

EMALAHLENI
MUNICIPALITY



UNITY IN DEVELOPMENT

**EMALAHLENI LOCAL
MUNICIPALITY**

**CODE OF CONDUCT AND
ETHICS POLICY**

Date Adopted :

Date Revised :

Date of Implementation :

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1. Introduction

This document comprises the Code of Conduct and Ethics for the Emalahleni Municipality. The spirit of the Code is to support ethical and good business conduct by all individuals covered by it as reflected in the scope detailed in Section II below.

2. Purpose

To serve as a brief description of the Municipality's core values; and

To provide a framework for identifying conduct that is ethical and acceptable for the employees and officials of the Emalahleni Municipality who, effectively act as its agents at all levels.

3. Scope of the Code

In terms of the Municipal Systems Act, the Code of Conduct for municipal staff members "applies to every staff member of a municipality".

The principles contained in the Code also apply to the following persons:

- Committees of the Municipality
- Other persons representing the Municipality and;
- Consultants, contractors and other providers of goods or services to the Municipality.

4. Ethics Purpose

To ensure that all stakeholders in the Municipality are aware of the basic values cherished by the Municipality; and

To ensure accountability within the Municipality in terms of fundamental ethical values and value systems.

4.1 **Fundamental ethical standards expected by the Emalahleni Municipality**

4.1.1 **Responsiveness**

We respond to the needs, complaints and enquiries of our communities in an efficient manner.

4.1.2 Cultural Diversity

We promote and enhance all cultures in our Municipality.

4.1.3 Commitment

We commit ourselves to clean governance and accountability.

4.1.4 Dignity

We treat every client with Dignity, Respect and in a disciplined manner.

4.1.5 Honesty

We discharge our mandate with honesty.

4.1.6 Innovation

We encourage alternative and innovative systems to meet the service delivery requirements of the Municipality.

5. The Code of Conduct

The Municipality subscribes wholly to the Code of Conduct for Municipal Staff Members as detailed in the Systems Act and which is reflected verbatim below.

“Code of Conduct for Municipal Staff Member

5.1 General conduct

A staff member of a 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 in such a way that the spirit, purport and objects of section 50 are promoted;
- d) Act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
- e) Act impartially and treat all people, including other staff members. Equally without favour or prejudice.

5.2 Commitment to serving the public interest

A staff member of a municipality is a public servant in a system, and must accordingly—

- (a) Implement the provisions of section 50(2);
- (b) Foster a culture 'of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and 'targets;
- (c) Promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution;
- (d) obtain copies of or information about the municipality's integrated development plan, and as far as possible within the ambit of the staff member's job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator; and
- (e) Participate in the overall performance management system for the municipality, as well as the staff member's individual performance appraisal and reward system, if such exists, in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

5.3 Personal gain

A staff member of a municipality may not—

- A) Use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person: or
- B) Take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.

Except with the prior consent of the council of a municipality a staff member of the municipality may not—

- (a) Be a party to a contract for—
 - (i) The provision of goods or services to the municipality; or

- (ii) The performance of any work for the municipality otherwise than as a staff member;
- (b) Obtain a financial interest in any business of the municipality; or
- (c) Be engaged in any business, trade or profession other than the work of the municipality.

5.4 Disclosure of benefits

A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.

5.5 Unauthorised disclosure of information

A staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person. For the purpose of this item “privileged or confidential information” includes any information—

- (a) Determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;
- (b) Discussed in closed session by the council or a committee of the council;
- (c) Disclosure of which would violate a person’s right to privacy; or
- (d) Declared to be privileged, confidential or secret in terms of any law.

This item does not derogate from a person’s right of access to information in terms of national legislation.

5.6 Undue influence

A staff member of a municipality may not-

- (a) Unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a council or, with a view to obtaining any appointment, promotion, privilege, advantage or benefit. or for a family member, friend or associate;
- (b) Mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter: or
- (c) Be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

5.7 Rewards, gifts and favours

A staff member of a municipality may not request, solicit or accept any reward, gift or favour for-

- (a) Persuading the council of the municipality. or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;
- (b) Making a representation to the council, or any structure or functionary of the council;
- (c) Disclosing any privileged or confidential information: or
- (d) Doing or not doing anything within that staff member's powers or duties

A staff member must, without delay, report to a superior official or to the Speaker of the Council any offer which, if accepted by the staff member, would constitute a breach of sub item (1).

5.8 Council property

A staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right.

5.9 Payment of arrears

A staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period

5.10 Participation in elections

A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

5.11 Sexual harassment

A staff member of a municipality may not embark on any action amounting to sexual harassment.

5.12 Reporting for duty of staff members

Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council.

5.13 Breaches of Code

Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67(1) (h) of this Act".

6. Creating Awareness

Section 70 of the Act requires the following: "70.

- (1) The municipal manager of a municipality must –
 - (A) Provide a copy of the Code of Conduct to every member of the staff of the municipality; and
 - (B) Provide every staff member with any amendment of the Code of Conduct.
- (2) The municipal manager must –
 - (A) Ensure that the purpose, contents, and consequences of the Code of Conduct are explained to staff members who cannot read; and

- (B) Communicate sections of the Code of Conduct that affect the public to the local community.”

7. Compliance

All employees of the Emalahleni Municipality

- (A) Shall sign an annual declaration that she or he has read, is familiar with, understand and will conform to this code. Responsibility for ensuring that all employees have delivered this declaration lies with all managers; and
- (B) Who have doubts regarding a questionable situation that might arise, should immediately consult her or his manager who will secure clarity from the Human Resources.


Effective date of the policy

The policy shall be effective on date of approval by Council.

Signed by Municipal Manager and Speaker


DR SW VATALA
MUNICIPAL MANAGER

30/06/2017
Date


CLLR DS KALO
HON. SPEAKER