

**AGENDA of the
Portfolio Committee : Management Services
21 November 2017
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

**2.
CODE OF ETHICS FOR MUNICIPAL STAFF**

2/B

A Riddles

(028) 313 5044

Corporate Head Office

20 October 2017

1. Executive Summary

To obtain Council's approval for the Code of Ethics for Municipal Staff, that has been reviewed by the Risk Management Committee.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Management Services
Risk Management Unit

3. Compliance with Strategic Priority

The provision of democratic, accountable and ethical governance.

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996

6. Background

The municipal staff of Overstrand 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.

The Code of Ethics for Municipal Staff does not replace the Code of Conduct for Municipal Staff as is provided in Schedule 2 of the Local Government: Municipal Systems Act (Act No. 32 of 2000). Whereas the Code of Conduct is mainly compliance based, the Code of Ethics is mainly value based.

The Council approved Code of Ethics for Municipal Staff will be translated into Afrikaans and isiXhosa.

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

The Code of Ethics was created during a workshop with managers representing various departments in all six directorates. All comments received were considered and included in the Code.

The resulting Code was further developed with the input of Legal Services and the Labour Relations official to ensure it is legally sound. This draft Code was workshopped at the Human Resources Technical Working Group Committee, where additional changes were made. It was also submitted to the Local Labour Forum, along with the Code of Ethics Roll-Out Plan.

Comments and suggestions made at the Local Labour Forum were considered and included in the final draft of the Code of Ethics and Code of Ethics Roll-Out Plan submitted to Council.

10. Annexures

Annexure A: Code of Ethics for Municipal Staff

Annexure B: Code of Ethics Roll-Out Plan

RECOMMENDATION TO THE COUNCIL:

1. that the Code of Ethics for Municipal Staff **be approved**; and
2. that the Code of Ethics Roll-Out Plan **be noted**.

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

3 JANUARY 2017

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**2.
CODE OF ETHICS FOR MUNICIPAL STAFF**

**2/B
A Riddles
20 October 2017**

(028) 313 5044

Corporate Head Office

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
21 NOVEMBER 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

1. that the Code of Ethics for Municipal Staff **be approved**; and
2. that the Code of Ethics Roll-Out Plan **be noted**.

RESPONSIBLE OFFICIAL : **A RIDDLES**

TARGET DATE FOR IMPLEMENTATION : **3 JANUARY 2017**

OVERSTRAND MUNICIPALITY



CODE OF ETHICS FOR MUNICIPAL STAFF

1. Glossary of terms

accountable	Answerable for one's actions.
Anti-Corruption and Fraud Prevention Plan	The version of the Anti-Corruption and Fraud Prevention Plan of Overstrand Municipality most recently approved by the Overstrand Municipal Council.
Batho Pele principles	As defined in the eight Batho Pele principles: <ol style="list-style-type: none"> 1. Consultation 2. Service Standards 3. Access 4. Courtesy 5. Information 6. Openness and transparency 7. Redress 8. Value for Money
bias / prejudice	Inclination or prejudice for or against one person or group, especially in a way considered to be unfair.
Code of Conduct for Municipal Staff Members	The Code of Conduct that form part of all municipal staff's employment or service contracts.
Code of Conduct for Supply Chain Management Practitioners and Other Role Players	The Code of Conduct contained in the version of the Supply Chain Management policy of Overstrand Municipality most recently approved by the Overstrand Municipal Council.
diligently	Consistent adherence to the Code of Ethics, Code of Conduct, policies and legislation.
equitably	Act in a fair and impartial manner.
ethical behaviour	One does not merely consider what is good for oneself, but also consider what is good for others.
fairly	Treating people equally without favouritism or discrimination. Just and equitable.
financial interests	Any stake or involvement with an enterprise that is of a financial nature.
Gift Policy for Officials	The version of the Gift Policy for Officials of Overstrand Municipality most recently approved by the Overstrand Municipal Council.
good faith	Without fear or prejudice.
impartially	Act in a manner that treats all people equally.
independence	Free from any constraints or interests that would prevent an ethical course of action being taken.
Local Government: Municipal Finance Management Act (Act 56 of 2000)	Secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; to establish treasury norms and standards for the local sphere of government; and to provide for matters connected therewith.
Local Government: Municipal Systems Act (Act 32 of 2000)	Defines the legal nature of a municipality as including the community and clarifies the executive and legislative powers of municipalities. It seeks to boost effective local government by establishing a framework for municipal planning, performance management and use of resources. The Act also ensures that municipalities put in place service tariffs and credit control policies that take the needs of the poor into account and it promotes the participation of local communities in local governance.

mislead	Cause (someone) to have a wrong idea or impression.
Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (Government Notice 430 in the Government Gazette 37682 of 30 May 2014);	Regulations issued by the Minister of Finance in terms of the Local Government: Municipal Finance Management Act (Act 56 of 2000) which stipulate the manner in which allegations of financial misconduct against municipal officials must be reported, investigated and sanctioned.
municipal staff	Municipal staff include: <ul style="list-style-type: none"> • an employee of the municipality; • a person seconded to the municipality to work as a member of the staff of the municipality; or • a person contracted by the municipality to work as a member of the staff of the municipality otherwise than as an employee.
objectivity	Make decisions based on facts and not influenced by personal beliefs, feelings or interests.
other interests	Any other interest that can cause a conflict of interests during the execution of duties.
processing (according to the Protection of Personal Information Act, Act 4 of 2013)	Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including <ul style="list-style-type: none"> • the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; • dissemination by means of transmission, distribution or making available in any other form; or • merging, linking, as well as restriction, degradation, erasure or destruction of information.
professional ethics	Implied and/or expected ethical standards and behaviour of the profession relevant to a specific staff member.
Promotion of Access to Information Act (Act 2 of 2000)	An act that gives effect to the constitutional right of access to any information that is required for the exercise or protection of any rights where such information is held by, among others, municipalities.
Protection of Personal Information Act (Act 4 of 2013)	An act that establishes legal requirements for the protection of personal information processed by, among others, municipalities and their municipal staff.
Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations	The version of the Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations most recently approved by the Overstrand Municipal Council. It gives effect to the Disciplinary Regulations for Senior Managers.
Supply Chain Management Policy	The version of the Supply Chain Management policy of Overstrand Municipality most recently approved by the Overstrand Municipal Council.
transparency	In an open way without secrets.

2. Purpose of this Code:

The municipal staff of Overstrand 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 Overstrand 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 in Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- i) Enhance the Overstrand Municipality's policies relating to the combatting of corrupt, fraudulent and unethical practices.

3. Basic values and principles governing public administration and the Overstrand Municipality

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.

4. Adherence to legislation and policies

Municipal staff of the Overstrand 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.

5. Independence and Objectivity

Municipal staff of the Overstrand 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;
- d) Declare any offer, gift, benefit or compensation in terms of the Gift Policy for Officials and Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

6. Bad faith and misrepresentation:

Municipal staff of the Overstrand 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;
- 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.

7. Conduct of fraud, corruption and dishonesty:

Municipal staff of the Overstrand 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.

8. Conduct and confidentiality

Municipal staff of the Overstrand 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.

9. Consistency, transparency and efficiency

Municipal staff of the Overstrand 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;
- c) act impartially and treat all people, including other municipal staff, equally without favour or prejudice.

10. 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;
- b) Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations;
- c) Anti-Corruption and Fraud Prevention Plan;
- d) Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (Government Notice 430 in the Government Gazette 37682 of 30 May 2014);

11. Enforcement

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

12. Disclosure of interest

Municipal staff of the Overstrand 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

13. 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 Overstrand Municipality website, intranet and on municipal bulletin boards for staff and the public.

14. Effective date

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

15. List of References

- Batho Pele principles
- Constitution of the Republic of South Africa
- Local Government: Municipal Systems Act (Act 32 of 2000)
- Local Government: Municipal Finance Management Act (Act 56 of 2000)
- Protection of Personal Information Act (Act 4 of 2013)
- Promotion of Access to Information Act (Act 2 of 2000)
- Code of Conduct for Municipal Staff Members
- Supply Chain Management Policy
- Gift Policy for Officials
- Disciplinary Regulations for Senior Managers (Government Notice 344 in Government Gazette 34213 of 21 April 2011)
- Standard Procedures for the Management of Allegations of Misconduct against Senior Managers or the Municipal Manager in terms of Disciplinary Regulations
- Anti-Corruption and Fraud Prevention Plan
- Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings (Government Notice 430 in the Government Gazette 37682 of 30 May 2014)

OVERSTRAND MUNICIPALITY



CODE OF ETHICS ROLL-OUT PLAN

Part 1: Code of Ethics Implementation Plan

Event	Objective	Role players involved	Reason for involvement of role players	Start date	Completion date
District Ethics Workshop with Municipal Manager and Directors	Obtain commitment from the TMT to support the creation of an ethical culture and ethical standards.	Municipal Manager Directors	The establishment of an ethical culture and standards requires commitment and support from the top. Without it, no effective ethical standards (Code of Ethics) can be established.	2 February 2017	2 February 2017
Ethics workshop with managers.	Obtain input from managers to create a draft Code of Ethics.	Managers	Managers must enforce the Code of Ethics and establish an ethical culture within their departments.	8 February 2017	8 February 2017
Obtain input from legal services on the draft Code of Ethics.	Ensure Code of Ethics is legally sound.	Legal Services	The Code of Ethics must be enforceable.	9 February 2017	17 February 2017
Obtain approval of the Code of Ethics from the RMC.	Acquire RMC approval of the Code of Ethics.	RMC	Ensure oversight over the development of the Code of Ethics.	31 March 2017	31 March 2017
Present Code of Ethics at Labour Advisory Forum.	Inform labour unions of the Code of Ethics and suggested roll-out plan.	Risk Management Unit Human Resources IMATU SAMWU	Inform labour unions of the Code of Ethics and suggested roll-out plan.	21 April 2017	16 May 2017
Translation of Code of Ethics into Afrikaans and Xhosa.	Enable all staff members to understand the Code of Ethics. Code of Ethics available in all three official languages of the Western Cape.	Communication Services Service provider	Translation is outsourced by Communication Services.	22 May 2017	15 June 2017

Event	Objective	Role players involved	Reason for involvement of role players	Start date	Completion date
Initial engagement with labour unions on the Code of Ethics.	Acquaint the unions with the CRO and explain the purpose of the Code of Ethics.	CRO Risk Management Unit IMATU SAMWU	To obtain the support from unions, they must know the person behind the Code of Ethics and the purpose of the Code.	13 July 2017	13 July 2017
Final engagement with labour unions on the Code of Ethics.	Discuss the Code of Ethics, obtain comments and answer any questions or concerns the labour unions have.	CRO Risk Management Unit IMATU SAMWU	To obtain the support from unions, they must understand the content of the Code of Ethics and concerns must be addressed.	31 August 2017	7 September 2017
Present Code of Ethics at Human Resources Technical Working Group Committee.	Finalise the Code of Ethics.	Risk Management Unit Human Resources Legal Services IMATU SAMWU Directorate representatives	All role players are involved in the Committee.	8 September 2017	22 September 2017
Present Code of Ethics at Labour Advisory Forum.	Present the final draft of the Code of Ethics, which will be submitted for Council approval, to the LLF.	Risk Management Unit Human Resources IMATU SAMWU	Notify the labour unions of the final draft of the Code of Ethics that will be submitted to Council for approval.	22 September 2017	10 October 2017
Submission of Code of Ethics for Council approval.	Submit Code of Ethics for Council approval.	Risk Management Unit	Risk Management Unit is the custodian of the Code of Ethics.	23 October 2017	29 November 2017
Obtain Council approval of the Code of Ethics.	Implement Code of Ethics across the entire Municipality.	Council	Only Council can approve the implementation of the Code of Ethics.	29 November 2017	3 January 2018 (Implementation date)
Translate Council approved Code of Ethics into Afrikaans and Xhosa.	Enable all staff members to understand the Code of Ethics. Code of Ethics available in all three official languages of the Western Cape.	Communication Services Service provider	Translation is outsourced by Communication Services.	30 November 2017	22 December 2017

Part 2: Code of Ethics Awareness Campaigns

Event	Objective	Role players involved	Reason for involvement of role players	Start date	Completion date
Publish English version of the Code of Ethics on the intranet.	Enable municipal staff to access the Code of Ethics.	Council Support Services ICT	Both role players are involved in the process of publishing Council approved documents on the intranet.	4 December 2017	15 December 2017
Publish Afrikaans and Xhosa versions of the Code of Ethics on the intranet.	Enable municipal staff to access the Code of Ethics in their home language.	Council Support Services ICT	Both role players are involved in the process of publishing Council approved documents on the intranet.	3 January 2018	12 January 2018
Post notices regarding the approved Code of Ethics on municipal notice boards.	Create awareness and inform municipal staff about the Code of Ethics.	Area Managers	Area Managers have the responsibility for the posting of notices in their area.	3 January 2018	29 June 2018
Distribute hard copies of the Code of Ethics.	Enable municipal staff to access the Code of Ethics.	Area Managers	Area Managers have the responsibility to distribute hard copies of the Code of Ethics to staff in their area.	3 January 2018	29 June 2018
Publish article about the Code of Ethics in the Phambili.	Create awareness and inform municipal staff about the Code of Ethics.	Communication Services Risk Management Unit	Communication Services publishes articles for the Phambili, after the input of the relevant role players.	3 January 2018	2 March 2018
Publish article about the Code of Ethics in the HR newsletter.	Create awareness and inform municipal staff about the Code of Ethics.	Human Resources Risk Management Unit	Human Resources publishes articles for the HR newsletter, including requested articles from departments.	3 January 2018	6 April 2018
Departmental staff meetings facilitated by line managers.	Managers per department must communicate the contents of the Code of Ethics to their staff during specific or regular staff meetings.	Line managers	Line managers have the responsibility to ensure the implementation of the Code of Ethics in their departments.	3 January 2018	29 June 2018