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Firing Government Employees and Political Pressures

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Firing Government Employees and Political Pressures

In the private sector, employees are always at risk of losing their jobs, if there is no longer a need for their services or if the employers decide not to renew their contracts for any reason. The opposite is the case in the public service. One of the main advantages of a government position is its security, and the fact that it is very difficult to fire public employees. It is difficult, but not impossible. The question is—how difficult it is and why?

When Max Weber, the famous German sociologist who lived from 1864-1920, presented his bureaucracy theory for the ideal organization of work, he insisted that government employees should be given lifetime employment to protect them from any political pressures. His recommendation was followed diligently for more than a hundred years. However, with the advent of the New Public Management ideology in the mid 1980s, things started to change. Government employees were no longer necessarily given tenured life-time jobs. Contractual fixed term appointments became acceptable in government for some job categories after it was advocated that there is a need for more flexibility.

New Public Management affected government practices worldwide. However, still government employees enjoy a higher degree of security compared to their peers in the private sector and it is not easy to fire them. Max Weber's admonitions hold. Government officials need protection from political pressure.

In the United States, according to the General Accountability Office (GAO) in 2020, firing a federal employee may take over a year because of the complexity of the firing process, and only 0.2% of the federal workforce end up getting fired in any one year. The three main reasons that allow for firing a public employee have to do with poor performance, misconduct or inability to do the job. At the same time federal employees cannot be fired based on race, sex, whistleblowing activity, political opinions or national origin.

Different forms of performance appraisals are put in place to assess employees' performance in the public sector, so what happens if there are poor performers, or employees who fail to meet the set objectives and targets? In most countries there is a probationary period, ranging from 3 months to a full year, during which poor performers can be easily terminated. After the probationary period, it becomes more difficult. There is a need to give poor performers more than one chance to try to improve and give them guidance. If this fails, then they can be transferred to another department or organization, or they may be given a warning. Meanwhile, before any adverse action can be taken, the employees need to be given time for due process to present any necessary documents to explain the reasons for the poor performance, to negotiate through their unions (depending on how powerful the unions are) and to appeal the transfer or the termination decision.

In Egypt, government bureaucracy is generally underpaid and overstaffed, yet government positions are still in high demand, mainly because of the security factor. Government positions are tenured following a six month probationary period, and fixed term contracts are the exception. The Civil Service Law 81 for 2016 explains how to deal with poor performers. If an employee gets a poor rating in two successive performance appraisals, he may be transferred to another position at the same level as his original position for a year. Following this year, if the appraisal is still weak, a Human Resource Management committee may decide to deduct a portion of his salary for six months. Three and a half years onwards and still performing poorly, the HRM committee may suggest termination, and this has to be endorsed by the relevant authority!

Recently in Egypt a law proposed by parliament called for the firing of government employees if there is a proven affiliation with the Muslim Brothers (MB) group. The MB group was declared a terrorist group by the current ruling regime. In May 2021, the Egyptian Minister of Transportation accused members of the MB group of being behind the repeated train accidents witnessed lately in

Egypt. Following the accusation by the Minister of Transportation and the resulting media fuss, the law was proposed. Another article in the proposed law calls for the firing of any government employee if there is concrete evidence that he or she has social media accounts used to spread false rumors against the State, or used for mobilizing against the State, or its institutions or political leadership! The problem is that there is no official MB establishment, so there are no documents or official papers to prove affiliation, or non-affiliation. It will be the responsibility of the Administrative Prosecution to carry out the necessary investigations needed to figure out whether an employee is a member of the MB, or not.

This is not a call for firing government employees anywhere. It is just a reflection on the difficulty of striking a balance between the need to improve the performance of the bureaucracy, and the need to protect the government employees from any potential political pressure or discrimination. It is not easy.