



KWAZULU-NATAL PROVINCE

OFFICE OF THE PREMIER
REPUBLIC OF SOUTH AFRICA



ETHICS AWARENESS AND TOOLS AVAILABLE TO ENHANCE YOUR GOVERNANCE AND ETHICAL ENVIRONMENT

05 APRIL 2023

GROWING KWAZULU-NATAL TOGETHER



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Ethics

Frequently asked questions

- Do government institutions have enough measures in place to promote ethical culture?



Public Administration Values

Chapter 10 Section 195(1) of SA Constitution

- Efficiency, economical and effectiveness.
- Development-oriented.
- Impartiality, fairness, and equitable.
- Accountability and Transparency.
- Accessible.
- Accurate information.



Promoting an Ethical Culture – Local Government Anti-Corruption Strategy

1. Councillors and officials should receive a copy of the code of conduct.
2. Councillors and officials should receive induction training on the code of conduct.
3. Councillors and officials should be required to sign annual commitments to the principles and provisions of the code of conduct.
4. Councillors and officials should participate in interactive ethics workshops at least once every two years which should cover;
 - Professional and organisational values.
 - Relevant workplace ethical dilemmas / challenges.
 - The relevant code of conduct.
 - Organisational policies and procedures related to conflict of interests and whistle blowing.



Promoting an Ethical Culture cont...

5. The Code of Conduct for Councillors and the Code of Conduct for Municipal Staff Members must be made available to the public (e.g. on the website, noticeboards, etc)
6. Municipalities should require their suppliers to sign an 'Ethics commitment for suppliers' prior to contracting with them.
 - This should form part of all bid documents.



Conflict of Interests

When I am influenced by my **personal interests** and cannot objectively apply my mind in the **best interest of my organisation**.

Government Sector



Procuring goods and services

Supplying goods and services

Business Sector





Municipal Systems Act, Act 32 of 2000 – **Schedule 2**

Code of Conduct for Municipal Employees

Other Remunerative Work

4(2)(c) Except with the prior consent of the council of a municipality, a staff member may not be engaged in any business, trade or profession other than the work of the municipality.

Gifts

8.(1)(d)

A staff member of the municipality may not request, solicit or accept any reward, gift or favour for doing or not doing anything within that staff member's power or duties.



Public Administration Management Act- **Employees** **conducting business with the organ of state**

Section 8(2) of the Act states that an employee may not—

- (a) conduct business with the State; or
- (b) be a director of a public or private company conducting business with the organ of state.

Section 8(3) of the Public Administration Management Act

- (a) It is an offence,
 - **Penalty**: a fine or imprisonment for a period not exceeding 5 years or both; and
- (b) *It* constitutes serious misconduct
 - **Penalty**: may result in the termination of service.



Municipal Systems Act, Act 32 of 2000 – Schedule 1 Code of Conduct for Councillors

Disclosing business interests

5. (2)

A councillor 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 full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.



Municipal Systems Act, Act 32 of 2000 as amended - Dealing with financial misconduct

Section 57A

1. The municipality should keep a register of employees dismissed for financial misconduct.
2. A copy of the register must be submitted to the MEC for COGTA on a quarterly bases.
3. The MEC for COGTA should submit the copy of the register for employees dismissed for financial misconduct to the Minister within 14 days of receipt of the register.
4. The Minister must keep a register of financial misconduct including those employees who resigned before finalization of disciplinary.
5. The register must be provided to municipalities as prescribed.
6. A staff member dismissed for financial misconduct, fraud and corruption may not be employed in any municipality for a period of ten years.



Integrity Management Policies

1. Ethics Management Strategy.
2. Gift, Donations and Sponsorships Policy.
3. Fraud Prevention Strategy/Plan.
4. Whistle Blowing Policy.
5. Conflict of Interests Policy.

THANK YOU

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