



CODE OF CONDUCT
FOR
UMHLABUYALINGANA MUNICIPAL EMPLOYEES

1. INTRODUCTION

UMhlabuyalingana Municipality adopts the code of conduct as legislated in the Local Government Municipal Systems Act, 32 of 2000, Schedule 2.

2. PURPOSE

To promote ethical conduct, practices and standards within the municipality and also to ensure that municipal employees subscribes and comply with relevant legislations.

3. SCOPE OF APPLICATION

This code is applicable to all persons employed by UMhlabuyalingana Municipality.

4. LEGISLATIVE MANDATES

1. Labour Relations Act, 66 of 1995
2. Local Government Municipal Systems Act, 32 of 2000 (Schedule 2)
3. Constitution of the Republic of South Africa, Act 108

5. PRINCIPLES OF CONDUCT

5.1 Definitions:

- In this Section “partner” means a person who permanently lives with another person in a manner as if married.

5.2 General conduct

the Employee must at all times:

- 5.2.1 loyally execute the lawful policies of the Executive Authority of the Municipality;
- 5.2.2 perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- 5.2.3 act in such a way that the spirit, purport and objects of section 50 of the Municipal Systems Act are promoted;
- 5.2.4 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
- 5.2.5 act impartially and treat all people, including other employees, equally without favor or prejudice.

(Section 50 of the Local Government Municipal Systems Act stipulates that local public administration is governed by the democratic values and principles embodied in Section 195 (1) of the Constitution)

Democratic values and principles as per the Constitution of the Republic of South Africa

- A high standard of professional ethics must be promoted and maintained
- Efficient, economic and effective use of resources must be promoted
- Public administration must be development –orientated
- 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 policy making
- Public administration must be accountable
- Transparency must be fostered by providing the public with timely, accessible and accurate information
- Good human resource management and career development practices, to maximize 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 imbalance of the past to achieve broad presentation.

5.3 Commitment to serving the public interest.

5.3.1 The Employee is a public servant in a developmental local 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) promote and seek to implement the basic values and principles of public administration described in section 195(1) of the Constitution;
- (c) obtain copies of or information about the municipality's integrated development plan, and as far as possible within the ambit of the Employee'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;
- (d) participate in the overall performance management system for the municipality, as well as the Employee's individual performance appraisal and reward system, if such exists, in order to maximize the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

5.4 Personal gain

5.4.1 The Employee may not:

- 5.4.1.1 use the position or privileges of a Employee, or confidential information obtained as a Employee for private gain or to improperly benefit another person, or
- 5.4.1.2 take a decision on behalf of the municipality concerning a matter in which the Employee or the Employee's spouse, partner or business associate, has a direct or indirect personal or private business interest.

5.4.2 except with the prior consent of the council of a municipality, the Employee may not:

- 5.4.2.1 be a party to a contract for:

- 5.4.2.1.1 the provision of goods or services to the municipality, or
- 5.4.2.1.2 the performances of any work for the municipality otherwise than as a Employee;
- 5.4.2.2 obtain a financial interest in any business of the municipality, or
- 5.4.2.3 be engaged in any business, trade or profession other than the work of the municipality. Prior consent must be obtained from the Municipal Manager, if the matter has to happen.

6. DISCLOSURE OF BENEFITS

The Employee must disclose in writing full particulars of the benefit to the Employee, her spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality.

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

7. UNAUTHORIZED DISCLOSURE OF INFORMATION

The Employee may not without permission disclose any privileged or confidential information obtained as the Employee of the Municipality to an unauthorized person.

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

- determined by the Executive Authority of the municipality to be privileged or confidential;
- discussed in closed session by the Council or a committee of the Council;
- disclosure of which would violate a person's right to privacy, or
- declared to be privileged, confidential or secret in terms of any law.

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

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8. **UNDUE INFLUENCE**

The Employee may not:

- unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a councilor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;
- mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter, or
- be involved in a business venture with a councilor without the prior written consent of the council of the municipality.

9. **REWARDS, GIFTS AND FAVOURS**

9.1 The Employee may not request, solicit or accept any reward, gift or favor for:

- 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;
- making a representation to the council, or any structure or functionary of the council;
- disclosing any privileged or confidential information, or
- doing or not doing anything within that Employee's powers or duties.

9.2 The Employee must without delay report to his Supervisor any offer, which if accepted by the Employee, would constitute a breach of sub-clause (14.1).

10. **COUNCIL PROPERTY**

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

11. **PAYMENT OR ARREARS**

The Employee 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 the Employee's salary after this period.