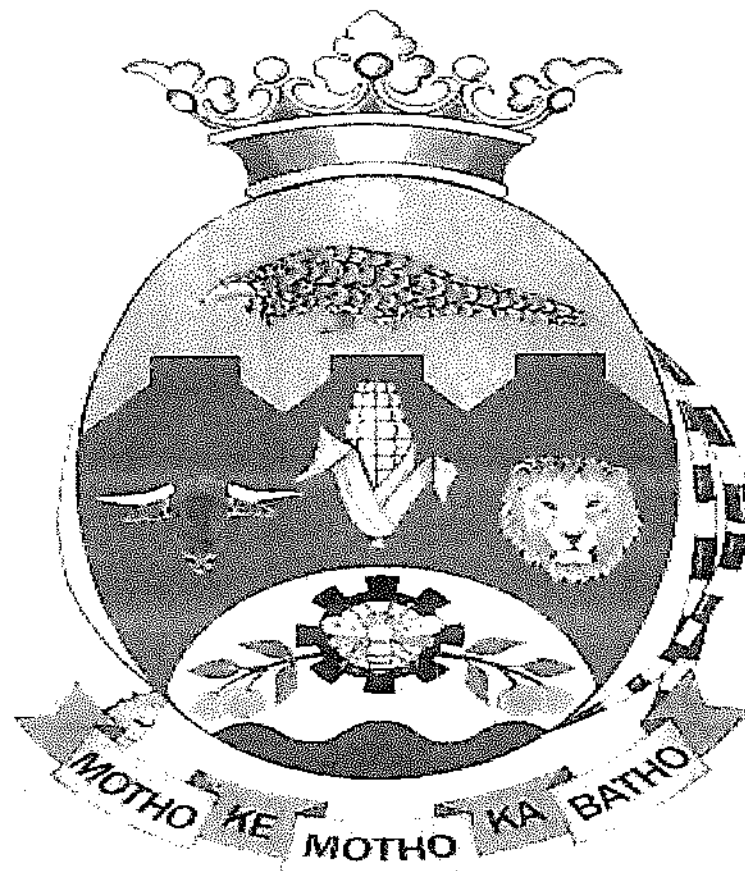


LEPELLE-NKUMPI MUNICIPALITY



CODE OF CONDUCT FOR MUNICIPAL EMPLOYEES 2022/2023

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1 Definitions

The provision of this code of conduct for employees has been derived from the framework of Municipal System Act 32 of 2000. Any reference to a section, schedule, Chapter in this document refers to those in MSA.

"MSA" means Municipal System Act 32 of 2000

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

"Constitution" means the constitution of the Republic of South Africa Act, 108 of 1996

"National Treasury Regulations, 2003" means Treasury Regulations by The Minister of Finance

2 General conduct

A staff member of a municipality must at all times-

- (a) loyally execute the lawful policies of the municipal council;
- (b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- (c) act in such a way that the spirit, purport and objects of section 50 of Municipal System 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; and
- (e) act impartially and treat all people, including other staff members, equally without favour or prejudice.
- (f) conform to the reasonable dress and uniform requirement of the employer

3 Commitment to serving the public interest

A staff member of this Municipality is a public servant in a developmental local system, and must accordingly-

- (a) implement the provisions of section 50 (2);
- (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 principles 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, in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

4 Personal gain

- (1) A staff member of a municipality may not-
 - (a) use the position or privileges 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 associate, has a direct or indirect personal or private business interest.
- (2) In accordance with the Supply Chain Management policy framework of the National Treasury a staff member of the municipality may not-
 - (a) be a party to a contract for-
 - (i) the provision of goods or services 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 without declaring such interest in the municipality's Declaration of Members Interest Register.

5 Disclosure of benefits

- (1) A staff member of a 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 disclose 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 acquired in common with all other residents of the municipality.

6 Unauthorised 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 unauthorised 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, or 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 councillor 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 reward, gift or favour for -
 - (a) 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;
 - (b) making a representation to the council, or any structure or functionary of the council;

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(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 delay 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 may deduct any outstanding amounts from a staff member's salary after this period.

11. Sexual harassment

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

- a) Actual or attempted rape or assault.
- b) Unwanted pressure for sexual favors.
- c) Unwanted or deliberate touching, leaning over or pinching
- d) Unwanted sexual looks or gestures.
- e) Unwanted letters, telephone calls, or materials of a sexual nature.
- f) Referring to an adult as a girl, hunk, doll, babe, or honey.
- g) Touching an employee's clothing, hair, or body touching or rubbing oneself sexually around a person.

12. Reporting duty of staff members

Reporting on duty time is 07H30 and knocking off time is 16H30 unless arrangements are made with the relevant supervisors.

13. Breaches of Code

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Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in South African Local Government Bargaining Council's Disciplinary Procedure Collective Agreement

Disciplinary steps

(1) A breach of this Code is a ground for dismissal or other disciplinary steps against a staff member who has been found guilty of such a breach.

Other disciplinary steps may include-

- (a) suspension without pay for no longer than three months;
- (b) demotion;
- (c) transfer to another post;
- (d) reduction in salary, allowances or other benefits; or
- (e) an appropriate fine.

14. SANCTIONS FOR MISCONDUCT

14.1 In accordance with the Disciplinary Policy, any sanction that is imposed for misconduct will be intended to deter future repetition of that behaviour. The sanction imposed must be based on the seriousness of the offence and considering the employee's disciplinary record.

14.2 The imposition of discipline is progressive in that sanctions are to be applied with increasing severity with the repetition of the offence. Sanctions will generally be applied by first issuing a written warning and then a final written warning, except in cases of misconduct which would constitute grounds for immediate dismissal or suspension without pay or the immediate imposition of a final written warning.

14.3 All written warnings and suspensions are to be recorded in the employee's personal files.

14.4 A written warning will remain valid and on the recorded of the employee for a period of six (6) months from the date of imposition

14.5 The employer may impose as a sanction a suspension without pay having regard either to the serious nature of the misconduct or the fact that there has been a previous warning or warnings for the same behaviour.

14.5.1 the maximum period will be ten (10) days;

14.5.2 the period of suspension will run consecutively;

14.5.3 in the event of a suspension in excess of five (5) days, the suspension without pay shall be spread over three (3) monthly pay period.


14.5.4 a suspension without pay shall be regarded as a sanction more serious than a final written warning.

2.7 as guideline, an employee may be dismissed on the first occasion for, inter alia:

- 2.7.1 intimidation, fighting and/ or assault;
- 2.7.2 theft, unauthorised possession of or malicious damage to the employee's property;
- 2.7.3 being under the influence of alcohol or intoxicating drugs whilst on duty such that performance is seriously impaired or diminished;
- 2.7.4 the consumption of alcohol or intoxicating drugs whilst on duty if the nature of work to be performed is such that intoxication endangers the safety of the employee or that of others;
- 2.7.5 any act of gross dishonestly;
- 2.7.6 any act of gross negligence
- 2.7.7 gross insubordination
- 2.7.8 wrongful disclosure of privileged information
- 2.7.9 any act of bribery or corruption; and
- 2.7.10 any other act of misconduct which would constitute just cause for dismissal

Document Name: CODE OF CONDUCT FOR MUNICIPAL EMPLOYEES

Approved by:



**SPEAKER
J NKOBELA**

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**Acting Municipal Manager
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