

# OVERBERG DISTRICT MUNICIPALITY



## CODE OF ETHICS

## 1. Glossary of terms:

Professional ethics	Implied, expected ethical standards and behaviour from the profession relevant to a specific staff member.
Accountable	Answerable for one's actions.
Batho Pele principles	As defined in the eight Batho Pele principles: <ol style="list-style-type: none"> <li>1. Consultation</li> <li>2. Service Standards</li> <li>3. Access</li> <li>4. Courtesy</li> <li>5. Information</li> <li>6. Openness and transparency</li> <li>7. Redress</li> <li>8. Value for Money</li> </ol>
Bias / prejudice	Inclination or prejudice for or against one person or group, especially in a way considered to be unfair.
Code of Conduct for Municipal Staff Members	The Code of Conduct applicable to all staff (Schedule 2 of the Local Government System Act, No 32 of 2000)
Code of Conduct for Councillors	The Code of Conduct applicable to Councillors (Schedule 1 of the Local Government System Act, No 32 of 2000)
Councillor	Means a member of municipal council
Diligently	Consistent adherence to the Code of Ethics, Code of Conduct, policies and legislation.
Equitably	Act in a fair and impartial manner.
Ethical behaviour	One does not merely consider what is good for oneself, but also consider what is good for others.
Fairly	Treating people equally without favouritism or discrimination. Just and equitable.
Financial interests	Financial interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members and Section 2 of the Code of Conduct for Supply Chain Management Practitioners and Other Role Players.
Good faith	Without fear or prejudice.
Impartially	Act in a way that treats all people equally.
Independence	Free from any constraints or interests that would prevent an ethical course of action being taken.
Mislead	Cause (someone) to have a wrong idea or impression.
Municipal Staff	Municipal staff include: <ul style="list-style-type: none"> <li>• An employee of the municipality.</li> <li>• A person seconded to the municipality to work as a member of the staff of the municipality; or</li> <li>• A person contracted by the municipality to work as a member of the staff of the municipality otherwise than as an employee.</li> </ul>
Objectivity	Make decisions based on facts and not influenced by personal beliefs, feelings or interests.

Transparency	In an open way without secrets.
Other interests	Any other interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members and Section 2 of the Code of Conduct for Supply Chain Management Practitioners and Other Role Players.

## 2. Purpose of the code

The employees and Councillors of Overberg District Municipality hold their position to serve and benefit the public, and not to achieve any personal or private gain. For furtherance of this fundamental principle, a code of ethics was developed, with a purpose:-

- a) To promote a high standard of professional ethics and conduct of professionalism amongst Councillors and staff members
- b) To always act with respect, integrity, competence, diligence, and in an ethical manner with each other, subordinates, superiors, the public, officials and councilors from other municipalities and officials and politicians from the provincial and national government departments.
- c) To always ensure that the integrity of the Municipality and the Council and the interests of the public are placed above own personal interests.
- d) To take reasonable care and exercise independent judgment in addressing the needs of the public
- e) To act in such a way that others are encouraged to follow suit and thereby ensures that a culture of the highest professional and ethical behavior exist within the Overberg District Municipality.
- f) To promote and give effect to the values and principles in section 195(1) of the Constitution, Batho Pele principles and the Local Government: Municipal Systems Act, 2000.
- g) To enhance the Overberg District Municipality's policies in order that corrupt and unethical practices in the administration are eradicated.

## 3. Basic values and principles governing public administration and the Overberg District Municipality

Section 195(1) of the Constitution provides the framework for intergovernmental relations and prescribes the following basic values and principles for public administration:

- a) a high standard of professional ethics must be promoted and maintained;
- b) efficient, economic and effective use of resources must be promoted;
- c) public administration must be development-oriented;
- d) services must be provided impartially, fairly, equitably and without bias;
- e) people's needs must be responded to, and the public must be encouraged to participate in policy-making;
- f) public administration must be accountable;
- g) transparency must be fostered by providing the public with timely, accessible and accurate information;
- h) good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
- i) 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 imbalances of the past to achieve broad representation.

In administering its affairs, all employees of the Overberg District Municipality must strive to achieve the objects of local government set out in section 152 (1) of the Constitution.

#### **4. Adherence to legislation and policies**

Councillors and employees of the Overberg District Municipality must:

- a) Know, understand and comply with all the legislative requirements governing local government.
- b) Knows and understands their respective rolls and respects the rolls of co-employees.
- c) Know, understand, comply and promote the policies of the Overberg Municipality
- d) Separate from any violation of any laws, rules, regulations and policies.
- e) Separate from any actions that violate the rights privileges and peace and comfort of co-employees and the public or any member thereof.

#### **5. Independent and Objective**

Councillors and employees of the Overberg District Municipality must:

- a) Always take reasonable care when dealing with matters concerning the general public or any individual member of the public.
- b) Maintain independence and objectivity in their respective areas of work and when dealing with matters concerning the general public or any individual member of the public.
- c) Must not offer, solicit, or accept any gift, benefit, compensation, or consideration that reasonably could be expected to compromise their own or another's independence and objectivity.
- d) Declare any offer, gift, benefit, compensation in terms of the relevant Policies.

#### **6. Bad faith and Misrepresentation:**

Councillors and employees of the Overberg District Municipality:

- a) Must not knowingly make any misrepresentations or give false information relating to any duty or task assigned to them
- b) Must refrain from making false or misleading declarations in any document
- c) Must not make any misleading information public or submit it to the news media for whatever reason
- d) Must ensure that all their actions, statements and informative interactions with a person, one another or the general public or an individual member of the public is in good faith.
- e) Must not misrepresent any information within the course and scope of his employment which can result in a pecuniary loss to the user of the information.

#### **7. Conduct of fraud, corruption and dishonesty:**

Councillors and employees of the Overberg District Municipality must refrain:

- a) From any conduct involving corruption, fraud, dishonesty, and deceit.
- b) To commit any act that reflects adversely on their reputation, integrity, and competence and negatively impact on the Municipality or the Council.

#### **8. Conduct and confidentiality**

Councillors and employees of the Overberg District Municipality shall:

- a) Always act with a high standard of conduct.
- b) Not disclose information to a person for reasons other than in an official capacity and concerning the specific official interest of that person and in this case take due consideration of the Access to

Information Act and the -Manual of the Municipality and not make any confidential information public.

- c) Not spread disinformation or falsely accuse colleagues or deliberately spread any information for the disadvantages of any other person or the Municipality or Council.
- d) Act or cause others to act on information for any other reason but to comply with legislation or to fulfill an official duty.
- e) Not make any confidential information public.

## **9. Loyalty**

Councillors and employees of the Overberg District Municipality:

- a) Have a duty of loyalty to the Overberg District Municipality and must act with reasonable care and exercise prudent judgment.
- b) Must act for the benefit of the Municipality, the Council and the public as a whole.
- c) Must not be influenced by own, political and personal agendas.
- d) Must not cause harm to the Municipality and the Council.

## **10. Open, transparent and efficient**

Councillors and employees of the Overberg District Municipality:

- a) Must be open, fair and transparent in dealing with the public and in exercising their duties.
- b) Must deal objectively with the needs of the public.
- c) Must always act without prejudice.
- d) Must endeavor to address the public's needs with simplicity and plainness to such an extent that the communication is effective and efficient.

## **11. Disclosure of interest**

Employees of the Overberg District Municipality must, in the prescribed manner, disclose all interest as to relevant structures and processes.

## **12. Review and Approval**

This code will be reviewed and approved by the Fraud and Risk Management Committee annually. Any significant changes must be approved by Council.

### **Date of last approval:**

Approved by Council: 30 /06/2017, Item A113

Approved by Council: 29/06/2020, Item A65

Reviewed by Council: 22/08/2022, Item A8