



## ETHICS POLICY FOR THE JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

**Policy Resolution Number: 6.4.29/05/2018**

**Approved Date: 29 May 2018**

**Effective Date: July 2018**

**Review Date: As and when required**

**SIGNATURE OF THE MUNICIPAL MANAGER**

**SIGNATURE OF THE SPEAKER**

**Ms P Q Mogatle**  
**Speaker.**

# JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY



Ms P. Q. Tegadie  
Speaker

## Ethics Management Policy

# TABLE OF CONTENTS



<b>Content</b>	<b>Page</b>
1. Introduction.....	3
2. Background .....	3-4
3. Definitions.....	4-6
4. Purpose of the Policy.....	6
5. The Policy Objectives .....	6
6. Policy Statement.....	7-8
7. Role Players.....	8-9
8. Policy Review.....	9

Ms P Q McGrille

Speaker,

## 1. Introduction

Local Government is one sphere of Government which is based at the level of the people. It is where services are being rendered, and where municipalities can engage directly with communities. Just like other spheres of government, Local Government is autonomous in nature, and can be consumed by corruption and fraud, hence a high level of professionalism and ethical behaviour has to be inculcated to all municipal employees and councillors.

For us as **JTGDM** to fully deliver on our mandate, we need to set ourselves a high level of ethical standards, including committing ourselves to upholding the code of conduct as set on Schedule I and II of the Municipal Systems Act 32 of 2000.

## 2. Background

This document supports the Code of Conduct for the Municipality and should also be read in conjunction with it. The spirit of the Policy is to support ethical and good business conduct by all individuals covered by it as reflected in the scope detailed in the section below:

The policy emphasis the following:

- i. To serve as a brief description of the Municipality' s core values and
- ii. To provide a framework for identifying conduct that is ethical and acceptable for the Councillors and officials of the Municipality.

### 2.1 Scope of the Code Conduct

In terms of section 69 of the Act, The Code of Conduct for Municipal staff members “applies to every staff member of a municipality”.

The principles contained in the Code also apply to the following persons and/or entities:

- Committees of the District;
- Others persons representing the District and employees, appointed to other organisations or bodies; and
- Consultations, contractors and other providers of goods or service to the District.

Why should there be standards of ethics?

- To ensure that all stakeholders in District are aware of the basic values cherished by the District ; and
- To ensure accountability within the District in terms of fundamental ethical values and value systems.

### 3. Definitions

Accounting Officer	The head of Administration and also the Municipal Manager of the Municipality
Corruption	<p>It is defined according to the Prevention and Combating of Corrupt Activities Act No 12 of 2004 of South Africa;</p> <p>Any person who directly or indirectly -</p> <ul style="list-style-type: none"> <li>a. Accept / Agrees / Offer to accept any gratification from any other person, whether for the benefit of himself / herself for the benefit of another person;</li> <li>b. Gives / agrees / offer to give any other person any gratification, whether for the benefit of that person / for the benefit of another person in order to personally / by influencing another person so to act in a manner- <ul style="list-style-type: none"> <li>i. That amounts to: <ul style="list-style-type: none"> <li>aa. Illegal, dishonest, unauthorised, incomplete or biased.</li> <li>bb. misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of constitutional statutory , contractual or any other legal obligation</li> </ul> </li> <li>ii. That amounts to: <ul style="list-style-type: none"> <li>aa. the abuse of a position of authority</li> <li>bb. a breach of trust</li> <li>cc. The violation of a legal duty of a set of rules.</li> </ul> </li> <li>iii. Designed to achieve unjustified results.</li> <li>iv. That amounts to any other unauthorised or improper inducement to do / not to do anything</li> </ul> </li> </ul>

Ms P Q Mogatle  
Speaker

	<p>is guilty of the offence of corruption.</p> <p><i>Actions constituting corruption are:</i></p> <ol style="list-style-type: none"> <li>a. Bribery - Bribery involves the promise, offering or giving of a benefit that improperly affects the actions or decisions of a Public Servant.</li> <li>b. Extortion – This involves coercing a person or entity to provide a benefit to a public servant, another person or an entity in exchange for acting (or failing to act) in a particular manner.</li> <li>c. Abuse of power – This involves a public servant using his/her vested authority to improperly benefit another public servant, person or entity (or using the vested authority to improperly discriminate against another public servant, person or entity)</li> <li>d. Conflict of Interest - This involves a public servant acting or failing to act on a matter where the public servant has an interest or another person or entity stands in a relationship with the public servant has an interest.</li> <li>e. Favouritism – This involves the provision of services or resources according to personal afflictions (for example ethnics, religious, party political afflictions)</li> <li>f. Nepotism - This involves a public servant ensuring that a family members are appointed to public service positions or that family members receive contracts from State resources.</li> </ol>
Councillor	Any member of the municipal council, as provided for in the chapter 3 of the Municipal Structures Act 117 of 1998
Fraud	<p>In South Africa, the Common Law Offence of Fraud is defined as "the unlawful and intentional act or omission by which misrepresentation is made which causes actual and or potential prejudice to another, whether or not there is a personal benefit to the perpetrator.</p> <p><i>Actions constituting fraud are:</i></p> <ol style="list-style-type: none"> <li>a. Embezzlement – This theft of resources by persons entrusted with the authority of control of such resources.</li> <li>b. Misappropriation – The intentional, illegal use of the property of funds of another person for one's own use or unauthorized purpose by a public servant with the responsibility to care or protect that.</li> <li>c. Falsification and Forgery</li> <li>d. Overstatement of assets and income to conceal unauthorised transactions;</li> </ol>

	<p>e. Understatement of liabilities and expenses to conceal illegal transactions; and</p> <p>f. False or omitted disclosure.</p>
Irregularity	The state or quality of being irregular.
Maladministration	Inefficient or dishonest administration; mismanagement
Theft	The unlawful and intentional misappropriation of another's property or property which is in his/her lawful possession, which the intention to deprive the owner of its rights permanently.

#### 4. Purpose

The purpose of this policy is to enforce high standards of ethical professional behaviour to employees and Councillors of the John Taolo Gaetsewe District Municipality (JTGDM).

Councillors and officials shall all dedicate themselves to carrying out the mission, vision, and the values of the municipality which is:

**Mission:** accelerating the implementation of integrated development initiatives and providing support to local municipalities.

**Vision:** working together for a better life for all in the District

**Values:** Development – Strive for the development and serving the people of the district in whatever we do.

**Development:** strive for the development of the district and its people, while also striving for own personal development

**Commitment:** Stay committed to the vision of the JTGDM and to serving the people of the District in whatever we do.

**Care:** to show empathy and care towards others, while striving to promote a positive working atmosphere; and

**Integrity:** Stay true in whatever you commit to performing your duties to the best of your ability, while conducting yourself professionally at all times.

#### 5. The Policy Objectives

The objectives of this policy in the JTGDM will be:

- a. To ensure that the mission, vision, and values of the JTGDM are upheld at all times.

Ms P Q Mogatle

- b. To ensure that the culture of Batho - Pele reflects in our day to day running of the municipality.
- c. To ensure that there is a high level of professionalism by both Councillors and officials.

## 6. Policy Statement

While carrying out the mission, vision of the municipality employees and Councillors of the JTGDMD should:

- a. Hold paramount the safety, health and welfare of the public in the performance of professional duties.
- b. Act in such a manner as to uphold and enhance personal honour, integrity and the dignity of the profession.
- c. Treat with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin.
- d. Engage in carrying out the mission and vision of JTGDMD in a professional manner.
- e. Build professional reputations on the merit of services and refrain from competing unfairly with others.
- f. Recognize that the chief function of the JTGDMD at all times is to serve the best interest of its constituency.
- g. Accept as a personal duty the responsibility, to keep up to date on emerging issues and to conduct themselves with professional competence, fairness, impartiality, efficiency and effectiveness.
- h. Respect the structure and their responsibilities.
- i. Keep the communities informed about issues affecting them.
- j. Conduct organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
- k. Exercise whatever discretionary authority they have under the law to carry out the mission of the organization.
- l. Serve with respect, concern courtesy and responsiveness, in carrying out the organization's mission.



- m. Demonstrate the highest standard of personal integrity, truthfulness, honesty, fortitude, in all activities in order to inspire, confidence, and trust in such activities.
- n. Avoid any interest or activity that is in conflict with the conduct of their official duties.
- o. Respect and protect privileged information to which they have access in the course of their official duties.
- p. Strive for personal and professional excellence and encourage the professional development of others.

## **7. The Role players**

All the Councillors and employees of the John Taolo Gaetsewe District Municipality hold their positions to serve and benefit the community and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. Therefore, all Councillors and employees should work with the Ethics Steering Committee and Ethics Officer to maintain high level of ethical behaviour in the municipality.

### **7.1 The Ethics Steering Committee**

The ethics committee roles and responsibility will be:

- a. They will be responsible to commission an ethics risk and opportunity assessment.
- b. Ensure that a good code of ethics is adopted by council.
- c. Ensuring that there is an ethics management implementation plan which is adopted by Council.
- d. Monitor the implementation of the plan.
- e. Institutionalizing the culture of ethics in the organization.
- f. Evaluating the effectiveness of the implementation plan from time to time or even the policy itself.

**Ms P Q Mogatie**

### **7.2 The Ethics Officer**

**Speaker**

While a committee will provide strategic direction and oversight, it will be necessary to assign the responsibility for implementation to a specific someone, namely the

designated ethics officer. The ethics officer responsibilities are assigned to a designated person in the Risk Unit. Its roles and responsibility will be:

- a. Coordinating an ethics risk and opportunity assessment
- b. Ownership and awareness raising on preventive policies, such as code of Ethics, gift policy, declaration of interests and the fraud and corruption policy.
- c. Ensure that ethics training takes place.
- d. Giving ethics advice.
- e. Receiving reports.
- f. Forwarding allegations of misconduct to the responsible parties.
- g. Keeping a database of all incidents brought to their attention and compiling reports to council.

### **7.3 Administration of the Committee**

The Ethics Steering Committee is appointed by the Accounting Officer and will meet quarterly to monitor and report on Ethics, Irregularities and Fraud activities of the Municipality. The Chairperson of the Ethics Steering Committee is the Director of Corporate Services, while the Secretarial duties will remain in the Risk Unit. The Committee is made up of representative of from each Department in the municipality.

### **8. Policy Review**

This policy shall be reviewed as and when any deficiencies arises to reflect the current stance on ethics management.

Ms. P. Ungathle

Speaker