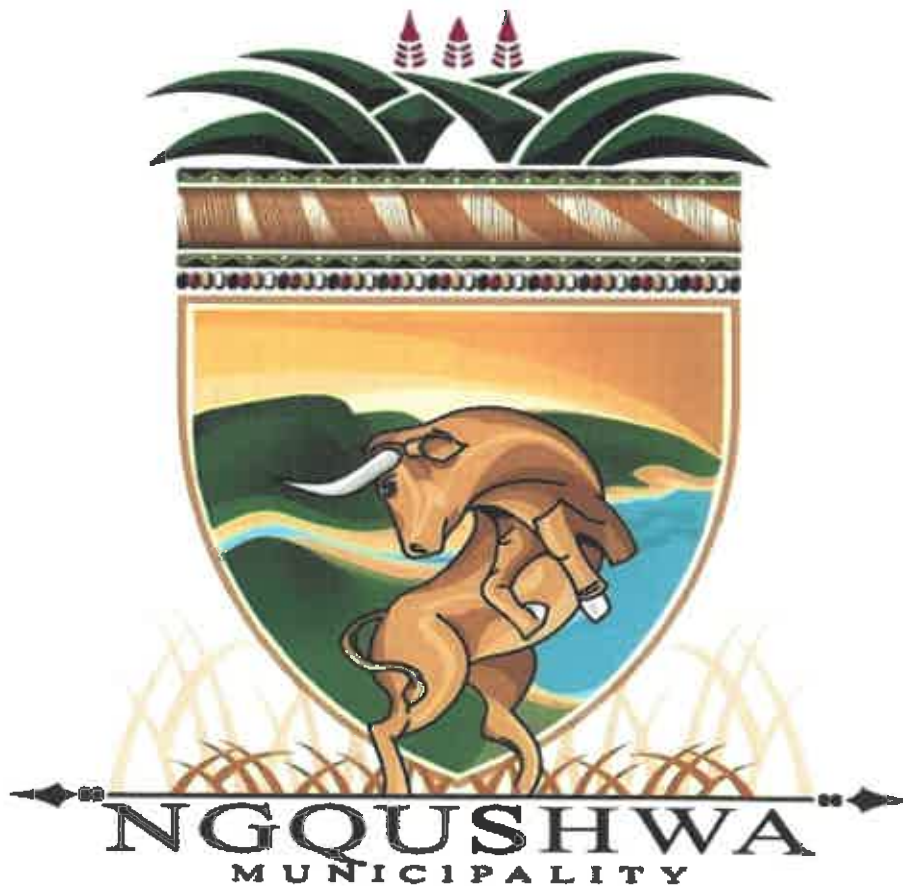


**NGQUSHWA LOCAL**  
**MUNICIPALITY**



**CODE OF CONDUCT FOR EMPLOYEES POLICY**  
**2022/2023**

## Summary

<b>Publication Date</b>	11 July 2022
<b>Review Date</b>	19 March 2022
<b>Related Legislation/Applicable Section of Legislation</b>	<ul style="list-style-type: none"><li>• Municipal Offices Bearers Handbook</li></ul>
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	<ul style="list-style-type: none"><li>• Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations</li></ul>
<b>Replaces/ Repeals (whichever is relevant, if any)</b>	None
<b>Policy Officer (Position)</b>	<i>Director Corporate Services</i>
<b>Policy Officer (Phone)</b>	040 6732 081
<b>Policy Sponsor (Position)</b>	Mkhuseli Mxekezo
<b>Department Responsible</b>	<b>Corporate Services</b>
<b>Unit responsible</b>	Human Resources
<b>Applies to</b>	All staff and External candidates
<b>Key Words</b>	Code of Conduct for Employees Policy
<b>Status</b>	Reviewed/ Amended
<b>Council approval date</b>	<i>8 July 2022</i>
<b>Version</b>	1

**Date**

**Version**

**Revision Description**

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## **1. TITLE**

This is the Code of Conduct for Municipal Employees Policy

## **2. PURPOSE**

To regulate the conduct of municipal employees

## **3. SCOPE**

3.1 This policy will apply to all temporary, contract, trainee and permanent employees of the Municipality

## **4. PROCEDURE DETAIL**

### **4.1 GENERAL CONDUCT**

At all times the employee must:

- a) Loyal execute the lawful policies of the Council;
- b) Perform the functions of the position to which appointed in good faith, diligently, honestly and in a transparent manner;
- c) Act in the best interests of Council at all times;
- d) Act impartially and treat all people equally, without favour or prejudice

### **4.2 COMMITMENT TO SERVING THE PUBLIC INTEREST**

The employee is a public servant in a developmental local government system and must accordingly:

- a) Foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;
- b) Obtain copies of, or information about the Municipality's Integrated Development Plan, and as far as possible seek to implement the objectives set out in the Integrated Development Plan, and achieve the performance targets set for each performance indicator;
- c) Participate in the overall performance management of the Municipality, in order to maximize the ability of the organization to achieve its objectives and improve the quality of life of its ratepayers.

### **4.3 PERSONAL GAIN**

The employee may not:

- a) Use position, or privileges of an employee, or confidential information obtained as an employee, for gain or to improperly benefit another person.
- b) Take a decision on behalf of the Municipality concerning a matter in which the employee has a direct or indirect personal or private business interest.
- c) Except with the prior consent of the Council of a Municipality, the employee may not:
- d) Be a party to a contract for the goods or services to the Municipality; or
- e) Be a party to the performance of any work for the Municipality otherwise than as an employee; or
- f) Obtain a financial interest in any business of the Municipality; or
- g) Without express permission and consent from Council be engaged in any business, trade or profession other than the work of the Municipality.

#### **4.4 DISCLOSURE OF BENEFITS**

- a) The employee must disclose full details in writing to Council, of the benefits to which the employee might receive (directly or indirectly), should the employee, his/her spouse, partner, business associate or close family member, derive from a contract concluded with the Municipality.
- b) The employee must disclose to Council, all business interests, affiliations, and/or relationships that could reasonably give rise to a conflict of interest involving the Council.
- c) The employee must refrain from participating in any matter to which an actual or potential conflict of interest relates. The Municipal Manager shall have the deciding authority in cases of this nature.

#### **4.5 UNAUTHORISED DISCLOSURE OF INFORMATION**

The employee may not without permission, disclose any privileged or confidential information obtained as the employee of the Municipality to any unauthorised person.

For the purpose of this item "privileged or confidential information" includes any information:

- a) Determined by the Council to be privileged or confidential;
- b) Discussed in closed session by the Council or a Committee of the Council;
- c) Where 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.

- e) This item does not detract from a person's right to access to information in terms of national legislation.

#### **4.6 UNDUE INFLUENCE**

The employee may not:

- a) Unduly influence or attempt to influence the Council of the Municipality, or a structure or functionary of the Council, or a Councillor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or such benefit for a family member, friend and associate;
- b) Mislead or attempt to mislead the Council, or a structure 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.

#### **4.7 REWARDS, GIFTS AND FAVORS**

The employee may not:

- a) Accept any reward, gift or favour from any person whatsoever in the exercise of his duties and functions;
- b) Try and persuade the Council in the exercise of its powers by promising rewards, gifts and favours to any one or group of Councillors;
- c) Disclose any privileged or confidential information; or
- d) Do or not do something that is within the employee's powers or duties, in order to benefit him/herself directly or indirectly.
- e) The employee must, without delay, report to his/her immediate Supervisor/Manager of the Council any offer, which, if accepted by the employer, would constitute breach of sub-clause 1.

#### **4.8 COUNCIL PROPERTY**

The employee may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the employer to which he/she has no right.

#### **4.9 PAYMENT OF ARREARS**

The employee may not be in arrears to the employer for rates and services charged, for a period longer than three (3) months. Should this occur the employer may deduct any outstanding amount from the employee's salary after this period.

#### **4.10 SEXUAL HARASSMENT:**

- The employee may not embark on any action amounting to sexual harassment.
- Whenever the employee has reasonable grounds for believing that there has been a breach of this section by other Municipal employees, the employee must without delay report the matter to his/her immediate Supervisor/ Manager.

#### **4.11 GENERAL DUTIES AND RESPONSIBILITIES**

- Any offence in terms of Council's Code of Conduct will be dealt with in accordance with Council's Disciplinary Code.
- All employees will :
  - a) Act fairly, justly with courtesy and efficiency;
  - b) Be critically aware of public relations and in accordance thereof be helpful, polite, efficient and understanding to the public and staff;
  - c) Care for the property and affairs of Council in a fit and proper manner, in accordance with policy, procedure, legislation and while taking into account the avoidance of abuse and waste;
  - d) Be critically aware of the need to project a positive organisational image, and will deal professionally with the public.
- Any form of dishonesty is regarded as unacceptable and will result in appropriate disciplinary action.
- Where actions by the employee destroy the relationships of trust upon which the employment relationship is based, dismissal would be regarded as an appropriate action.
- Misconduct which occurs after hours, but which threatens the continuity and existence of the employment contract, or which harms the reputation of the Council, or is seriously reprehensible in the eyes of the public, will lead to appropriate disciplinary action being taken, which in turn could result in the possibility of dismissal.
- As a line function, it is the responsibility of all Managers and Supervisors to maintain discipline according to all current legislative guidelines and internal policy.
- In all disciplinary cases, the relevant Manager/Supervisor is expected to handle the discipline issue at the lowest level and with due diligence.
- Should Supervisors and Managers deliberately fail to conduct a case with due diligence, this will be seen in an extremely serious light, which in turn will result in appropriate disciplinary action being taken.



## 4.12 COMMUNICATION

Circulars, messages and notices on notice boards will be utilized in order to inform all employees of the availability of the policy. Copies of the policy will also be distributed to the parties that took part in the consultation process

## 4.13 REVIEWAL OF THE POLICY

It will be the responsibility of the Corporate Services Department to consider the provisions of this policy on annual basis. The Corporate Services Department shall request all Departments to submit their proposed changes for submission to Council for approval via the Municipal Manager.

## 5. ROLES AND RESPONSIBILITIES

<b>Role</b>	<b>Authority</b>
<ul style="list-style-type: none"><li>• Create, evaluate, review and adopt the Policy on code of conduct for employees</li></ul>	Council
<ul style="list-style-type: none"><li>• Implement and enforce this policy</li><li>• Establish and control the administration necessary to fulfil this policy, and report efficiently and regularly to the Committee in this regard.</li></ul>	Municipal Manager
<ul style="list-style-type: none"><li>• Ensure that there is compliance with the policy on code of conduct for employees</li></ul>	Director Corporate Services

## 6. MONITORING, EVALUATION AND REVIEW

A report detailing the progress with the implementation of Code of Conduct Policy with specific reference to achievement of this policy has to be compiled every year by the person with the responsibility for implementation and monitoring. The policy must be made available to all consulting parties for perusal and comment and must be circulated to all staff members by means of circulars, notices and notice boards.

## 7. DEFINITIONS AND ABBREVIATIONS

<b>Term</b>	<b>Meaning</b>
<b>Employee means</b>	All municipal employees despite the nature of their contract as defined in National labour legislation

## 8. SUPPORTING DOCUMENTS

None

## 9. REFERENCES

None

## 10. APPENDIX

None

## 11. CONFLICT WITH LEGISLATION

In the event of any conflict with National or Provincial legislation regulating the conduct of municipal employees, such legislation shall take precedence.

## 12. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is approved by the Ngqushwa Local Municipality Council and shall take effect on the date of approval

APPROVED BY COUNCIL ON 08<sup>th</sup> JULY 2022 UNDER AGEND ITEM NO 5.1

  
\_\_\_\_\_  
MUNICIPAL MANAGER

  
\_\_\_\_\_  
MAYOR OF COUNCIL

28/01/2023  
DATE

\_\_\_\_\_  
DATE