status of a voluntary assistant in legislation	Yes	No
Procedure of recruitment	At MP's discretion	At MP's discretion
Limitations for family members	None	Cannot be paid from the budget
Duties defined by law	Yes	No
Available information	Names	Names, contacts
Salary budget for MP assistants (latest data available)	23.200 UAH (2017)	20.870 EUR (2017)
Minimum wage per assistant	3.200 UAH	1.770 EUR
Access rights	Access to the parliament, local self-government institutions, state institutions and enterprises	Access to the parliament



## REGULATIONS ON MP ASSISTANTS

FRANCE	POLAND	LITHUANIA
<b>Recommended &lt;5</b>	Unlimited	3 full-time wages
No	Yes	Yes
At MP's discretion	At MP's discretion	At MP's discretion (qualification requirements exist)
Fine and imprisonment for employing a family member as an assistant	Cannot be paid from the budget	Formally none, but are rarely recruited
No	No	Yes
Names, functions	Names, contacts; work experience, income, business interests during the past three years	Names, contacts; property declarations, declarations of private interests
<b>10.600 EUR</b> (2018)	<b>13.200 PLN</b> (from 2016)	<b>2.232 EUR</b> (2017)
<1.300 EUR (might be part-time)	<b>2.100 PLN</b>	<b>679 EUR</b> (might be fewer if the assistant works on less than a full wage rate)
Access to the parliament; limited time of presence in the couloirs	One-time passes to the parliament based on the assistant ID, on MP's assignment	Long-term passes for all the paid assistants and no more than 15 volunteer consultants per parliamentary group

## FOREIGN EXPERIENCE FOR UKRAINE

---

### GERMANY

According to the German legislation (as well as to that of Poland), the state does not reimburse the salary of the assistants that are related to the MP by blood or marriage. Since, as mentioned above, Ukrainian MPs oftentimes recruit relatives as their assistants, thereby providing a sinecure for them, Ukraine would benefit from a similar limitation.

The German legislation allows MP assistants to meet with the lobbyists, since Germany has legal norms that allow and regulate lobbying in place. However, at this point, Ukraine has not adopted similar laws, although they would have facilitated the transparency of the ties between politics and business. Therefore, this norm is currently irrelevant for Ukraine.

Furthermore, the German law does not provide for voluntary work of an MP assistant. Therefore, voluntary assistants could not receive passes to enter the parliament. This is a radical decision. However, considering that the salary budget for MP assistants in Ukraine can currently uphold three workers at an average wage of 7.733 UAH (higher than the national average), it is feasible to look into an option of completely denying a legal permission for the voluntary assistantship to MPs. This would make the work of MP assistants more transparent, in particular, through disabling access for numerous voluntary assistants to the governmental institutions – something that is hard to track in the Ukrainian conditions, while the systemic tracking of these assistants' actions inside the buildings that host the said institutions is simply impossible. Coupled with a ban on salary remuneration for relatives, this would force the MPs to recruit only those assistants who would actually aid them in their parliamentary work.

It is also reasonable to look into the German practice of separating different positions that an assistant may take (for instance, a secretary or an office worker) for a transparent split of duties between the assistants. Instead, the permission for the MPs to officially hire trainees and pay for their work from the assistant salary fund would, in the Ukrainian case, lead to an appearance of “trainees” who would, for the term of their “internship”, gain access to the governmental institutions.

Finally, the German experience allows for a reduction in funds available for the MPs who are negligent in fulfilling their duties, in particular, by attending the parliamentary sessions infrequently. This is motivated by the notion that the funds, in particular those to pay the personnel, are reimbursed from the budget to support the parliamentary work of the MP. Taking into account the low attendance rates in the Verkhovna Rada of Ukraine, this model could also be considered.

## FRANCE

France is an example of a strict regulation for an existing problem of employing the MP relatives as their assistants. Fines and a possibility of imprisonment for employing a first order relative; refunding costs received from the budget to pay for that person's work; and a need to receive consent from the parliamentary institutions to employ a second order relative seal this issue comprehensively. However, at the same time, the French media write that there is a problem of the quid pro quo employment, with deputy A employing a family member of the deputy B, and vice versa. Therefore, a possible solution could be a prohibition to recruit, at least, first order relatives of other incumbent MPs.

There is no legal limitation to the number of assistants per MP; there is a recommendation to hire no more than five assistants, however. Yet the limited salary fund and the lack of legal provisions allowing for voluntary assistantship, together with a high minimum wage, de facto limit the number of assistants recruited.

The deputies are obliged to publish the capacity of each assistant in their declaration.

The time of access to the parliamentary couloirs for MP assistants is limited to an hour before the parliamentary seating and the time of the seating itself.

## POLAND

One of Poland's best practices in regulating the work of MP assistants is publishing extended information for both the office workers (assistants who are contracted to the MP) and the personal assistants (working on a voluntary basis). This information includes data on employment, income and business activity of the person during the past three years before having been recruited as an assistant. The MP fills in the form to provide this data for each of his or her assistants; these forms are published at the Sejm's website. A similar practice would be beneficial for Ukraine, since civil society organizations would be able to process these forms and signal the society should they find an abuse.

Moreover, while both office workers and personal assistants receive assistant IDs, it does not guarantee access to the parliament by itself. They are obliged to receive a one-time pass to fulfill a certain assignment from the MP every time. The drawback stemming from this approach is the increase in bureaucratic operations. However, on the other hand, implementing such a system increases transparency in operation of the MP assistants, since, using inquiries to the parliament, the society is able to receive data on each case when the assistant entered the parliamentary premises.

The other possible drawback in the Polish system that might be not beneficial to transfer to Ukraine is the undefined scope of duties for personal assistants, as it is only limited by private agreements with the MP.

## LITHUANIA

The Lithuanian legislation provides detailed duties for the secretary assistants to the MPs, while also defining the set of requirements to receive this position. This is defined by the status of secretary assistants as civil servants. Yet since in other countries reviewed in this note, as well as in Ukraine, the assistants do not fall under the scope of the law on civil service, it is problematic to force them to correspond to specific requirements. However, Ukraine could stimulate recruitment of competent MP assistants if, for the MP to receive salary funds for the particular assistant, that assistant would have to fulfill certain preconditions. These might include knowledge of a foreign language at a minimum level of B1 (in the Ukrainian situation, that norm might be limited in a way to exclude Russian, since otherwise it would be useless), confirmed by an internationally recognized certificate. In addition, it is possible to organize tests that would check the knowledge of legislation related to the parliamentary work, and finance only those assistants who would successfully pass the test. However, in the Ukrainian situation, it might be challenging to guarantee transparency of such a test.

Lithuania, furthermore, limits not only the salary fund for the MP assistants, but also their numbers. The MP is entitled to three full-time wages in the salary fund that he can use to hire the assistants. He or she can split them (down to 0.5) or hire an assistant for more than one full-time wage (up to 1.5). A similar norm can be introduced for the Ukrainian MPs: for instance, three full-time assistant wages per MP with a possibility to recruit assistants for 0.5 or 1.5 of the wage. The limitation on the number of paid assistants, together with a prohibition to recruit family members, would decrease nepotism opportunities.

In addition, Lithuania limits the numbers of consultants (i.e. voluntary assistants) who are allowed to receive long-term passes to the parliament. There should be no more than 15 of these per parliamentary group, and no more than 3 per an MP. (However, we should note that the Lithuanian parliament only has 141 member, with several groups comprised only of 7-8 deputies). The idea to limit the number of voluntary assistants who could receive long-term passes can be successfully used to increase transparency in the actions of assistants. This number might be tied in some way to the number of parliamentary group members, and be strictly limited (e.g. less than one voluntary assistant receiving a long-term pass per MP on average).

Finally, the secretary assistants and public consultants, besides their regular declarations of property, also provide declarations of their private interests (personal economic or non-economic interests that might influence decision-making while fulfilling official duties). Introducing mandatory submission of these declarations (possibly for the relatives of the MP assistants as well) and their publication online would increase transparency of the assistants' work.

## CONCLUSIONS AND RECOMMENDATIONS

---

- Based on the analyzed legal norms and political practices, the following measures could be considered for implementation in order to increase transparency and effectiveness of the MP assistants' work in Ukraine.
- Significant reduction in the maximum number of MP assistants. As practice of both the most developed European countries and the developing post-Socialist EU member states shows, MPs successfully operate with, most often, 3-4 assistants. Only in Poland the averages are significantly higher; even there, the number of assistants per MP is normally lower than 10, while in Ukraine, the latest average is 20.3.
- It is possible to consider introducing a limit to the number of full-time assistant wages provided per an MP (for instance, up to 5), with a possibility to hire an assistant for 0.5 or 1.5 of a wage, as it is the case in Lithuania.
- Reviewing the institute of unpaid MP assistants. In Germany in France, this institute is not provided for in the legislation. The Lithuanian practice (39% of the volunteer assistants initially did not want to submit their declaration of private interests), like that of the Ukraine, shows that this institute has a significant corruption potential.
- If this institute is not abolished, at least the rights of volunteer assistants to receive long-term passes to the governmental institutions should be limited. The Lithuanian example – limiting the number of voluntary assistants per parliamentary group to receive these passes – should be considered.
- Overall, the pass provided to assistant MPs in Ukraine grants exceptionally broad rights (access to central and local governmental institutions, local self-government bodies; right to receive documents and information from state organizations and state

enterprises). The possible solution is to limit the pass to only being accepted in the buildings of Verkhovna Rada and the parliamentary committees.

- A possible limitation of access to the couloirs for the MP assistants (only shortly before the seating and during it) to reduce lobbyist risks.
- Registration of each visit to the parliament by an assistant to facilitate transparency of their work.
- Upon the French example, the need for an MP to declare the work role (lawyer, secretary, etc.) each assistant fills.
- Publishing contacts (e-mail, phone number) for every assistant.
- The need, upon the Polish example, to declare the employment history, income, and business interests for several years before recruitment for each assistant. Declaration of private interests, as per the Lithuanian example. Providing information about the assistant's educational background.
- Prohibition to employ first order and second order relatives, as per the Polish example, as well as first order relatives of other MPs, as paid assistants. In case of violation, the MP, as in France, should refund the sum spent from the budget for the salary of that assistant, and pay a substantive fine. It is also possible to consider a criminal punishment for the MP in case of such a recruitment.





---

#### EU – UNDP Project

**"Rada for Europe: Capacity-Building in Support of the Verkhovna Rada of Ukraine"**

1, Klovsky Uzviz Str., Kyiv, 01021, Ukraine

Tel: +380 44 253 93 63

Fax: +380 44 253 26 07

E-mail: [communications@undp.org.ua](mailto:communications@undp.org.ua)

[www.ua.undp.org](http://www.ua.undp.org)



THE PROJECT  
IS FUNDED  
BY THE EUROPEAN UNION



THE PROJECT  
IS IMPLEMENTED  
BY UNDP UKRAINE

