

1

BACK TO BASICS
SERVING OUR COMMUNITIES BETTER

B·B

SERVING OUR COMMUNITIES BETTER

Ethics and Integrity Management Policy

Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS





Contact Details	
Physical Address	Tyamazshe Building Phalo Avenue Bhisho 5605
Postal Address	Department of Cooperate Governance and Traditional Affairs Private Bag X0035 Bhisho 5605
Document Number	1
Document Name	Ethics and Integrity Management Policy
Contact Person	Mrs N Mosehana
Designation	Ethics Officer
Component	Risk Management
Telephone No.	040 940 7630
Cell Phone No.	082 0700 431
E-mail Address	thami.mosehana@eccogta.gov.za
First Approval	30 October 2017
Last Reviewed	30 October 2017
Current Review	31 March 2021
Next Review Date	31 March 2024

Accounting Officer
 The Accounting Officer has committed the Department of Cooperative Governance and Traditional Affairs to a process of Ethics and Integrity Management that is aligned to the principles of good corporate governance, as supported by the Chapter 2 of the Public Service Regulation 2016 and other applicable pieces of legislation.

Ethics and Integrity Management is the foundation of, and reason for, good corporate governance, which involve understanding values, standards of right, good & fair conduct and how internal and external stakeholders need to conform to those set of ethical standards as defined.

Having an Ethics and Integrity Policy is imperative to the Department to fulfill its mandate, the service delivery expectations of the public and the performance expectations within the department.

Signed	
Designation	
Date	31/03/2021

Signed	
Designation	Member of Executive Council Mr. X Ngatha
Date	31/03/2021

Executive Authority

The department of Cooperative Governance and Traditional Affairs has unprecedented opportunity to improve the livelihoods of the people by effectively rendering the many services that it is expected to provide. We have envisaged a department that has the required capacity to respond adequately to challenges of its people.

I therefore trust that guidance from this Policy will contribute to the effective fulfilment of the departmental mandate, the service delivery expectations of the public and the performance expectations within the department.

Table of contents

1. Preamble	6
2. Legislative Mandate	6
3. Purpose of the policy	6
4. Definitions	7
5. Ownership	8
6. Scope and Applicability	8
7. Values	8
8. Unethical conduct	9-12
9. Disclosure of financial interest	12
10. Roles and Responsibilities	13
11. Policy Review	14

- 1.1 The Department of Cooperative Governance and Traditional Affairs commits itself to a process of Ethics and Integrity Management that is aligned to the principles of good corporate governance, as supported by Chapter 2 of the Public Service Regulations 2016 and other applicable pieces of legislation.
- 1.2 Ethics and Integrity Management is the foundation of, and reason for, good corporate governance which involve understanding values, standards of right, good & fair conduct and how the internal and external stakeholders need to conform to those set of ethical standards as defined.
- 1.3 Ethics and Integrity Management policy does not replace, and should be read with other existing Departmental policies.
- 2. Legislative Mandate**
- 2.1 The Constitution of South African, 1996
- 2.2 Public Administration Management Act 11 of 2014
- 2.3 Public Service Regulation 2016
- 2.4 SMS Handbook 2003, as amended
- 2.5 King Report on Corporate Governance IV 2016
- 2.6 Prevention and Combating of Corrupt Activities Act 2004
- 2.7 Public Service Act 1994
- 2.8 Public Finance Management Act 1999
- 2.9 Treasury Regulations issues in terms of Public Finance Management Act 1999
- 2.10 Protected Disclosure Act 2000
- 2.11 Code of Conduct as per Public Service Regulation 2016
- 3. Purpose of the Policy**
- 3.1 The purpose of this policy is to institutionalise the directive from the Department of Public Service and Administration on Ethics and Integrity Management.
- 3.2 Also, this policy articulates Department of Cooperative Governance and Traditional Affairs values and ethical standards with an objective of entrenching and promoting ethical culture and ethical

behaviour in the Department of Cooperative Governance and Traditional Affairs in compliance with Chapter 10 of the Constitution of South African.

4. Definitions

Term	Definition
Ethics	Moral principles that govern a person's behaviour or the conducting of an activity or function
Integrity	Quality of being honest and having moral principles
Morals	Standards of behavior, principles of right and wrong
Values	Convictions we hold about what is important in our character and interactions with others
Standards	Principles of conduct informed by notions of honour and decency
Ethical Behaviour	Acting in a way consistent with the Department Values and Standards
Employee	Any individual including an independent contractor who works for another person or for the state and who receives, or is entitled to receive any remuneration and who assists in carrying on or conducting the business of an employer
Designated employees	Members of the SMS, MMS (and OSD Equivalent) and all the Finance and SCM officials
Ethics officer	An employee designated to perform ethics and integrity management functions
Head of Department	Means a person mentioned in section 36 of the Public Finance Management Act

5. Ownership

5.1 The custodian of the policy is the Ethics Officer of the Department of Cooperative Governance and Traditional Affairs.

Value	Definition
Consultation	We always consult our customers on the level, quality and choices of the services we offer
Quality	We set high standards geared towards effective and efficient service delivery
Equality	We shall give equal access to our services to all, with special emphasis on targeted groups
Professionalism	We believe that our customers are entitled to be treated courteously and with the highest level of professionalism.
Highest ethical standards	We shall always maintain zero tolerance towards fraud and corruption
Staff our greatest assets	We believe that our employees are integral to the success of the department and we will at all times endeavor to ensure that their organizational needs are satisfied
Responsiveness	We pledge to respond speedily and effectively to the needs of stakeholders and communities

The following are Departmental of values;

7. Values

6.1 This policy is applicable to all employees (permanent and non-permanent) of the Department as appointed in terms of the Public Service Act of 1994 and external stakeholders including Service providers and Partners.

6. Scope and Applicability

8. Unethical conduct

8.1 Bribery

An employee shall;

8.1.1 not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), from any employee or any person in return for performing or not performing his or her official duties.

8.2 Conflict of Interest

An employee shall;

8.2.1 not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties.

8.3 Trading with an organ of state

An employee shall;

8.3.1 not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act;

8.3.2 recuse herself or himself from any official action or decision-making process which may result in improper personal gain, and this shall immediately be properly declared by the employee.

8.4 In terms of section 8(3) of the Public Administration Management Act, 2014, conducting business with the State; or be a director of a public or private company conducting business with the State; or be a director of a public or private company conducting business with the State is an offence, and any person found guilty of the offence is liable to a fine or imprisonment for a period not exceeding 5 years or both such fine and imprisonment. It also constitutes serious misconduct which may result in the termination of employment by the employer.

8.5 Fraud, Corruption, Nepotism and Maladministration

An employee shall;

An employee shall;

8.9 Remunerative work outside the employee's employment

8.8.1 not receive or accept any gift from any person in the course and scope of his or her employment, other than from a family member, to the cumulative value of R350 per year, unless prior approval is obtained from the relevant executive authority.

An employee shall;

8.8 Gifts or Hospitality

8.7.2 not release official Departmental information to the public unless he or she has the necessary approval;

8.7.1 not use or disclose any Departmental official information for personal gain or the gain of others.
An employee shall;

8.7 Confidentiality of Information

8.6.1 refrain from favouring relatives and friends in work-related activities and not abuse his or her authority or influence another employee, nor be influenced to abuse his or her authority.
An employee shall;

8.6 Abuse of power and authority

8.5.2 immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which is prejudicial to the interest of the public, which comes to his or her attention during the course of his or her employment in the public service.
8.5.1 promote sound, efficient, effective, transparent and accountable administration; be honest and accountable in dealing with public funds and use the State's property and other resources effectively, efficiently, and only for authorised official purposes;

employee;

8.14.1 when on official duty, dress and behave in a manner that is befitting of a public service
An employee shall;

8.14 Dress Code

8.13.1 not consume alcoholic beverages or any other non-medicinal substance with an intoxicating
effect while on duty or shall not report for duty under such influence.
An employee shall;

8.13 Alcohol

8.12.1 use the appropriate mechanisms to deal with his or her grievances or to direct
representations
An employee shall;

8.12 Grievance

8.11.1 be punctual in the execution of his or her official duties
An employee shall;

8.11 Punctuality

8.10.1 deal fairly, professionally and equitably with all other employees or members of the public,
irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age,
disability, religion, political persuasion, conscience, belief, culture or language; and refrain
from party political activities in the workplace.
An employee shall;

8.10 Impartiality

8.9.1 if he or she has permission in terms of section 30 of the Act to perform outside remunerative
work, not
❖ perform such work during official work hours; and
❖ use official equipment or state resources for such work.

Other categories of designated employees	Employees earning an equivalent of salary level 13 and above through the OSD
01 – 30 June of the year in question	Employees appointed in salary level 12 including employees equivalent of salary level 12 through the OSD
01 – 30 June of the year in question	Employees who are authorised by the Minister, EA, HOD, or the Chairperson of the Public Service Commission (PSC) for purpose of record
01 – 30 June of the year in question	01 – 30 June of the year in question
Period to disclose financial interest	

employees;

9.3 The provision of the instruction note is applicable to the following categories of designated

9.2 The Department of Public Service and Administration amended the Public Service Regulations of 2016 and issued instruction note to give effect to disclosure of financial interest by categories of designated employees other than Senior Management Services, as determined by the Minister.

9.1 In accordance with Public Service Regulations of 2001, designated members of Senior Management Services are required to disclose their financial interest on an annual basis.

9. Disclosure of financial interest

- Bribery
- Embezzlement
- Fraud
- Corruption
- Extortion
- Abuse of power and authority
- Abuse of privileged information
- Nepotism
- Favoritism
- Conflict of interest

Detailed under unethical conduct in paragraph 8 of this policy may be read with some unethical behaviours as promulgated within Prevention and Combating Corrupt Activities Act, 12 of 2004. As listed below:

10. Roles and Responsibilities

10.1 The Head of Department shall;

- Appoint an Ethics Officer and Ethics Champions
- Establish an Ethics and Integrity Management Committee.
- Institute a disciplinary enquiry on issues of unethical behaviour.

10.2 The Ethics Officer of the Department shall develop and implement ethics and integrity management program to educate employees on ethics and integrity management issues.

10.3 Ethics Champions (Deputy Director Generals) to increase Ethics Awareness in their Programs.

10.4 Ethics and Integrity Management Committee shall oversee implementation of ethics and integrity management programme which includes promotion of ethical culture in-line with code of conduct.

10.5 It is the responsibility of every employee to uphold Departmental Ethics, Integrity and Values.

9.4 In terms of section 9(2) of the Public Administration Management Act, 2014, failure to disclose financial interests constitutes misconduct.

Chapter 2 of the PSR 2016	Employees appointed at salary level 11 including	01 – 31 July of the year in question	
11 through the OSD	employees earning the equivalent of salary level	01 – 31 July of the year in question	
Employees is Supply Chain Management and Finance Units, irrespective of their salary level	Up to the 30 days after assumption of	01 – 31 July of the year in question	
New employees appointed in the above categories	Up to the 30 days after assumption of	01 – 31 July of the year in question	duty

11. Policy Review

This policy shall be reviewed at least once in three years or as and when the need arises.

VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from	YY/MM/DD	Contact person – full name & title.	Include any superseded procedure and what the amendment is to the document.
2017	2017 October 01	Fikile Xasa (MEC)	The contents of this policy are all aligned to be in line with departmental policy guideline.