

SENQU LOCAL MUNICIPALITY



CODE OF ETHICS FOR MUNICIPAL STAFF

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1. INTRODUCTION

A Code of Ethics is a set of guidelines which are designed to set out acceptable behaviours for members of a particular group or profession. A Code of Ethics gives /details ethical principles and expects you to monitor your own behaviour accordingly. Unlike a code of conduct which tells you specific action you can and cannot do.

What is Ethics?

Ethics is sometimes defined as "a set of moral values and principles which form the standards that guide conduct and behaviour of individuals to differentiate between right and wrong, good and bad, what should or should not be done".

2. LEGISLATIVE MANDATE

Section 195(1) of the Constitution provides the framework for intergovernmental relations and prescribes the following basic values and principles for public administration:

- (a) A high standard of professional ethics must be promoted and maintained;
- (b) Efficient, economic and effective use of resources must be promoted;
- (c) Public administration must be development-oriented;
- (d) Services must be provided impartially, fairly, equitably and without bias;
- (e) People's needs must be responded to and the public must be encouraged to participate in policy-making;
- (f) Public administration must be accountable;
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information;
- (h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

3. PURPOSE OF THIS CODE

The municipal staff of Senqu Municipality hold their position to serve and benefit the public and not to achieve any personal or private gain. For furtherance of this fundamental principle, a code of ethics was developed, with a purpose to:

- (a) Promote a high standard of professional ethics and conduct of professionalism amongst municipal staff;
- (b) Always act with respect, integrity, competence, diligence and in an ethical manner with each other, subordinates, superiors, the public, municipal staff and councillors from other municipalities and officials and political office bearers from the provincial and national government departments and legislatures;
- (c) Always ensure that the integrity of the Municipality, the Council and the interests of the public are placed above own personal interests;
- (d) Take reasonable care and exercise independent judgment in addressing the needs of the public
- (e) Act in such a way that others are encouraged to follow suit and thereby ensure that a culture of the highest professional and ethical behaviour exist within the Senqu Municipality;
- (f) Promote and give effect to the values and principles in section 195(1) of the Constitution;
- (g) Promote and give effect to the Batho Pele principles;
- (h) Promote and give effect to the code of conduct for municipal staff as prescribed Schedule 7 (8) of the Local Government: Municipal Structures Amendment Act, 2021; and
- (i) Enhance the Senqu Municipality's policies relating to the combatting of corrupt, fraudulent and unethical practices.

4. COMMITMENT TO SERVE THE PUBLIC INTEREST

A staff member is required to foster a culture of commitment to serving the public and must adopt a sense of responsibility for the performance of goals, standards and targets of the Municipality as a whole.

The employee has a duty to seek to implement the objectives set out in the Municipality's Integrated Development Plan (IDP) in as far as the staff member's job description requires this. He/she is also required to participate in the overall performance management system of the



Municipality in order that the Municipality may maximize its ability to improve the quality of life of its residents.

5. ADHERENCE TO LEGISLATION AND POLICIES

Municipal staff of the Senqu Municipality must:

- (a) Know, understand and comply with the legislative requirements, policies and collective agreements governing local government;
- (b) Know and understand their respective roles, and respect the roles of co-employees and councillors;
- (c) Dissociate from any intentional violation of any laws, rules, regulations and policies;
- (d) Dissociate from any actions that intentionally violate the rights of co-staff; councillors and the public.

6. INDEPENDENCE AND OBJECTIVITY

Municipal staff of the Senqu Municipality must:

- (a) Always take reasonable care when dealing with matters concerning the general public or any individual member of the public;
- (b) Maintain independence and objectivity in their respective areas of work and when dealing with matters concerning the general public or any individual member of the public;
- (c) Not offer or solicit any gift, benefit, compensation or consideration that could compromise their own or another's independence and objectivity; and
- (d) Declare any offer, gift, benefit or compensation in terms of the Supply Chain Management Policy S52 (2) (c) (d), S53 (1) (a) (b) (i) (ii) and Schedule 7 (8) of the Local Government: Municipal Structures Amendment Act, 2021.

7. PERSONAL GAIN

An employee may not use his position or privileges as a staff member, or any confidential information obtained as a staff member for private gain or to improperly benefit another person.

Handwritten signature in black ink, appearing to be 'T.A.' with a flourish.

He/she may also not take a decision on behalf of the Municipality in any matter in which he, his wife, partner or business associate have a direct or indirect personal or private business interest.

Only with the prior consent of the Council, may a staff member be a party to a contract for the provision of goods and services to the Municipality or perform any other work for the Municipality otherwise than as a staff member. The Council's approval is also needed before a staff member may obtain a financial interest in any business of the Municipality or be engaged in any other business, trade or profession other than his/her municipal job.

8. UNDUE INFLUENCE

Staff members may not attempt to influence the Council with a view to obtaining employment, promotion or any benefit for a family members, friend or associate.

Furthermore, he may not mislead or attempt to mislead the Council, or a structure of the Council in the consideration of any matter. Employees are also not allowed to be involved in a business venture with a Councillor without the prior written consent of the Council.

9. CONSISTENCY, TRANSPARENCY AND EFFICIENCY

Municipal staff of the Senqu Municipality must at all times:

- (a) Loyally execute the lawful policies of the municipal council;
- (b) Perform the functions of office in good faith, diligently, honestly and in a transparent manner;
and
- (c) Act impartially and treat all people, including other municipal staff, equally without favour or prejudice.

10. DISCLOSURE

10.1 DISCLOSURE OF INTEREST

Municipal staff of the Senqu Municipality must, in the prescribed manner, disclose all their financial and other interests in terms of the relevant code of conducts, specifically the:

- (a) Code of Conduct for Municipal Staff Members; and
- (b) Code of Conduct for Supply Chain Management Practitioners and Other Role Players.

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Submission of Declaration of Interest: All councillors and employees are required to submit their declaration of interest forms 60 days after being appointed. Non-Compliance on submission will be submitted to MPAC for consideration.

10.2 CONDUCT AND CONFIDENTIALITY

Municipal staff of the Senqu Municipality must:

- (a) Not process or disclose information in contravention of the Protection of Personal Information Act (Act 4 of 2013);
- (b) Not disclose information in contravention of the Promotion of Access to Information Act (Act 2 of 2000);
- (c) Not spread disinformation or falsely accuse colleagues or intentionally spread any information to the disadvantage of any other person or the Municipality or Council;
- (d) Not act or cause others to act on information, for any other reason, but to comply with legislation or to fulfil an official duty.

10.3 BAD FAITH AND MISREPRESENTATION

Municipal staff of the Senqu Municipality must:

- (a) Not knowingly give false information relating to their roles and responsibilities;
- (b) Not misrepresent any information within the course and scope of their employment;
- (c) Refrain from making false and/or misleading declarations in any communication to be presented to a person, a co-staff member, a superior, media, the council or a member of the public; and
- (d) Ensure that all their actions, statements and informative interactions with co-staff, the general public or an individual member of the public is in good faith and honest.

10.4 REWARDS, GIFT OR FAVOURS

An employee may not request, solicit or accept any reward, gift or favour for:

- (a) Persuading the Council with regard to the exercise of any power or the performance of any duty
- (b) Making a representation to the Council
- (c) Disclosing any privileged or confidential information
- (d) Doing or not doing anything within that employee's powers or duties

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An employee has a duty to report without delay to a superior official any offer which, if accepted, may constitute a breach of the above provisions.

Employees are prohibited from accepting gifts for services rendered in the course of their normal employment. Gifts from individuals or organisations with whom the Council does business, or from those who hope to do business with the Council, are prohibited.

In addition, acceptance of social invitations from individuals doing business with, or seeking to do business with Council when such invitations can be construed as an attempt to influence an employee's decision, are prohibited.

11. CONDUCT OF FRAUD, CORRUPTION AND DISHONESTY:

Municipal staff of the Senqu Municipality must refrain:

- (a) From any conduct involving corruption, fraud, dishonesty, deceit or any other unethical and/or discriminatory behaviour;
- (b) From committing any act that reflects adversely on their reputation, integrity or competence and negatively impact on the Municipality or the Council.

12. COUNCIL PROPERTY

An employee may not use, acquire or benefit from any property or asset owned, controlled or managed by the Municipality, to which that employee has no right.

An example of this is that an employee may not use a Council vehicle for his own personal use if he/she has not been granted authority by the Council to do so.

13. SEXUAL HARASSMENT

An employee may not engage in any action amounting to sexual harassment. Sexual harassment is also prohibited in terms of labour legislation.

14. REPORTING

Municipal staff are encouraged to report acts of unethical behaviour committed by fellow staff members. The complainant should report any contravention of the Code of Ethics in a manner provided for in the:

- (a) Code of Conduct for Municipal Staff Members;

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- (b) Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations;
- (c) Fraud Prevention Plan; and
- (d) Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (Government Notice 430 in the Government Gazette 37682 of 30 May 2014).

15. BREACHES OF THE CODE OF CONDUCT

Any breaches of this Code of Conduct must be handled in terms of the Council’s Disciplinary Code.

16. RESPONSIBILITY

Managerial Responsibility for Discipline	Indirect Responsibility
<ul style="list-style-type: none"> ▪ Discipline is a line function and is the responsibility of the manager / supervisor. ▪ Where an employee misbehaves, the supervisor must investigate and where necessary institute disciplinary action. ▪ In general, disciplinary action must be kept within the relevant Department (unless exceptional circumstances exist). ▪ Action must be instituted and heard at the lowest appropriate level. ▪ Supervisors are required to investigate any cases of suspected wrongdoing with due diligence in order to prove their case. Not to do so may result in disciplinary action being taken against such supervisor. ▪ Any disciplinary cases shall be properly conducted at the hearing and once again 	<ul style="list-style-type: none"> ▪ Employees must be aware that their conduct can lead to criminal or civil action being taken against them and their employer where such conduct occurs in the course and scope of their duties. ▪ Where an employee acts in the course and scope of his/her duties and does so in good faith and without negligence, he/she may receive legal assistance from the Council.

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due diligence is required.

- Supervisors who fail to conduct a case with due diligence risk being, themselves, charged.
- Deliberately failing to conduct a case with due diligence will be seen in an extremely serious light with severe penalties for such supervisor.

17. ENFORCEMENT

Breaches of this Code of Ethics must be dealt with in terms of the disciplinary procedures of the municipality.

18. DISTRIBUTION OF THE CODE OF ETHICS

The Municipal Manager must ensure that this Code of Ethics, including any future amendments, is communicated to all municipal staff.

The Code must be published on the Senqu Municipality website, intranet and on municipal bulletin boards for staff and the public.

19. EFFECTIVE DATE

This Code of Ethics and any future amendments will come into effect after it is approved by the Senqu Municipal Council.

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LIST OF REFERENCES

- 1) Batho Pele principles
- 2) Constitution of the Republic of South Africa
- 3) Local Government: Municipal Structures Amendment Act, 2021: Schedule 7 (8)
- 4) Local Government: Municipal Finance Management Act (Act 56 of 2000)
- 5) Protection of Personal Information Act (Act 4 of 2013)
- 6) Promotion of Access to Information Act (Act 2 of 2000)
- 7) Supply Chain Management Policy
- 8) Disciplinary Regulations for Senior Managers (Government Notice 344 in Government Gazette 34213 of 21 April 2011)
- 9) Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations
- 10) Fraud Prevention Plan
- 11) Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (Government Notice 430 in the Government Gazette 37682 of 30 May 2014).

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APPROVAL

Policy Section	Risk Management Unit
Current update	
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T. MAWONGA
MUNICIPAL MANAGER

15/5/2024
DATE

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