



CODE OF ETHICS POLICY



CODE OF ETHICS POLICY – CEDERBERG MUNICIPALITY (WC012)

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1. INTRODUCTION

The purpose of the Code of Ethics Policy within Cederberg Municipality is to promote an ethical culture within the institution.

The Constitution of the Republic of South Africa, 1996, makes various calls for ethical behaviour by municipal officials and councilors. Section 195 of the Constitution states that public administration must be conducted with democratic values and principles enshrined in the Constitution, as expressed in the following statements:

- A high standard of professional ethics must be promoted;
- Efficient, economic and effective use of resources must be promoted;
- Public administration must be development oriented;
- Services must be provided impartially, fairly, equitably and without bias;
- Peoples' needs must be responded to, and the public must be encouraged to participate in policy making;
- Public administration must be accountable;
- Transparency must be fostered by providing the public with timeous, accessible and accurate information;
- Sound human resource management and career development practices designed to maximize human potential should be cultivated;
- 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 in order to achieve broad representation.

Therefore guidance to simplify the current working environment has to be created, to ensure that Cederberg Municipality adheres to the same values and ethical standards in order to promote trust, good behaviour, and fairness among councilors and staff of the municipality.

The absence of a specific practice or instruction covering a particular situation does not relieve an employee from exercising the highest ethical standards applicable to the circumstances. Hence if any employee has any doubt regarding a questionable situation which might arise, that employee should immediately consult her/his supervisor or highest level in the hierarchical order.



Ethics is about distinguishing between what is morally right and wrong with the purpose of doing what is right. In an ethical organization employees will do the right thing for the right reason and not just simply because the rule says so. Rules and procedures influence individuals' behaviour, but values are what change the culture within the Municipality.

2. STANDARD OF CONDUCT

- 2.1 We conduct our operations with honesty, integrity, openness and with respect for the human rights and interests of our employees;
- 2.2 We shall similarly respect the legitimate interests of those with whom we have relationships;
- 2.3 The employees of Cederberg Municipality are required to comply with the laws and regulations of South Africa;
- 2.4 The Municipality is committed to diversity in the working environment, where there is mutual trust and respect for each other and also where everyone feels responsible for the performance and reputation of our Municipality;
- 2.5 Zero tolerance to discrimination in terms of race, religion or gender will apply;
- 2.6 We will recruit and employ employees on the sole basis of their qualifications and abilities needed for the work to be performed, subject to the Employment Equity Act;
- 2.7 We are committed to safe and healthy working conditions for all employees, whilst working with them in order to develop and enhance each individual's skills and capabilities;
- 2.8 We respect the dignity of the individual and the rights of employees to freedom of association;
- 2.9 We will maintain good communication with employees through municipal based information and consultation procedures;
- 2.10 The Municipality as a government institution strives to be trusted by its citizens and as an integral part of society to fulfill our responsibilities to society and the communities in which we operate;
- 2.11 The Municipality is committed to make continuous improvements in the management of our environmental impact and to the longer-term goal of developing a sustainable institution;
- 2.12 The Municipality does not give or receive, whether directly or indirectly, bribes or other improper advantages for business or financial gain;



- 2.13 No employee may offer, give or receive any gift or payment which is, or may be construed as being a bribe. Any demand for, or offer of, a bribe must be rejected immediately and reported to management;
- 2.14 Cederberg Municipality's accounting records and supporting documents must accurately describe and reflect the nature of its underlying transactions. No undisclosed or unrecorded account, fund or asset will be established or maintained;
- 2.15 The employees of Cederberg Municipality must not seek gain for themselves or others through misuse of their positions;
- 2.16 Assurance of compliance is given and monitored each year by the various oversight committees;
- 2.17 Any breaches of the Code must be reported, in line with the Whistle Blowing policy;
- 2.18 The Council of Cederberg Municipality expects that employees bring to their attention and to that of senior management, any breach or suspected breach of these principles;
- 2.19 Provision will be made for employees to be able to report in confidence and none of them will suffer as a consequence of doing so.

3. CODE OF CONDUCT FOR COUNCILLORS

Chapter 12, Schedule 1 of the Local Government Municipal Systems Act 32 of 2000, outlines the Code of Conduct for councilors which applies to every member of a municipal council; also Local Government Municipal Structures Act 117 of 1998, Schedule 5 outlines the Code of Conduct for municipal councilors.

Ethics and good governance are needed to place the South African local government under greater scrutiny. This will inspire organizations to become more socially responsible and accountable.

4. CODE OF CONDUCT FOR STAFF MEMBERS

Chapter 12, Schedule 2 of the Local Government Municipal Systems Act 32 of 2000, outlines the Code of Conduct for staff members, and this code of conduct applies to every staff member of a municipal council and municipal functionaries.



5. BATHO PELE PRINCIPLES

5.1 Consultation

We can only assume to know what our customers want, but the only way we to find out is to ask them. This can be done through integrated development planning processes, surveys, meetings, suggestion boxes, imbizos / jamborees and by talking to our customer. It is important to report back to customers so they know what to expect and to our staff so they know what is expected from them.

5.2 Service Standards

Citizens should be told about the level and quality of the services they receive. They should also be given an opportunity to choose the service they want.

The standards we set are the tools we use to measure our performance, and therefore need to be realistic depending on available resources. We should also be able to measure those standards so that everyone can see if they are being met.

5.3 Access

Access to services means making it easy for our customers to benefit from the services we provide. There is much more involved when referring to access.

Easy access can be made possible by:

- having wheelchair ramps;
- disabled parking bays;
- rendering of municipal services to the community.

Staff attitude may determine how approachable your directorate /department/section is.

5.4 Courtesy

We must be polite and friendly to our customers. Customers should be treated with respect and consideration. We must always be willing to assist. Telephone etiquette is vital. All our correspondences must be respectful.



5.5 Information

Citizens should be given full and accurate information about the public services they are entitled to receive. Information is about reaching all our customers to make sure that they are well informed about the services our departments provide. This may be done in a number of ways-for example through newspapers, radio, posters and leaflets. It is important to remember that different customers have different needs and they do not all speak the same language.

6. Openness and Transparency

We should be open about our day to day activities, how much our departments receive, and how that money is spent. This information should be available to the public. Annual reports, strategic plans, service commitment charters, etc must be made available to the public. We should tell our customers where to complain and how to do it.

7. Redress

Redress is making it easy for people to tell us if they are unhappy with our services. We should train staff to deal with complaints in a friendly, helpful manner. An apology, full explanation and effective, speedy remedy should be offered when the promised standards of service have not been delivered. When complaints are made, we must give our customers a sympathetic ear. We must have positive responses to complaints.

8. Value for Money

We need to make the best use of available resources and avoid wastage of time, money, and other resources. It also means eliminating waste, fraud and corruption and finding new ways of improving services at little or no cost.

9. Encouraging, Innovation, and Rewarding Excellence

- Innovation: using new ways of doing things.
- Encourage partnerships with different sectors in order to improve service delivery.
- Rewarding Excellence is also about rewarding the staff who “go the extra mile” in making it all happen.



10. Customer Impact

Implementation of the Batho Pele Principles will increase the chances of improvement in our service delivery. This in turn will have a positive impact on our customers. It is about how the principles link together to show how we have improved our overall service delivery. Here we look at the benefits we have given to our customers both internally and externally.

11. Leadership and Strategic Direction

Our leaders must create an atmosphere which allows for creativity. Management must ensure that goals are set and that planning is done.

6. ETHICAL LEADERSHIP AND CORPORATE CITIZENSHIP – KING III

The first principle dealt with in King III under ethical leadership and corporate citizenship is that the Council should provide effective leadership based on an ethical foundation. Good corporate governance is essentially about effective and responsible leadership.

Responsible leadership is categorized by ethical values of responsibility, accountability, fairness and transparency. To provide this, the leadership of the Municipality should direct the strategy and operations to build a sustainable business. Hence it should do business ethically by considering the short and long-term impacts of the strategy on the economy, society and the environment by taking into account the Municipality's impact on internal and external stakeholders.

The Council should ensure that the Municipality's ethics are managed effectively. Good corporate governance requires that Council takes responsibility for building and sustaining an ethical corporate culture within the Municipality.

Such a culture consists of both formal and informal cultural systems. Selection and reward systems, for example, are elements of formal culture whereas "living" practices and language usage are elements of informal culture. A cultural approach to governing and managing the Municipality's ethics would ensure that ethical standards infuse both formal and informal cultural elements.



7. ACTS OF MISCONDUCT (GENERAL NOTICE; NOTICE 1568 OF 2009)

Any Municipal staff and Council member will be guilty of misconduct if he or she (this list is not exhaustive)-

- 7.1 Without permission possesses or wrongly uses the property of the Municipality of that of another staff member and / or visitor;
- 7.2 Willfully, intentionally or negligently damages and or causes loss of municipal property;
- 7.3 Endangers the lives of self or others by disregarding safety rules or regulations;
- 7.4 Prejudices the administration, discipline or efficiency of the Municipality, office or institution of the Municipality;
- 7.5 Misuses his or her position in the Municipality to promote or to prejudice the interest of any political party;
- 7.6 Steals, bribes, or commits fraud;
- 7.7 Accepts any compensation in cash or otherwise from a member of the public or another staff member for performing his or her duties without written approval from the municipal council;
- 7.8 Fails to carry out a lawful order or routine instruction without just or reasonable cause;
- 7.9 Commits an act of sexual harassment;
- 7.10 Discriminates against others on the basis of race, gender, disability, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, HIV status, political opinion, or other grounds prohibited by the Constitution;
- 7.11 Performs below the required or established standard for reason other than incapacity;
- 7.12 Without written approval from the Municipality, performs work for compensation in a private capacity for another person or organization either during or outside working hours;
- 7.13 While on duty, is under the influence of intoxicating illegal, unauthorized, habit forming and/or stupefying drugs, including alcohol;
- 7.14 While on duty, conducts himself or herself in an improper disgraceful and unacceptable manner;
- 7.15 Contravenes the Code of Conduct for municipal staff members contained in schedule 2 of the Municipal Systems Act, No. 32 of 2000;
- 7.16 Contravenes the Code of Conduct for councilors contained in the schedule 1 of the Municipal Systems Act and schedule 5 of the Structures Act;
- 7.17 Assaults, or attempts or threatens to assault another staff member or person while on duty;



- 7.18 Displays disrespect towards others in the workplace or demonstrates abusive or insolent behaviour;
- 7.19 Operates any money lending scheme for employees for own benefit during working hours or from the premises of the Municipality;
- 7.20 Carries or keeps a firearm (s), other dangerous weapon (s), or dangerous substance on municipal premises, without the written authorization of the Municipal Manager;
- 7.21 Refuses to obey security regulations;
- 7.22 Gives false statements or evidence in the execution of his or her duties;
- 7.23 Falsifies records or any other documentation;
- 7.24 Participates in un-procedural, unprotected and / or unlawful industrial action;

8. INTERGOVERNMENTAL RELATIONS CONDUCT

In accordance with the Intergovernmental Relations Framework Act No. 13 of 2005, Chapter 3:

Implementation protocols

35. (1) Where the implementation of a policy, the exercise of a statutory power, the performance of a statutory function or the provision of a service depends on the participation of organs of state in different governments, those organs of state must co – ordinate their actions in such a manner as may be appropriate or required in the circumstances, and may do so by entering into an implementation protocol.

(2) An implementation protocol must be considered when-

- (a) the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or the provision of the service has been identified as a national priority;
- (b) an implementation protocol will materially assist the national government or a provincial government in complying with its constitutional obligations to support the local sphere of government or to build capacity in that sphere;
- (c) an implementation protocol will materially assist the organs of state participating in the provision of a service in a specific area to co-ordinate their actions in that area; or
- (d) an organ of state to which primary responsibility for the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or the provision of the service has been assigned lacks the necessary capacity.



(3) An implementation protocol must

- (a) identify any challenges facing the implementation of the policy, the exercise of the statutory power, the performance of the statutory function or provision of the service and state how these challenges are to be addressed;
- (b) describe the roles and responsibilities of each organ of state in implementing policy, exercising the statutory power, performing the statutory function or providing the service;
- (c) give an outline of the priorities, aims and desired outcomes;
- (d) determine indicators to measure the effective implementation of the protocol;
- (e) provide for oversight mechanisms and procedures for monitoring the effective implementation of the protocol;
- (f) determine the required and available resources to implement the protocol and the resources to be contributed by each organ of state with respect to the roles and responsibilities allocated to it;
- (g) provide for dispute-settlement procedures and mechanisms should disputes arise in the implementation of the protocol;
- (h) determine the duration of the protocol; and
- (i) include any other matters on which the parties may agree.

(4) An implementation protocol must be-

- (a) consistent with any provisions of the Constitution or national legislation applicable to the relevant policy, power, function or service; and
- (b) in writing and signed by the parties.

(5) Any organ of state may initiate the process for the conclusion of an implementation protocol after consultation with the other affected organs of state.

(6) The implementation of the protocol may be coordinated by an appropriate implementation protocol after consultation with the other affected organs of state.

Provincial policies and legislation affecting local government

36. (1) When developing provincial policies or draft legislation affecting the local sphere of government in a province, the provincial government must-

- (a) take into account national priorities;



- (b) take into account the interests of local communities in the province; and
- (c) consult the local sphere of government in the province and any specifically affected municipalities.

(2) Consultation in terms of subsection (1) must be appropriately focused and include a consideration of the impact that such policy or legislation might have on the functional, institutional or financial integrity and coherence of government in the local sphere of government in the province.

(3) Provincial intergovernmental forums established in terms of section 16 or 21 must, to the extent that it is practical, be utilized as forums for such consultation.

Responsibility for coordinating intergovernmental relations of provinces

37. The Premier of a province is responsible for ensuring the co-ordination of intergovernmental relations within the provincial government with-

- (a) the national government; and
- (b) local governments in the province.

Responsibility for coordinating intergovernmental relations of district municipalities

38. The mayor of a district municipality is responsible for ensuring the co – ordination of intergovernmental relations within the district municipality with local municipalities in the district.

9. CONCLUSION

Rules and procedures influence individuals' behaviour, but values are what change the culture within the Municipality. Adherence to this Code of Ethics by all employees is one of the important ways we can measure the confidence and support of the public.

Organisational integrity will be strengthened by understanding the Municipality's policies, procedures, legislation applicable to local government and other legislation which will assist the Municipality in achieving its vision of being:” *“A development-centred municipality committed to the eradication of poverty, rural development and excellence in service delivery”*.



10. Review and Approval of the Policy

The Risk and Ethics Management Committee must review this Policy annually and determine its adequacy and effectiveness for current circumstances and recommend to Council for approval.