

THULAMELA MUNICIPALITY EMPLOYEES CODE OF CONDUCT POLICY



2021/2022 FINANCIAL YEAR



TABLE OF CONTENTS

1.	Glossary of terms	03
2.	Introduction	04
3.	Scope of the Code	04
4.	Ethics	04
5.	The code of conduct	05
6.	Creating awareness	10
7.	Compliance	10
8.	Adoption of the code.....	11



CODE OF CONDUCT

GLOSSARY OF TERMS

Throughout this document, unless otherwise stated, the words in the first column below have the meanings stated opposite them in the second column (and cognate expressions shall bear corresponding meanings)

Municipality	: Thulamela Municipality
Code	: Code of conduct for the Thulamela Municipality
System Act 2000	: Local Government: Municipal System Act, Act 32 of



1. INTRODUCTION

This document comprises the Code of conduct for the Thulamela 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 2 below

Why should there be a Code of Conduct?

The purpose of such a Code is the following:

- 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 Thulamela who, effectively, act as its agents at all levels.

2. SCOPE OF THE CODE

In terms of section 69 of the 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 persona and/or entities:

- Employees appointed by the Thulamela municipality
- Consultants, contractors and other providers of goods or services to the Thulamela Municipality

3. ETHICS

Why should there be standards of ethics?

- To ensure that all stakeholders in the Thulamela 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 values systems.



CODE OF CONDUCT

What are the fundamental ethical standards cherished and expected by the Municipality?

- We are accountable to the community that we serve and act on behalf of the residents of the Thulamela Municipality by focusing our efforts on discovering and meeting our customer's needs;
- We believe in transparency and are open to scrutiny in all that we do;
- We are honest and uncompromising in producing work that meets the service delivery requirements of our Municipality
- We are committed to the transformation of our society and our workplace and will ensure equity and anti-discrimination in all we do;
- We show concern for people, support and respect our colleagues and encourage the growth and development of everyone we work with;
- We value the fair and consistent treatment of staff and customers; and
- We believe in transparent participation promoting fair, yet efficient, decision-making while encouraging individuals to accept responsibility for their work and contribution to the Municipality

4. THE CODE OF CONDUCT

Thulamela Municipality subscribes wholly to the Code of Conduct for Municipal staff members as detailed in the System Act and which is reflected verbatim below

CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

1. Definitions

In this schedule 'partner' means a person who permanently lives with another person in a manner as if married.



2. General conduct

A staff member of a municipality must always:

- a) Loyal execute the lawful policies of the municipal council
- b) Perform the functions of office in good faith, gently, honestly and in a transparent manner
- c) Act in such a way that the spirit, and objects of section 50 of the Municipal Systems Act 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
- e) Act impartially and treat all people, including other staff members, equally without favors or prejudice

3. Commitment to serving the public interest

A staff member of a municipality is a public servant in a developmental local system, and must accordingly:

- a) Implement the supervisions of section 50 (2) of the Systems Act.
- 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 principle 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
- 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 maximize the ability of the municipality to achieve its objectives and improve the quality of life of its residents.



4. Personal gain

- (1) A staff member of the municipality may not:
 - (a) Use the position or privilege 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 interest
- (2) 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 service 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. Disclosure of benefits

- (1) A staff member of the 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 disclosure in writing full particulars of the benefit to the council
- (2) 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 which all other residents of the municipality.

6. Unauthorized disclosure of information

- (1) 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 unauthorized person



- (2) 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
- (3) This item does not derogate from a person's right of access to information in terms of national legislation.

7. 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 councillor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, of 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 councilor without the prior written consent of the council of the municipality.

8. Rewards, gifts and favours

- (1) A staff member of a municipality may not request, solicit or accept any rewards, gift or favour for:
- (a) Persuading the council of the municipality or any structure or functionary of the council, with regards to the exercise of any power or the performance of any duty;
 - (b) Making a presentation 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



- (2) A staff member must without delays 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)

9. 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.

10.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 to which that staff member has no right

11.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

12.Sexual harassment

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

13.Reporting duties of staff members

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



14. 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) on this Act

5. CREATING AWARENESS

Section 70 of the system 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'

6. COMPLIANCE

All Thulamela municipality employees:

- a) Shall sign an annual declaration that he or she has read, is familiar with, understands and will conform to this Code. Responsibility for ensuring that all employees have delivered this declaration lies with all senior managers and;
- b) Who have doubts regarding a questionable situation that might arise, should immediately consult his or her manager who will secure clarity from: Human Resource Manager.



CODE OF CONDUCT

7. ADOPTION OF EMPLOYEES CODE OF CONDUCT POLICY

HUMAN RESOURCES MANAGER

DATE

MUNICIPAL MANAGER

DATE