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# CODE OF ETHICS POLICY

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## **CODE OF ETHICS POLICY – BREDE VALLEY MUNICIPALITY (WC025)**

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## 1. INTRODUCTION

The purpose of Breede Valley Municipality's Code of Ethics is to promote an ethical culture within the municipality.

The Constitution of the Republic of South Africa, 1996, makes various calls for ethical behaviour by municipal officials and councillors. Section 195 of the Constitution states that public administration must be conducted with the 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;
- People's needs must be responded to, and the public must be encouraged to participate in policymaking;
- Public administration must be accountable;
- Transparency must be fostered by providing the public with timely, accessible and accurate information;
- Sound human resource management and career development practices designed to maximise human potential must 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 current working environment have to be created, to ensure that BVM adhere to same values and ethical standards, to promote trust, good behaviour, and fairness among Councillors and staff of Breede Valley Municipality.

The absence of a specific guideline practice or instruction covering a particular situation does not relieve an employee from exercising the highest ethical standards applicable to the circumstances. If any employee has doubts regarding a questionable situation that might arise, that employee should immediately consult his supervisor or higher level.

Ethics is about distinguishing between what is morally right and wrong with the purpose of doing what is right. In an ethical organisation employees will do the right thing for the right reason – not just 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 and 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 Breede Valley Municipality and employees are required to comply with the laws and regulations of South Africa.
- 2.4 Breede Valley Municipality is committed to diversity in a working environment, where there is mutual trust and respect; and also where everyone feels responsible for the performance and reputation of our municipality.
- 2.5 A 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 the 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; and working with employees to develop, 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 communications with employees through municipal based information and consultation procedures.
- 2.10 Breede Valley Municipality strives to be a trusted government citizen, and as an integral part of society, to fulfil our responsibilities to the societies and communities in which we operate;
- 2.11 Breede Valley Municipality is committed to making continuous improvements in the management of our environmental impact and to the longer – term the goal of developing a sustainable municipality;
- 2.12 Breede Valley 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 Breede Valley Municipality accounting records and supporting documents must accurately describe and reflect the nature of the underlying transactions. No undisclosed or unrecorded account, fund or asset will be established or maintained.
- 2.15 Breede Valley Municipality employees 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, also in line with the Whistle Blowing policy;
- 2.18 The Council of Breede Valley Municipality expects employees to bring to their attention, to that of senior management, any breach or suspected breach of these principles.
- 2.19 Provision has been made for employees to be able to report in confidence and no employee 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 councillors, and this code of conduct 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 councillors.

Ethics and good governance are needed to place the South African local government under greater scrutiny and to induce organisations 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. The only way we can find out for certain is by asking them. This can be done through integrated development planning processes, surveys, meetings, suggestion boxes, imbizo's / jamborees and by talking to our customers. It's important to report back to customers so they know what to expect, and to our staff so they know what is expected from us.

#### 5.2 Service Standards

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

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



### 5.3 Access

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

Easy access can be made possible by:

- having wheelchair ramps;
- disabled parking bays;
- taking our services out 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 correspondence must be respectful.

### 5.5 Information

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

### 5.6. Openness and Transparency

We should be open about our day to day activities, how much our departments receive, 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.

### 5.7. Redress

Redress is making it easy for people to tell us if they are unhappy with our service. 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. Have positive responses to complaints.

### 5.8. Value for Money

We need to make the best use of available resources. 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.



#### 5.9. 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.

#### 5.10. Customer Impact

If we put all the Batho Pele Principles into practice, we then 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 nine 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.

#### 5.11. 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 IV CODE**

Corporate governance, for the purposes of King IV, is defined as the exercise and effective leadership by the governing body towards the achievement of the following governance outcomes:

- Ethical Culture;
- Good performance;
- Effective control;
- Legitimacy

Ethical and effective leadership should complement and reinforce each other.

Ethical leadership is exemplified by integrity, competence, responsibility, accountability, fairness and transparency. It involves the anticipation and prevention, or otherwise amelioration, of the negative consequences of the organisation's activities and outputs on the economy, society and the environment and the capitals that it uses and affects.

Effective leadership is results-driven. It is about achieving strategic objectives and positive outcomes. Effective leadership includes, but goes beyond, an internal focus on effective and efficient execution.



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

Municipal staff and Council 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 or that of another staff member and / or visitor;
- 7.2 Wilfully, 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 a 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 his or her municipality, performs work for compensation in a private capacity for another person or organisation either during outside working hours;
- 7.13 While on duty, is under the influence of intoxicating illegal, unauthorised, habit forming and/or stupefying drug, 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 the schedule 2 of the Municipality Systems Act;
- 7.16 Contravenes the Code of Conduct for councillors contained in the schedule 1 of the Municipality 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 insolvent 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) or other dangerous weapon (s) on municipal premises, without the written authorisation of the employing municipality;
- 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 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 the 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 co-ordinate 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 merit the confidence and support of the public.

Organisational integrity by understanding the municipality's policies, procedures, legislation applicable to local government and other legislation would assist the Municipality with achieving its vision of being: "A Unique and Caring Valley of Service Excellence, Opportunity, and Growth"

**10. Review and Approval of the Policy**

The Risk, Fraud and Corruption Management Committee (RFARMCO), must review this policy every three (3) years, and determine its adequacy and effectiveness for current circumstances and recommend to Council for approval.

OFFICIAL'S SIGNATURE:

MUNICIPAL MANAGER'S SIGNATURES

DATE:

DATES:

MMC'S SIGNATURE

THE SPEAKER'S SIGNATURE

DATE:

DATE: