

Great Kei Municipality



CODE OF CONDUCT

2023/2024

CODE OF CONDUCT

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CODE OF CONDUCT FOR STAFF MEMBERS

1. INTRODUCTION

The Code of Conduct which we will discuss in this Section is the one promulgated in terms of the Municipal Systems Act. This deals with the manner in which a municipal employee must conduct him/her self in order to ensure that he/she performs his/her duties and functions in good faith, honestly, transparently and at all times acts in such a way that the credibility and integrity of the Municipality is not compromised.

This Section will also deal with a proposed additional Code of Conduct which Councils may choose to adopt in addition to their legal obligations in terms of the Code promulgated in the Municipal Systems Act.

This Section also includes a set of Guidelines for Officials being offered a gift or benefit (Annexure A).

2. REASONS FOR CODE OF CONDUCT

The Code endeavors to ensure the following:

- Accountability
- Serving the needs of the local community
- Preserving the credibility and integrity of the Municipality
- Transparency
- Honesty i.e. eradication of corruption
- Fairness to all
- Elimination of personal gain and self interest
- Performance of functions and duties in an acceptable manner
- Prevention of misuse of Council property
- Prevention of unauthorised disclosure of privileged or confidential information
- Elimination of undue influence or interference between the roles of Councillors and Officials

The Code of Conduct can accordingly be seen to contain the following expectations by the legislator:

- High moral standards
- Achieving of high performance standards
- Commitment to serve the local community
- Co-operation between Councillors / Officials
- Regular communication with local community
- Watchdog function – reporting of breaches of Code of Conduct
- Treating the public with impartiality and fairness

3. VALUE OF THE CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

The advantages of the Code of Conduct are briefly summarized as follows:

- Provides a checklist of criteria to evaluate an individual's own behaviour as well as the behaviour of colleagues
- Provides a checklist of criteria by which the local community can evaluate the behaviour of officials
- Provides a guide to refer to when in doubt about the propriety of an individual's own actions as well as the actions of colleagues
- Stipulates the obligations of officials to the local community
- Meant to preserve and strengthen integrity in local government
- Focuses on ethical standards applicable to officials in local government
- Protects democratic values

4. SPECIFIC PROVISIONS OF THE CODE OF CONDUCT FOR STAFF MEMBERS

Schedule 2 of the Municipal Systems Act 2000, which deals with the Code of Conduct for Municipal Staff Members sets out the following specific provisions:

4.1 General Conduct of Staff

A Municipal employee must act loyally, lawfully, honestly, diligently and impartially in all of his duties. He/she must treat all people including all other staff members equally without favour or prejudice.

4.2 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 maximise its ability to improve the quality of life of its residents.

4.3 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. 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.

4.4 Disclosure of Benefits

An employee who, or whose spouse, partner, business associate or close family member stands to gain any direct benefit from a contract with the Council must disclose in writing full particulars of such benefit to the Council.

4.5 Unauthorized Disclosure of Information

An employee may not without permission disclose any privileged or confidential information obtained to any unauthorized person. Such information includes anything determined by the Council to be privileged, confidential or discussed "in committee".

Some examples of the unacceptable disclosure of information could be discussions with others concerning future rates, fees and competitive information in tenders.

4.6 Undue Influence

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

4.7 Rewards, Gifts or Favours

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

- Persuading the Council with regard to the exercise of any power or the performance of any duty
- Making a representation to the Council
- Disclosing any privileged or confidential information

- Doing or not doing anything within that employee's powers or duties

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.

4.8 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.

For example, 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.

4.9 Payment of Arrears

An employee may not be in arrears to the Municipality for rates or service charges for a period longer than three months and the Council may deduct any outstanding amount from an employee's salary after this period.

4.10 Participation in Elections

An employee may not participate in any Council elections, other than in an official capacity or in accordance with his/her constitutional rights e.g. to vote.

4.11 Sexual Harassment

An employee may not embark on any action amounting to sexual harassment. Sexual harassment is also prohibited in terms of labour legislation. Sexual relationships at the workplace are discouraged.

4.12 Duty to Report

Whenever a staff member has reasonable grounds for believing that there has been a breach of this Code, the staff member must immediately report the matter to his/her superior officer or to the Speaker of the Council.

4.13 Breaches of the Code of Conduct

Any breaches of this Code of Conduct must be handled in terms of the Council's disciplinary code.

5. MATTERS WHICH CAN BE INCLUDED IN A CODE OF CONDUCT

5.1 General Explanation

Section 4 above dealt with the specific provisions of the Code of Conduct for Staff Members which were promulgated in terms of Schedule 2 of the Municipal Systems Act of 2000. Staff members are thus legally bound to adhere to the principles set out in the said Section 4.

However, a Municipality may decide to also implement its own Code of Conduct which can be used as a supplement to the legal provisions.

The matters which can be included in such an additional Code of Conduct are set out hereunder.

5.2 Proposed Additional Code of Conduct

Conduct

All employees shall:

- act fairly, justly and with courtesy and proper efficiency
- act with respect to members of the public
- ensure to the best of his/her ability that correct information is given to those entitled to the information
- work as part of the team and for the general good of the Municipality
- be always aware of public relations and be helpful, polite, efficient and understanding to the public and other staff
- care for the affairs and property of the Council in a fit and proper manner and avoid abuse or waste
- act in accordance with all policies of the Council and relevant legislation
- be loyal to the Municipality
- ensure that those under your control are motivated

- ensure that all necessary safety rules are applied to protect yourself, your fellow workers and the public

Misconduct

- any form of dishonesty is regarded as unacceptable
- where the dishonesty destroys the relationship of trust upon which the employment contract is based, dismissal will be likely.
- Examples of misconduct include but are not limited to:
 - * theft
 - * unauthorized use/possession of property
 - * fraud
 - * false statements/documents
 - * tampering with electricity or water meters
 - * consumption of alcohol before assuming duties or whilst on duty is unacceptable. Dismissal may result depending on factors such as the nature of the work e.g. drivers, operators, firemen, traffic officers, city policemen etc
 - * misconduct which occurs after hours and which threatens the existence/continuity of the employment contract or harms the reputation of the employer or is seriously reprehensible in the eyes of the public will lead to disciplinary action and the possibility of dismissal

Managerial responsibility for Discipline

- discipline is a line function and is the responsibility of the manager or 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 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

Vicarious Responsibility

- 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

Fraud

- there are conditions in the workplace that provide opportunities for irregularities. These include:
 - * poor internal controls
 - * too much control vested in individuals
 - * lax management
- management should establish a positive attitude towards controls to create a positive control environment
- control concerns should be considered in all aspects of department operations

Council Policy

The Council is committed to a clean administration and will not tolerate fraud, corruption or any dishonest behaviour on the part of staff members.

Signature of the Municipal Manager *Jalle*

Date *29 June 2023*

Signature of the Mayor *[Signature]*

Date *29 June 2023*



