



Risk Allowance in the Public Civil Service Administrative and Financial System







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2018

The Coalition for Accountability and Integrity -AMAN would like to extend its sincere thanks to both the researcher Dr. Abd Al- Rahim Taha who have prepared this report and to Dr. Azmi Shuaibi for his supervision on the report

In case of citation please indicate the printed as follows: The Coalition for Accountability and Integrity-AMAN (2018)
Risk Allowance in the Public Civil Service Administrative and Financial System. Ramallah-Palestine



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Introduction:

Risk allowance is one of the allowances stipulated in the Civil Service Law No. (4) of 1998 as one of civil servant's benefits. However, the Civil Service Law did not identify the criteria and terms regulating the payment of risk allowance. Therefore, The Palestinian Council of Ministers has issued the decision No. (78) of 2005 on Risk Allowance Regulation. This regulation has set some of the criteria regulating the payment of such allowance, its payment mechanisms, the entitled categories of employees as well as the percentage of this allowance for each category.

Since risk allowance is considered as one of the public expenditure areas consuming a high share of public expenditure in the public budget, and since paying this allowance without implementing its procedures and criteria leads to a contradictory environment between the conflict of interest of some employees and the public interest in terms of preserving public funds or wasting these funds. This paper aims to diagnose the reality of risk allowance in terms of legal framework regulating its definition, terms and mechanisms of payment as well as the categories entitled to receive it. The paper also aims to examine the extent and fairness of distribution among the employees who are entitled to receive such an allowance, in addition to examining the extent of compliance with the legal reference and provisions regulating such an allowance and identifying the forms of deviation to pay it in order to equitably rationalize and regulate its payment.

For the purpose of developing this paper, an analytical descriptive approach was followed and relevant information were collected through: reviewing the legal framework regulating the payment of this allowance, reviewing some reports, statistics and data issued by some relevant official bodies and reviewing the relevant literature. In addition, interviews were conducted with the concerned parties and specialists in different positions to collect the necessary information. Moreover, relevant annual and specialized reports issued by AMAN Coalition were reviewed, and an objective analysis of these data was conducted to clarify the problems related to the payment of risk allowance and to propose the necessary recommendations to rationalize public expenditures.

The paper is divided into four sections: the first section describes the nature of employment allowances and risk allowance, the second demonstrates the legal framework regulating the risk allowance, the third sheds the light on the problems involving the payment such allowance, the reality of paying it and the parties making decisions on its amount as well as the categories entitled to receive it, while the fourth section proposes recommendations to correct the violations and problems facing the payment of this allowance.

First: The Nature of Job Allowances

Public service legislations are concerned to identify a set of public servants' rights in return for the duties designated to be carried out by those employees. These rights are divided into financial rights, such as salaries and allowances (remunerations) and employment rights such as job promotion and vacations of all kinds.

Generally, the allowance is defined as a "financial compensation reflected in an amount of money added to the basic salary paid to the employee in return for costs incurred to perform his/her tasks, or for the efforts he/she pays or certain risks the employee is exposed to during performing his/her work. The purpose of such an allowance is to motivate employees to perform the work entrusted to them with integrity and safety as well as to enable them to face living burdens".¹

Others define the allowance as "the remuneration received by the public employee added to the salary under different titles, its purpose is to improve the employee's living conditions due to the nature of the work he/she

1 Adhaher, Khaled, Administrative Law, Dar Al-Maysarah Publishers, Amman, 1998, P. 228

performs, scientific or technical requirements or because the nature of work is special and commensurate with the qualifications the employee holds”.²

Regardless of the jurisprudential debate on the legal nature of these allowances, whether they are payments offered by an administration to the employees based on the willing of that administration, or they are rights to the employees to which they are entitled under certain terms and conditions, it is legislatively approved that public service legislations regulate the allowances within the rights that the public servants enjoy and they shall be entitled to these rights when the necessary legal terms and conditions are met to be paid.³

Based on the types of these allowances, it is clear that they take different forms varying to be either expanded or limited based on the public service legislations. These allowances, in accordance with Article (51) of the Palestinian Civil Service Law No. 4 of 1998, are taking many forms, namely, Competence Allowance, Social Allowance, Transport Allowance, Living Cost Allowance, Scarcity allowance, Work Nature Allowance, Administrative Allowance and Risk Allowance).

With regard to the risk allowance concept - the subject of this research - it is noted that public service legislations in general, including the Palestinian legislation in particular, has avoided setting a specific definition of risk allowance, leaving this task to the administrative jurisprudence and judiciary. Through reviewing many of the definitions stated about risk allowance, it can be said that the risk allowance is a “sum of money added to the basic salary of the employee who receive it due to the nature of his/her work for being exposed to various risks, whether those risks are health, environmental, meteorological, physical, mechanical, biological or chemical”.⁴

Second: Legal Framework Regulating Risk Allowance

There are many legal rules governing the payment of risk allowance, as follows:

1. **Civil Service Law No. (4) of 1998** Article (51) of the law stipulated that among the benefits and allowances added to the basic salary is risk allowance, without mentioning the mechanisms and conditions of paying it. This is different from the administrative or social allowances, for example, that were stipulated in more details.
2. **Bylaw No. (45) of 2005 Concerning the Civil Service Law** Article (8) of the Bylaw stipulated that “1- The heads of government departments shall submit a proposal on the Work Nature, Competence, Scarcity and Risk allowance and any other allowances, the people entitled to receive them and identifying the terms and criteria of their payment. 2- The Legal Advice and Legislation Bureau shall develop draft decisions that identify the value of Work Nature, Competence, Scarcity and Risk allowance and any other allowances as well as the people entitled to receive them and identifying the terms and criteria for paying these allowances in coordination with the Ministry of Finance and shall submit employees lists to the Council of Ministers for approval.
3. **Council of Ministers Decision No. (78) of 2005 on Issuing the Risk Allowance Regulation** The decision has stipulated a set of terms regulating the payment of risk allowance as follows:
 - a. Risk allowance shall be paid on monthly basis to employees who are directly exposed to risk and infection by the virtue of their work.
 - b. Risk allowance shall be limited to employees working in one of the entities mentioned in the table attached to the decision and in accordance with the percentages identified for each category of employees.

2 Al-Khalfi, Ismael, *Employment Remunerations*, Dar Al-Wafa' Publishing & Media, Cairo, 1998, P. 11

3 Abd Ash-Shafiea', Rasheed, *the Legal System of Salary in Public Service*, MA Theses, Al-Fateh University, Libya, 2010, P. 17

4 Jamal-Ad-Deen, Salma, *Public Service Disputes*, Al-Maaref Publishers, Alexandria, 2005, PP. 363368-.

- c. Government departments shall identify the employees who meet the conditions to be paid risk allowance and shall send their names to the General Personnel Bureau, which shall issue a decision to grant such an allowance and notify competent department to pay after approval from the Ministry of Finance.
- d. Paying the risk allowance to the employee shall be suspend if the reason for which the payment has been paid ceases, and the suspension shall start from the date in which the reason has ceased. The competent department shall notify the General Personnel Bureau, which shall issue a decision to suspend the disbursement and report to the competent authorities.

The table below clarifies the professions, specializations and percentages of monthly risk allowance paid in accordance with the Council of Ministers Decision No. (78) of 2005 for employees who are directly exposed to risk or infection by virtue of their work and are employed in one of the jobs indicated below, taking into consideration the fact that there are amendments to certain percentages stated in the table as it will be indicated later.

Profession	Specialization	Allowance Percentage of Basic Salary
<i>Medicine</i>	(Surgery (including gynecology +obstetrics	25%
	(General (Internist	25%
	Psychiatrist	20%
	Psychologist	30%
	Radiology	30%
	Anesthesia	25%
	Cardiology	25%
	Emergency	20%
	Primary care Clinics	20%
	Resident Doctor	20%
	Pediatrician	20%
	Ophthalmologist	20%
	Public health	25%
	General Dentistry	25%
	Orthodontic Surgery	25%
	Plastic Surgery	25%
	Field Pharmacists (inspection, registration, examination and control	25%
	Sections and clinics	25%
	(Field Veterinary (inspection	25%
	Assistant veterinary	20%
	Veterinary Laboratory Technician	20%
	Veterinary Services Driver	20%
	Anatomy (forensic medicine) doctors	25%
	Anatomy technicians	25%
	Practitioner	35%
	Midwives	35%
	Surgery	35%
	Nursing lecturers	25%

	Laboratory practitioner technicians	30%
	Radiology practitioner technicians	35%
	Anesthesiology practitioner technicians	35%
	Physiotherapy practitioner technicians	15%
	Occupational therapy practitioner technicians	15%
	Optical technicians	15%
	Ambulance personnel	25%
	Hygiene and kitchen workers at hospitals	20%
	Hospital workers (patient transfer), administration staff of hospitals, clinics, health centers (direct contact with patients) and medical warehouses staff	20%
Engineering	Electric, networks and high voltage engineers	25%
	Electronics, computer, telecommunications and microwave engineers	25%
	(Industrial schools engineers (workshops	25%
	Chemistry, medical appliances and environment engineers. Workers in solid and liquid wastes	25%
	(Field engineers (civil, roads and construction	25%
	Agronomy and agricultural science, livestock advisors	25%
	agronomists	25%
	Education laboratories	20%
	Supply laboratories	20%
	Livestock supervisors	20%
	Environment inspectors	20%
	Plant- protection advisors	20%
	Pest laboratories	20%
	Workers at border-crossings	20%
	Agricultural project engineers	20%
Technicians	Oxygen and electric welding and battery filling workers	20%
	Workers of central workshops	15%
	Mechanics and maintenance technicians	15%
	Workers of precious metals stamping	25%
	Workers of (high voltage) electricity	25%
Civil Defense	Field civil defense personnel	25%
Media	Television technicians, news correspondents	20%
	Programmers, editing technicians, data entry staff	20%

4. Council of Ministers Decision No. (12) of 2011 on Amended Risk Allowance Regulation

This decision has amended the mechanism of risk allowance paid and accordingly governmental bodies shall identify the employees entitled to receive risk allowance and send their names to the General Personnel Bureau. Then the Bureau shall issue a decision to pay the allowance, after approval by the Council of Ministers, and it shall notify the competent authority to pay the allowance after approval by the Ministry of Finance.

5. **Council of Ministers Decision No. (12) of 2012** In accordance with this decision, it shall be prohibited to issue any decisions on paying risk allowance unless such decisions are approved by the Ministry of Finance to ensure the availability of required funding allocations and the approval by the Council of Ministers.
6. **Council of Ministers Decision No. (1) of 2013** A technical committee headed by the Ministry of Justice shall be formed to develop criteria on risk allowance.
7. **Council of Ministers Decision on Physicians Risk Allowance** This decision was made to implement an agreement that was concluded and signed by the Ministerial Committee for Dialogue with Physicians Syndicate and other Health Syndicates and approved by Prime Minister Dr. Salam Fayyad. The agreement was enforced on October 10, 2013 and came into effect retroactively as of June 5, 2013. Based on this agreement, the following was concluded:
 - a. Raising the risk allowance for general physicians from 25% to 35%.
 - b. Raising the risk allowance for specialist doctors from 30% to 40%.
 - c. Raising the risk allowance for anesthesiologists and psychiatrists from 30% to 45%.

In accordance with this decision, the due arrears by government shall be rescheduled retroactively by a percentage commensurate with the government's financial capabilities.

8. **Council of Ministers Decision No. (2) of 2013 on the Risk allowance for Engineers, Agronomists and Veterinarians** In accordance with this decision, risk allowance for Engineers, Agronomists and veterinarians of various categories of employees shall be increased to become 25% - it was 20% - for those who assume jobs requiring an engineer, agronomist or veterinarian and shall come into effect retroactively as of July 1, 2012. The allowance shall be suspended whenever the risk ceases, and the due arrears by government shall be rescheduled retroactively commensurate with the government's financial capabilities.
9. **Council of Ministers Decision No. (9) of 2014 on Ratifying the Agreement Signed with the Health Professions Syndicate** For enforcing the provisions of this agreement, and in accordance with this decision, risk allowance for the entitled employees of the Ministry of Health shall be increased by (15%) added to the percentages stipulated in the Risk Allowance Regulation No. (78) of 2005.
10. **Council of Ministers Decision No. (8) of 2014 on Ratifying the Agreement Signed with Dentists and Pharmacists Syndicates** In accordance with this decision and to enforce the provisions of this agreement, the risk allowance was increased by 10% for both dentists and Pharmacists.
11. **Council of Ministers Decision No. (8) of 2014 on Granting Risk Allowance to the Ibrahimi Mosque Employees** In accordance with this decision, risk allowance shall be paid to the Ibrahimi Mosque employees according to the following categories of employees:
 - a. Categories one and two (20%).
 - b. Categories four and five (25%).

Provided that risk allowance shall be suspended in case of moving to another post other than the Ibrahimi Mosque.

12. **Council of Ministers Decision No. (5) of 2014 on Forming a Committee to Study the Risk Allowance Regulation.**
13. **Council of Ministers Decision No. (1) of 2015 on Supporting Citizens Resilience in Hebron Governorate.** Among the measures taken to implement the provisions of this decision was paying risk

allowance to public employees working in the Old City of Hebron similar to the Ibrahimi Mosque employees.

14. **Council of Ministers Decision No. (10) of 2015 on Forming a technical Committee to Study the Risk Allowance Regulation.**
15. **Council of Ministers Decision No. (8) of 2015 on Amending the Ministerial Committee that was formed to Study the Risk Allowance so that the Minister of Social Affairs shall be its Chairperson.**
16. **Council of Ministers Decision No. (28) of 2015 on Forming a Committee to Study the Risk Allowance Regulation.** The committee shall join the Minister of Social Affairs as a rapporteur, Minister of Finance, Minister of Justice and Head of General Personnel Bureau.
17. **Council of Ministers Decision No. (23) of 2016** In accordance with this decision, risk allowance shall be paid to forensic doctors and forensic technicians working at the Ministry of Justice as of August 1, 2016.

The multiple decisions of the Council of Ministers to amend or increase risk allowance value was due to protests and rallies by the parties that claim injustice in risk allowance.

Third: Disbursement of Risk Allowance in Practice

Although the Civil Service Law stipulated that risk allowance is one of the staff benefits allocated to public servants since the promulgation of the law in 1998, the provision on this allowance remained theoretical. The law did not clarify the terms and criteria for this allowance and the categories that deserve it. Therefore, it remained without change until the issuance of the Bylaws of Civil Service Law in 2005, which entrusted the General Personnel Bureau to prepare draft decisions that determine the value of the nature of work, specialization, scarcity and risk allowance or any other allowances and benefits, and to develop the terms and criteria for their payment in coordination with the Ministry of Finance and to be submitted to the Council of Ministers for ratification. The efforts paid by the General Personnel Bureau in this regard have resulted in the issuance of a decision by the Council of Ministers on risk allowance regulation, which set the terms of the allowance, the entitled staff categories and its percentage from the basic salary for each category of employees. This regulation was later amended to entrust the Council of Ministers to ratify and adopt the decisions issued by the General Personnel Bureau in this regard to be enforced by the Ministry of Finance. In order to avoid any excessive disbursement of this allowance, the Council of Ministers stipulated in a subsequent decision not to adopt any decisions on risk allowances without approval by the Ministry of Finance in light of the available financial capabilities.

Following the above mentioned regulation, risk allowance was paid to some employees covered by its provisions, namely, the employees of the Ministry of Health. Risk allowance was paid to all employees of the Ministry of Health and with no exceptions as of 2006-2008, but after 2008 the allowance was suspended for the employees whose work is based in the Ministry's headquarters and continued to be suspended until 2013, which has resulted in rallies and protest organized by the physicians Syndicate which threatened to announce labor strike. Consequently, the Council of Ministers responded to these protests and concluded an agreement with the physicians Syndicate and other health profession syndicates upon which risk allowance was paid to all the Ministry of Health employees, regardless of the nature of their work. The percentage of the allowance was increased for some of them as previously mentioned.⁵

⁵ Interview with Mr. Samer Abu Qarea', the Acting Director General of Oversight on Governance and Security at the Financial and Administrative Audit Bureau on 132018/3/

The governmental department for which the employee works is responsible for identifying the eligible employees who are entitled to risk allowance payment. The applied procedure is that the governmental department reports to the General Personnel Bureau requesting to pay risk allowance to some of its eligible employees in accordance with the decision. Those eligible employees should be among the categories included in the regulation, who are directly exposed to risk and infection based on the nature of their work. It is possible that the government department may refuse reporting to the General Personnel Bureau to pay risk allowance to some employees despite their legal eligibility due to reasons related to the head of that department and the nature of relationship between him/her and the employee. The governmental department may also exaggerate and expand its request to pay risk allowance to some employees based on their job titles and because they hold scientific certificates and specializations as stated in the regulation (engineers, physicians, etc.) but they are not exposed to risk and infection by virtue of their work. After that, the General Personnel Bureau begins to verify whether those employees are entitled to a risk allowance or not in terms of criteria adopted by the Bureau, namely (employee specialization, job description card, employee degree and justification stated in the governmental department's letter to the Bureau). By meeting these criteria, the Bureau reports to the Council of Ministers to adopt its decision and then reports to the Ministry of Finance for financial disbursement if the necessary financial allocations are provided. However, if the Bureau finds out that there is a problem or shortage in the job supportive documents, it notifies the concerned governmental department on these problems.⁶

It is, however, noted that increasing the risk allowance percentage by the Council of Ministers every now and then does not happen as a result of a study and review of the applied regulation, but it rather results from protests and pressure by some trade unions who threaten to declare strike. Consequently, the Council of Ministers concludes agreements with those unions upon which they stop the protests in return for paying or increasing the risk allowance to the eligible persons.

There is no accurate information about the volume of risk allowance out of the total payroll due to the instability and fluctuation of its percentages, in addition to suspending its disbursement sometimes and disbursing it to new employees from time to time.

Forth: Problems Related to Risk Allowance Payment

Risk allowance payment encounters many problems as follows:

1. The uncertainty of the risk allowance concept as the legislator has not set a precise definition for such allowance, but only referred to some terms governing its disbursement. This uncertainty has led to multiple interpretations and explanations of risk allowance concept. Some explain the risk allowance on a limited basis saying that it is only related to disease and infection. However, the interpretation of risk allowance was expanded to include all persons who are at risk while performing their tasks regardless of the nature of those risks, whether they are related to disease or infection or any external risks regardless of their nature.
2. The above mentioned legal framework regulating the risk allowance shows the multiplicity and re-endorsement of legal references. This repeated multiplicity and amendment on the Council of Ministers decisions have not resulted from real study and review of the principles set for paying this allowance, but they were made in the context of pressures and trade union protests as well as the contradiction between these ministerial decisions. Some of the decisions have made a link between paying the allowance to the employee and disease and infection and some have linked it to specialization and job title regardless of the nature of the work exercised by the employee.
3. Expanding the interpretation of the "risk" concept, in addition to the confusion in concepts of risk allowance and nature of work allowance. Although the risk allowance regulation of 2005 has attributed

⁶ Interview with Mr. Abdullah Alayan, Director General of Civil Servants Affairs at General Personnel Bureau on 6/2018/3/

the “risk” to infection and disease, the same regulation included some categories that are not exposed to risk and infection, such as programmers, data entry staff and news correspondents. In addition, the Council of Ministers has expanded the concept of risk to include external risks the employees may be exposed to as a result of the occupation measures. For instance, the Council of Ministers decided to pay risk allowance to the Ibrahimi Mosque employees and government employees working in the Old City of Hebron- highlighting the right of those employees to receive financial privileges as a result of the occupation arbitrary measures- despite the fact that they are not exposed to risk of infection and disease, but to another type of external risks resulting from arbitrary measures and harassment by the occupation. However, to avoid the confusion in the concepts, the Council of Ministers should have decided to pay a “nature of work” allowance to these employees instead of “risk allowance”.

4. Despite the multiple decisions issued by the Council of Ministers on the formation of ministerial technical committees to study the risk allowance regulation, these committees did not issue any regulations, decisions or results in this regard.⁷
5. Risk allowance was not paid to some employee categories despite their legal eligibility to be paid as they are exposed to infection and risk due to the nature of their work and despite the fact that their ministries have submitted the lists of their names to the General Personnel Bureau, which in turn submitted them to the Council of Ministers. These categories are (Oxygen and electric welding workers, battery filling,, workers of central workshops, maintenance and mechanics technicians, high voltage electricity workers, civil defense “field” personnel, livestock advisors other than engineers, environmental inspectors other than engineers, plant protection advisors other than engineers, laboratory staff (other than health laboratories), agricultural pest laboratories staff, soil laboratories staff, supply laboratories staff other than engineers, some employees working in the health professions (other than Ministry of Health employees)⁸, as well as non-engineer border-crossing workers, veterinary laboratory technicians and veterinary service drivers although these categories were stipulated in the Risk Allowance Regulation.⁹
6. The criteria for paying the risk allowance was violated. The risk allowance regulation has made the link between the payment of risk allowance and disease and infection and those who receive the allowance should be exposed to these risks due the nature of their work. However, it was noted that the risk allowance was paid to some other categories, especially “Engineers” based on an agreement between the Council of Ministers and the Engineers Syndicate. The criteria to pay the allowance was limited to holding an engineering certificate, being registered to the Engineers Syndicate, and that the post requires hiring an engineer, regardless of being exposed to risk, infection and illness or not. It was also noted that the Engineers who have been paid risk allowance do not carry out field work, and the bulk of their work is office work that does not involve any risks¹⁰. On the other hand, the General Personnel Bureau refused to approve paying risk allowance to some engineers working in the field of teaching at the Ministry of Higher Education since the risk allowance criteria do not apply to them¹¹.
7. Risk allowance was paid to a large number of fixed-term employees assuming supervisory positions at their institutions, such as some Deputy Ministers, Director Generals and Heads of Directorates, whose role is limited to supervision, planning and policy-making. Risk allowance was also paid to engineers appointed in other departments that do not require engineering specialization.¹²

7 Report of Financial and Administrative Audit Bureau on (Risk Allowance in the State of Palestine), 2016

8 Report of Financial and Administrative Audit Bureau on (Risk Allowance in the State of Palestine), 2016

9 An interview with Mr. Bshara Kaboush, Director of Personnel Affairs at the Ministry of Agriculture on 122018/03/.

10 Interview with Mr. Samer Abu Qarea’, the Acting Director General of Oversight on Governance and Security at the Financial and Administrative Audit Bureau on 132018/3/

11 An interview with Mr. Zeyad Alayyan, Director General of Engineers Syndicate, on 252018/03/

12 Report of Financial and Administrative Audit Bureau on (Risk Allowance in the State of Palestine), 2016

8. The principle states that risk allowance should be stopped if the reason for its payment ceases, such as the cases of unpaid leave, long-term sick leave, maternity leave, study leave, temporal employment suspension, making shift in the nature of work assigned to the employee to assume another work at which he/she is not exposed to risk, or other reasons. However, it was noted that risk allowance has been paid to some employees who are absent based on a sick leave and it was also continued to be paid to the employees in the Gaza Strip, for instance, who work for the Ministry of Health, Energy Authority and the Ministry of Works although they have been asked not to join their jobs as a result of the political split while the allowance was stopped for the employees working at the rest of ministries.¹³
9. It shall be noted that the role of the General Personnel Bureau with regard to risk allowance payment is controversial. One school believes that the role of the Bureau in this regard is executive. As long as the concerned Ministry reports to the Bureau to pay risk allowance to some of its employees who are among the categories stipulated in the risk allowance regulation, the Bureau must comply with the Ministry's decision and recommend paying it¹⁴. The viewpoint of this school is reinforced by a ruling made by the Supreme Court of Justice stating "since the Ministry reported to the General Personnel Bureau on paying risk allowance to some of its employees at veterinary Departments, the Bureau should comply with the decision and issue to pay the risk allowance to these employees and to report to the Ministry of Finance on the decision for payment, as the Bureau's authority in this regard is restricted. Therefore, the Bureau's refrain from issuing a decision to pay such an allowance shall be a violation of the law and it shall constitute a negative administrative decision that is an open-ended for appeal"¹⁵.
10. There are some job categories that are paid risk allowance less than the due payment, proportionally based on the nature of the risks they are exposed to. For example, "assistant veterinarians" are paid a risk allowance less than the one paid to veterinarians although they are at greater risk than veterinarians¹⁶.
11. Trade unions play a major role in the payment of the risk allowance to employees. For example, physicians, engineers and health profession staff have been paid the risk allowance under union protests. However, other categories of employees, like livestock inspectors and veterinary laboratory technicians have not been paid risk allowance despite the fact that they are among the categories stipulated in the regulation and are exposed to risk by the virtue of their work. Some attribute this situation to the absence of trade unions representing these categories to defend their rights¹⁷.
12. Pursuant to the Council of Ministers decision of 2011, which stipulated that the Council of Ministers shall approve the decisions made on paying the risk allowance, the General Personnel Bureau had referred many employee-lists received from ministries and institutions, amounting to (33), to the Council of Ministers. However, the Council did not approve these lists although those employees were entitled to the allowance. The only exception was the list of the Ministry of Health, which was enforced after ratification by the Council of Ministers based on agreements signed between the Physicians syndicate and the Council of Ministers¹⁸.

13 Interview with Mr. Samer Abu Qarea', the Acting Director General of Oversight on Governance and Security at the Financial and Administrative Audit Bureau on 132018/3/

14 Interview with Engineer Ashraf Anabtawi, Deputy Director General of Financial and Administrative Affairs at the Ministry of Agriculture on 122018/03/.

15 The ruling of the Palestinian High Court on the Administrative lawsuit No. 2832008/, Al-Muqtafi Publications.

16 An interview with Mr. Bshara Kaboush, Director of Personnel Affairs at the Ministry of Agriculture on 122018/03/

17 An interview with Mr. Bshara Kaboush, Director of Personnel Affairs at the Ministry of Agriculture on 122018/03/

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13. Risk allowance is paid to all employees of the Ministry of Health regardless of their job titles and positions. The criteria of the payment here is that the employee is working for the Ministry of Health regardless of the nature of work, job title and the position he/she occupies. Some believe¹⁹ that all the employees of the Ministry of Health are exposed directly or indirectly to the risk of disease and infection because of the nature of their work, and therefore the allowance is paid to all the employees of the Ministry based on agreements signed by the Physicians Syndicate and the employees of health professions on the one hand and the Council of Ministers on the other. The number of employees who are paid risk allowance at the Ministry of Health is (7386)²⁰ at a monthly cost of (NIS 6,375.891)²¹.
14. Risk allowance is paid to the employees of health professions at the Ministry of Health only, but it was not paid the employees of similar health professions working in other institutions such as Abu Rayya Rehabilitation Center and the Ministry of Justice.²²
15. The procedures to be followed are sometimes violated in terms of paying the risk allowance as the risk allowance regulation provides for the governmental departments to send the names of their employees, who are entitled to risk allowance, to the General Personnel Bureau, which in turn refers the names to the Council of Ministers after verification for approval and ratification. However, it was noted that the category of engineers, physicians, employees of health professions and employees of the Ministry of Health were paid the risk allowance directly based on agreements between their syndicates and the Council of Ministers without any role played by the General personnel Bureau in this regard.²³
16. As a result of the above mentioned problems, risk allowance has added a huge financial burden to the public treasury resulted from violating the criteria and terms regulating its payment.²⁴

19 Interview with Mr. Nizar Masalmeh, Director General of Administrative Affairs at the Ministry of Health on 072018/03/

20 By reviewing the list of employees who are paid risk allowance, it has been noted that the list includes several categories (carpenters, deputy managers, procurement officers, administrative officers, legal assistants, chef assistants, librarian assistants, administrative supervisors, director generals, , auditors, lecturers, Switchboard officers, registrars, chefs, tailors, social workers and internal security officer).

21 Interview with Mr. Marwan Sabbah, Director of salaries at the Ministry of Health on 072018/03/.

22 Interview with Mr. Samer Abu Qarea', the Acting Director General of Oversight on Governance and Security at the Financial and Administrative Audit Bureau on 132018/3/

23 Interview with Mr. Abdullah Alayan, Director General of Civil Servants Affairs, General Personnel Bureau on 062018/03/

24 The researcher could not obtain the monthly or annual sum of the risk allowance in the public budget despite his repeated communications with the Ministry of Finance.

Recommendations:

First: The Council of Ministers

1. To define the concept of risk precisely and explicitly in order to put an end to the various interpretations and not to be interpreted in a way expanding its content to justify paying the allowance to categories that are not directly exposed to disease and infection.
2. To activate the role of committees formed by a decision from the Council of Ministers to set the precise criteria and regulations of paying the risk allowance in order to be limited to the entitled people. These committees shall take the following issues into consideration:
 - a. Ensuring justice and non-discrimination in the payment of risk allowance on the basis of the workplace because the allowance is paid to some employees whose work is identical to the work of some other employees who are also exposed to the same risk but not being paid because of the difference in the work venue only.
 - b. Determining the percentage of risk allowance based on the volume of actual risk the employee is exposed to and such percentage shall be adequate and inclusive.
3. Empowering the General Personnel Bureau to oversee and review the paid risk allowance to check the employees' direct exposure to risk and infection and to pay the allowance only to those who are entitled to be paid and those who are directly exposed to risk and infection.
4. Reconsidering some of the decisions issued by the Council of Ministers that made the link between risk allowance and the specialization and job title, so that the risk allowance shall not be paid on the basis of certificate and specialization, but on the basis of the nature of the employee's work and exposure to risk and infection.
5. Approving the decision to pay risk allowance to certain categories of employees, who are exposed to disease and infection due to the nature of their work and are included in risk allowance regulation. The lists of those employees were referred to the Council of Ministers by the General Personnel Bureau based on nominations by the ministries in which those employees work.
6. Suspending the payment of risk allowance to employees in supervisory and administrative posts, whose role is limited to policy making and planning and are not exposed directly or indirectly to disease and infection.
7. Terminating the applied mechanism of paying the risk allowance to certain categories of employees through agreements signed between their syndicates and the government. These agreements were reached in a way disregard the role of the General Personnel Bureau on the one hand and they included categories of employees belong to the syndicates on the basis of specialization and job title regardless of whether they are at risk or not. In addition, risk allowance was not paid to some categories of employees because they do not have syndicates to defend their interests.

Second: Ministries and public institutions

1. To suspend the payment of risk allowance when the reason for its payment ceases, such as going in unpaid leave, long-term sick leave, suspending the employees work, seconding the employee to another job in which he/she is not exposed to risk, taking a study-leave and other cases of work interruptions.
2. To stop requesting risk allowance for some of their employees of categories stated in the risk allowance regulation, but are not exposed, by virtue of their work, to disease and infection. Government departments are required to request paying risk allowance to some categories of employees that are exposed to disease and infection in their work.

References:

First: Books

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- Abd Ash-Shafeea', Rasheed, the Legal System of Salary in Public Service, MA Theses, Al-Fateh University, Libya, 2010.
- Jamal-Ad-Deen, Salma, Public Service Disputes, Al-Maaref Publishers, Alexandria, 2005.

Second: Laws, Regulations and Decisions

- Civil Service Law No. (4) of 1998.
- Civil Service Bylaws No. (45) of 2005.
- Council of Ministers Decision No. (78) of 2005 on issuing the Risk Allowance Regulation.
- Council of Ministers Decision No. (12) of 2011 on issuing and amended Risk Allowance Regulation.
- Council of Ministers Decision on Risk Allowance for Physicians.
- Council of Ministers Decision No. (2) of 2013 on Risk Allowance for Engineers, Agronomists and veterinarians.
- Council of Ministers Decision No. (9) of 2014 on ratifying the agreement signed with Health Profession Syndicate.
- Council of Ministers Decision No. (8) of 2014 on ratifying the agreement signed with Dentists and Pharmacists Syndicates.
- Council of Ministers Decision No. (8) of 2014 on paying risk allowance to the Ibrahimi Mosque employees.
- Council of Ministers Decision No. (1) of 2015 on supporting the citizens resilience in Hebron Governorate.

Third: Interviews

- Interview with Mr. Abdullah Alayan, Director General of Civil Servants Affairs at General Personnel Bureau on 6/3/2018.
- Interview with Mr. Nizar Masalmeh, Director General of Administrative Affairs at the Ministry of Health on 07/03/2018
- Interview with Mr. Marwan Sabbah, Director of salaries at the Ministry of Health on 07/03/2018.
- Interview with Engineer Ashraf Anabtawi, Deputy Director General of Financial and Administrative Affairs at the Ministry of Agriculture on 12/03/2018.
- An interview with Mr. Bshara Kaboush, Director of Personnel Affairs at the Ministry of Agriculture on 12/03/2018.
- Interview with Mr. Samer Abu Qarea', the Acting Director General of Oversight on Governance and Security at the Financial and Administrative Audit Bureau on 13/3/2018.
- Interview with Mr. Zeyad Alayyan, Director General of Engineers Syndicate, on 25/03/2018.

Forth: Reports

- Annual Report of Financial and Administrative Audit Bureau of 2016.
- Report of Financial and Administrative Audit Bureau on (Risk Allowance in the State of Palestine), 2016.



The Coalition for Accountability & Integrity (AMAN)- which was accredited by Transparency International (TI) as a national chapter in Palestine since 2006 - established in 2000 by an initiative of number of CSOs working in the field of democracy, human rights and good governance towards reaching its vision of Palestine free of Corruption.

The Coalition is keen to create and lead a social movement against corruption and to contribute in the production, transferring and localization of the necessary knowledge in anti-corruption at the local, regional and international level.

The Coalition is also keen to play its monitoring/watchdog role on the National Integrity System through focusing on community participation, activating the role of civil society institutions and media in monitoring management of public money and affairs, and creating a work environment that contributes to unclose corruption crimes and restrict its spread.

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