

EXPLANATORY MANUAL ON THE CODE OF CONDUCT FOR THE PUBLIC SERVICE

A PRACTICAL GUIDE TO ETHICAL DILEMMAS IN THE WORKPLACE



ISSUED BY: PUBLIC SERVICE COMMISSION
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VALUES AND PRINCIPLES

THE TOP TEN FOR PUBLIC SERVICE IN SOUTH AFRICA

The Constitution of South Africa (Chapter 10) requires that the Public Service be . . .

Governed by the **democratic** values and principles of the Constitution;

- maintaining and promoting a high standard of professional **ethics**;
- promoting efficient, economic and effective use of **resources**;
- orientated towards **development**;
- delivering **services** impartially, fairly, equitably and without bias;
- responding to people's needs and encouraging **public participation** in policy matters;
- **accountable** for its actions;
- **transparent** by providing the public with timely, accessible and accurate information;
- cultivating good human resource management and career development practices to maximize **human potential**;
- 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.

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1. FOREWORD

The Public Service Commission is mandated in terms of the Constitution, 1996, to promote and maintain a high standard of professional ethics throughout the public service. In 1997 the Code of Conduct for the Public Service was promulgated and was subsequently promoted through workshops with officials at both national and provincial level. It was also necessary to develop a practical guide on the Code of Conduct to generate a better understanding of its implications and application.

On behalf of the Public Service Commission, I am honoured to present to all the officials employed in the public service of South Africa this Explanatory Manual on the Code of Conduct for the Public Service. The Code of Conduct is an important pillar in the establishment of good governance and ethical conduct of public servants. It also raises such issues as respect for human rights, the rule of law, accountability, transparency in government, personal conduct and private interests.

The Public Service Commission appeals to all public servants, from the most junior to the most senior, to demonstrate a practical understanding of procedures, directions and instructions contained in the Code of Conduct. This is not only possible but mandatory if effective service delivery is to reach our citizens. It is crucial also that officials should as a rule reject, resist and refuse offers and gifts as these may be construed as bribes.

We wish to commend all managers and officials who are engaged in promoting the Code of Conduct for the Public Service. I urge you to keep up the good work and never give up the challenge of promoting an ethos of professionalism in the public service.

The Public Service Commission hopes this explanatory manual will be a useful guide in the promotion of honesty and integrity in the workplace and inspire even greater efforts from all of us to achieve a culture of zero tolerance of corruption in South Africa.

Finally, I would urge all public servants to ensure that their conduct conforms with the basic values and principles governing public administration and that they acquaint themselves with the Code of Conduct and this Explanatory Manual.

Prof. SS Sangweni

Chairperson: Public Service Commission

2. ACKNOWLEDGEMENTS

The process of developing this Explanatory Manual on the Code of Conduct for the Public Service could hardly have taken place without the dedication and support of a number of individuals and organizations who deserve special mention and recognition:

- National and Provincial departments have supported the development of the Explanatory Manual and subsequently provided valuable inputs for further improvements;
- The Office of the Public Protector contributed to the development of this document with critical inputs;
- Employee organizations and labour unions took part in numerous meetings and workshops and made valuable suggestions;
- The Staff of the Office of the Public Service Commission assisted in the process of researching and drafting the final document;
- Finally, we are grateful to the British Department for International Development for funding the printing of this Explanatory Manual on the Code of Conduct for the Public Service.

3. EXPLANATORY MANUAL ON THE CODE OF CONDUCT FOR THE PUBLIC SERVICE

3.1 INTRODUCTION

3.1.1. The purpose of this manual is to explain the contents of the Code of Conduct more fully. The phrasing of the official Code required brevity, precision and official terminology. This manual is aimed at making the Code more understandable to all public servants.

3.1.2. The manual does not introduce any new principles and follows the same structure and numbering of the principles as in the Code, to allow for easy comparison. When using this manual, departments should try to add examples of their own, related to their particular environment.

3.1.3. It should be emphasised that the development of this manual is a dynamic process and that it may require revision from time to time, like the Code itself.

3.2 TRAINING

3.2.1. In order to promote a high standard of professional ethics in the workplace, public servants should be encouraged to think and behave ethically. This manual should therefore serve as an aid in developing and presenting short training courses for all employees. This manual also contains many examples which illustrate ethical complexities in the work environment, which may serve as a basis for training and case studies.

3.2.2. As a companion to the Code, this manual can assist in maintaining public confidence in the integrity and impartiality of the public service by providing minimum expectations about acceptable behaviour and benchmarks for ethical practices.

3.3 RESPONSIBILITY OF THE EMPLOYER AND EMPLOYEES

3.3.1. It is an accepted fact that human beings learn by observation and experience. A special responsibility is therefore placed on the employer, namely the executing authorities (Ministers and MEC's) at the political level, and public service managers at all levels, to create an appropriate environment in which values are established and exemplary models are set for all employees.

3.3.2. Section 195(1) (a) of the Constitution requires that "a high standard of professional ethics must be promoted and maintained" in public

administration generally. In terms of the collective agreement (Public Service Co-ordinating Bargaining Council Resolution 2 of 1999) all the employees in the Public Service have the responsibility to comply with the prescribed Code of Conduct. As this forms the main basis on which proactive, corrective and even disciplinary action rests, the employer must do everything possible to ensure that the contents of the Code of Conduct are known to all employees.

3.3.3. It is important to reiterate that the primary purpose of the Code is a positive one, namely to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct in terms of the abovementioned Act, and may be dealt with in accordance with sections 18 to 27 as amended in the Public Service Laws Amendment Bill of 1997, if he or she contravenes any provision of the Code of Conduct.

4. GUIDELINES ON THE PROVISIONS OF THE CODE

4.1 RELATIONSHIP WITH THE LEGISLATURE AND THE EXECUTIVE

4.1.1 An employee is faithful to the Republic and honours the Constitution and abides thereby in the execution of his or her daily tasks.

Reference to “the Republic” should in general terms be interpreted as reference to “the country” — being South Africa. It is a fundamental requirement that all civil servants shall be faithful and loyal to their country.

The Constitution deals with specific aspects related to the rights and interests of all citizens. This stipulation of the Code in the first instance requires loyalty of public servants to the existing democratic order. Secondly, the supremacy of the Constitution must be accepted and honoured by all. Thirdly, every public servant should have a reasonable understanding of the contents and purpose of the Constitution as a mechanism to maintain and regulate the existing order.

Example 1: Public servants at different levels are involved to a greater or lesser extent in making proposals regarding policy. Any such proposals must be carefully checked to ensure that they will not be in conflict with the spirit and/or specific stipulations of the Constitution. Constitutional principles such as public participation and transparency in service delivery must also be pursued as far as possible in the process of establishing policy.

Example 2: Section 33(2) of the Constitution provides that everyone whose rights have been adversely affected by administrative actions has the right to be given written reasons. This means that, to abide by the Constitution, every public servant should ensure that administrative decisions and actions are based on sound reasons, so that

such reasons can be provided to anyone affected. Generally speaking, this means that all administrative actions must be able to stand the test of transparency.

4.1.2 An employee puts the public interest first in the execution of his or her duties.

This stipulation means that where decisions have to be made or discretion has to be exercised, due consideration should be given to putting the interests of the public first. The public servant's own interests or any other sectarian interest must always be placed subordinate to the public interest.

Example 1: An artisan working at a hospital is bound by his or her service contract to work from 8:00 to 16:30. No standing arrangement exists with regard to paid overtime. A thunderstorm has knocked out the main power supply to the hospital and the operating theatres are functioning on generator power. The generator is also giving problems and the artisan is instructed to do emergency maintenance on the generator at 16:00. It would be expected of the artisan to conclude the maintenance work even if it means having to work later than his or her contractual working hours.

Example 2: The majority of staff working at a regional office indicate their desire to take their annual leave during December. If the leave was granted, this would mean that the office would not be able to render proper services to the community. A compromise will have to be reached between management and the relevant employees, entailing that some of the officials will remain on duty to ensure continued service rendering.

4.1.3 An employee loyally executes the policies of the Government of the day in the performance of his or her official duties as contained in all statutory and other prescripts.

The Bill of Rights in the Constitution, *inter alia*, protects each citizen's political rights, which includes the right to associate with and belong to the political party of his or her choice. The election process will result in the political party drawing the majority vote taking office. This might mean that a specific public servant's personal preferences might not be reflected in the outcome of an election. It could also mean that the priorities, programme of action and policies adopted by the Government of the day may differ from the personal priorities of individual public servants. Public service employees are nevertheless required to serve the elected Government of the day in a dedicated, skillful and faithful manner in executing such policies.

Example 1: A public servant personally believes that primary health care should be the highest policy priority in the country and also supports a political party which shares this view. The Government of the day, however, adopts as its policy priorities the provision of housing and the combating of crime. The employee will be expected to accept the

Government's prioritisation. This does not, however, mean suppressing ideas or creativity.

Example 2: If the Government of the day is considering implementing a particular scheme and it is an employee's responsibility to advise how this scheme can best be implemented, the employee, despite possibly disagreeing with the scheme, is required to set aside his or her personal feelings and to objectively decide, by looking only at the various available options and the advantages and disadvantages of each option, on the best approach for the communities involved.

4.1.4 An employee strives to be familiar with and abides by all statutory and other instructions applicable to his or her conduct and duties.

In order to faithfully and efficiently serve the Government of the day, as well as the public, employees are required to know their job content, the policies in accordance with which their jobs have to be done and the procedures to be followed.

Supervisors are responsible for ensuring that employees are familiar with their job content. Employees are equally responsible for making an effort to become knowledgeable workers, able to perform efficiently and in accordance with the prescribed policies and procedures applicable in their work environment; in the best interests of the public and the communities they serve.

Example 1: Not being familiar with the public service financial prescripts, an official approves the purchasing of equipment without obtaining the required Treasury approval. Such an action would mean unauthorised expenditure and could give rise to costly and wasteful legal action and claims for damages.

Example 2: As a result of his or her own lack of knowledge, an employee misinforms someone applying for an old age pension about the qualifying requirements, the process to follow in applying, or the amount for which he or she will qualify. This could have serious consequences for that member of the community.

4.1.5 An employee co-operates with public institutions established under legislation and the Constitution in promoting the public interest.

A number of institutions have been created under the Constitution (Public Protector, Auditor-General, Public Service Commission, Commission for Gender Equality, etc.) and other institutions have been created by legislation (tender boards, commissions of enquiry, etc). These institutions serve as checks and balances to ensure sound administration. Public servants should therefore not regard these institutions negatively, but should assist them to perform their roles by, for example, providing any information and explanations they might require.

Example 1: If the Office of the Public Protector is requested to investigate a complaint by a member of the public against any Government department, it would expect the co-operation of employees in that department in providing whatever information is required.

Example 2: If the Auditor-General finds irregularities in the financial administration of a department, the relevant departmental officials should not regard the findings negatively. They should understand and appreciate the Auditor-General's role and co-operate fully with the Auditor-General's Office to clear up the problems.

4.2 RELATIONSHIP WITH THE PUBLIC

4.2.1 An employee promotes the unity and well-being of the South African nation in performing his or her official duties.

The preamble to the Constitution states that the adoption of the Constitution is intended to —

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- lay the foundations of a democratic and open society in which Government is based on the will of the people and every citizen is equally protected by law;
- improve the quality of life of all citizens and free the potential of each person; and
- build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

In order to realise and maintain the high ideals set by the Constitution, purposeful and determined efforts are required from all citizens. Public servants are inevitably seen to be part of "Government", so this is even more important in their case.

Example 1: A good team spirit, good interpersonal relationships and a generally pleasant, helpful and professional atmosphere amongst a group of employees from different population groups who are working directly with the public, will set an example for the community at large. A good example would be in an office where identity documents or passports are issued.

Example 2: An employee should try to enrol for a course to learn one of the other official languages used in the area. He or she should also encourage interpretation into other official languages at meetings where this is required.

4.2.2 An employee will serve the public in an unbiased and impartial manner in order to create confidence in the public service.

The public service serves the total community, and the public expects to be treated equally, efficiently, professionally and in a friendly manner. Employees are therefore required to live up to this expectation by treating those with whom they work and those

they serve equally, in a manner that will not only create trust in the public service, but will also establish an appreciation for the quality and efficiency of services rendered.

Example 1: An employee occupies a position in a department where applications from the public for certain services are considered. The employee's neighbour is aware of the fact that he or she can influence the process and approaches him or her with the request to assist in speeding up an application. The employee will have to consider this situation very carefully, as any action taken to assist the neighbour could be seen to favour the neighbour over other applicants.

Example 2: An employee should request his or her clients/consumers to stand in a queue, so that each will be attended to when his or her turn comes, without favouring anyone or being perceived to be doing so.

4.2.3 An employee is polite, helpful and reasonably accessible in his or her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service.

It is important for employees to realise that, by joining the public service, they have committed themselves to serving the community at large.

The public expects to be served, and requires employees to be available and to help them in a friendly and efficient manner.

Example 1: An employee receives a telephone call from a member of the public but it is clear that the person's enquiry should be dealt with by another section or department. The employee simply tells the person that he or she must try elsewhere. This could have the result that the member of the public is referred to a number of different people without being assisted. This is not being helpful and it creates a negative image of the public service. The employee should offer to find out who the right person or department is and to phone the person back.

Example 2: When providing a counter service a specific employee has no one queuing at his or her counter while a colleague has people waiting to be served. The employee should help his or her colleague and the public by calling the people to his or her own counter, provided of course that he or she has thorough knowledge of the work content of the relevant service.

Example 3: If a member of the public approaches an official for an appointment, for instance to obtain information on the qualifying requirements to be eligible for State housing, the official must try and accommodate the person in his or her schedule as soon as possible. This will not only demonstrate accessibility, but also a willingness to be of service.

4.2.4 An employee has regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them.

Although the needs and/or concerns of members of the public might, in the eyes of employees, not seem to be as serious as the members of the public think, employees must calmly and efficiently provide help, information or even guidance to bring about solutions to their problems.

Concerns expressed by individuals or groups must be taken into account. Following a consultative and transparent process in these issues can contribute considerably to accommodating the circumstances and concerns of the public.

Example 1: A primary health care clinic is being planned for a rural community but there is also the alternative of providing a mobile unit. The community should be consulted to determine their preference. This would ensure a sound decision and also involve the community at an early stage.

Example 2: A public servant is responsible for processing applications for housing subsidies for members of a disadvantaged community living in a squatter camp. If the applications are not dealt with quickly and efficiently, it could mean that a whole housing project is delayed and that people have to live under poor conditions for longer than would have been necessary if a speedier service had been provided.

4.2.5 An employee is committed through timely service to the development and upliftment of all South Africans.

The Government of the day has clearly stated its intention to focus on the upliftment of communities which had been disadvantaged in the past, as set out in its Reconstruction and Development Programme. This has to be carried out by all departments through their line functions.

South Africa is a developing country and a large part of its population is, for various reasons, uninformed about their rights and obligations, the services they are entitled to, the procedures to follow and whom to approach in this regard. Since the public service is in the service of all its people, employees owe it to those members of the public who are uninformed, to provide them with all the information, guidance and help they might require. This should be done kindly and efficiently, even if it only means referring them in a friendly manner to another institution or another building.

Example 1: Employees must take part in the development or upliftment programmes made available by their departments. They must be dedicated to their tasks and ensure that such programmes are executed in the most effective and efficient manner and within the time-frames which have been set.

Example 2: When dealing with members of the public in a health care situation, employees should use the opportunity to provide a total advisory service if they suspect that their knowledge of preventative primary health care is inadequate. Where employees cannot provide all the necessary assistance themselves, they should at least refer the individual to the right colleagues to be properly counselled or guided.

4.2.6 An employee does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language.

As has already been stated, the public service serves all individuals and communities, irrespective of who they are in South Africa. Each member of the public has the constitutional right to be treated with dignity. Employees are therefore required to treat all members of the public equally, with friendliness and efficiency, making them feel that they are receiving the kind of service that they are entitled to.

Example 1: An employee may suspect that a member of the public requiring to be served is, for instance, gay. Even though this might be totally unacceptable from the employee's personal point of view, he or she is nevertheless expected to provide the same level of professional service that would be rendered to any other member of the public.

Example 2: A number of people are waiting in a queue and an influential member of the community comes in and expects to be served immediately. If the employee providing the service allows the person to jump the queue, it means that he or she is discriminating against the other people waiting to be served.

4.2.7 An employee does not abuse his or her position in the public service to promote or prejudice the interest of any political party or interest group.

Since the public service serves the entire community, which consists of various interest groups, political parties and people with different beliefs, etc., it follows that public service employees must not be involved in any matters which could be seen as favouring one group over another.

As far as the public service is concerned, all its clients must be served equally in accordance with the policies of the Government of the day. An employee must therefore clearly understand the difference between his or her responsibilities towards the Government of the day and becoming directly involved in party political issues.

Example 1: An employee belongs to a certain cultural society which has to compete for State grants on an annual basis. The employee occupies a senior post in the department which has to evaluate, process and submit motivated proposals to the

relevant Minister. Such an employee may neither use his or her position to favour the application of the society of which he or she is a member in any way, nor may he or she prejudice applications from other societies. Such an employee should declare his/her interests to his/her supervisor to prevent a possible or perceived conflict of interest.

Example 2: Employees are expected to actively support their respective Ministers/MEC's in preparing documents, etc. which will be used for official purposes, such as debates on draft legislation. Employees may, however, not become involved in preparing and drawing up documents to be used by a Minister or MEC for party political purposes.

4.2.8 An employee respects and protects every person's dignity and his or her rights as contained in the Constitution.

Employees must behave in a respectful manner towards all their colleagues and the public, irrespective of who they are, how they look, what their status is, etc. Employees' behaviour towards others should always be friendly, helpful and efficient.

Example 1: If employees providing a counter service are approached by a member of the public who is highly intoxicated and noisy, they should treat the person in the same way as they would treat others, by calmly and correctly assisting him or her. It is important to remember that the public will be observing the situation carefully and that employees can improve the image of the public service by handling it in a professional manner. If the situation does get out of hand and employees find it difficult to manage, they should not react emotionally, but should simply take the person to their supervisor, who can deal with him or her in private.

Example 2: People are driven by financial need to apply for welfare benefits. Officials responsible for assisting them with the necessary application forms must be sensitive towards their circumstances and serve them with the necessary empathy.

4.2.9 An employee recognises the public's right of access to information, excluding information that is specifically protected by law.

The Constitution provides for two dimensions in respect of access to information. The first is the promotion of transparency, which will allow every citizen reasonable access to all information that is in the public interest. This will allow them to participate actively in establishing the kind of policies that they would like to see implemented. Secondly, the provisions also intend to enable citizens to protect certain of their basic rights as provided for in the Bill of Rights. They can request written reasons for any administrative action that might adversely affect them. Furthermore, they may also request any information for the exercise of protecting their rights.

As every public servant is aware, the determination of which information is of public interest is a complex issue. Certain information is regarded as protected information to be managed by departments in terms of the Guidelines on Minimum Information Security Standards as issued by the National Intelligence Agency. The Open Democracy Bill also intends to establish a suitable framework within which the matter will have to be managed by departments. This is further complicated by the fact that the Labour Relations Act of 1995 also provides for specific mechanisms to afford public servants access to information held by the State as employer in order to protect certain labour rights of employees.

The crux of the matter can be summarised as follows:

- Employees must at all times *recognise* the right of the public to have access to information.
- Every department must establish appropriate policy which is in line with relevant national legislation to regulate this matter within their respective organisations.
- Employees must be aware of statutes and policy regulating this matter within their departments.
- The reasons for and process followed which resulted in an administrative action must be properly recorded in order that the information will be available if requested.
- If information requested by a member of the public cannot be made available, acceptable reasons for such a decision must be provided to that member of the public.

Example 1: Providing the public with timely information is of crucial importance. Should a member of the public who has requested information on the availability of bursaries only be provided with such information after the closing date for registration for a specific academic year, the purpose of providing such information will have been defeated.

Example 2: Accessibility of information also implies that information must be maintained and updated regularly. Should a member of Parliament request certain information for a pending debate in Parliament, the inability of a department to provide accurate and up to date information on time could harm the democratic process.

Example 3: Making available information which is not accurate can also be very problematic. Members of the public may, for example, enquire about the implementation of a new scheme for which some of the details have not yet been approved by the applicable authority. An employee who does not know this, but is aware of the preliminary details of the scheme might provide the public with unofficial information. The public service could be embarrassed if changes are made to the scheme and it is eventually implemented in a different manner to what the public expected.

4.3 RELATIONSHIPS AMONG EMPLOYEES

4.3.1 An employee co-operates fully with other employees to advance the public interest.

It is important that all employees realise that they work towards a common goal, namely to serve the Government of the day and the community/public as efficiently and as faithfully possible. Employees must therefore make a special effort to co-operate with one another. By helping and supporting one another and by sharing knowledge, ideas and even resources (where appropriate), employees will be enabled to function more efficiently and in the best interest of the Government and the community. Example 1:

It is important to be aware of the overall mission or goal of the public service and to understand that each small part effectively played, contributes to bringing about the common good. An employee should therefore be receptive to ideas and suggestions by colleagues from other components. There is no room for jealousy or the “get off my territory” syndrome in the public service.

Example 2: If an employee realises that a particular public need can be effectively met only if his or her office co-operates with another office, the employee should go out of his or her way to enquire about such co-operation, even if the officials working in the other office are not co-operative at first.

Example 3: An official is approached by another department to serve on a selection panel. The employee must render assistance as requested if at all possible. He or she must, however, take into consideration the work demands in his or her own department and obtain approval from his or her supervisor.

4.3.2 An employee executes all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law.

It is important that employees should carry out all reasonable instructions, in order to ensure that services are rendered to the community in a well-structured and orderly manner. Large organisations such as public service departments can only function effectively if there are proper lines of authority which are respected by subordinates. If all legal instructions are carried out timeously and efficiently the organisation as a whole will function well.

Example 1: An employee receives an instruction from an administrative or political superior to do something that is not allowed by the prescripts that govern the public service. The employee must know what the rules are and in such a case must point out the illegality of the proposed action to his or her superior. If the latter still persists, the employee must request the instruction in writing, note his or her objection and report the matter to an appropriate authority.

Example 2: If an employee is instructed by a superior to place an order for the purchase of equipment where the proper tender procedures have not been followed, the employee may ask that the matter be referred to the accounting officer for a decision.

4.3.3 An employee refrains from favouring relatives and friends in work-related activities and never abuses his or her authority or influences another employee, nor is influenced to abuse his or her authority.

The public service is required to appoint, promote and reward personnel who, irrespective of their political opinion or affiliation, family ties or position in the community, have the abilities to render a service. The following practices are unacceptable:

- (a) Favouritism — this means that certain singled out employees are appointed, promoted, transferred, or given generous treatment based on subjective considerations such as friendship, returning a favour, etc.
- (b) Nepotism — this implies that an employee is appointed, promoted, transferred, or given some or other advantage purely based on the fact that he or she has family or other ties with the person in a position to authorise such actions or to manipulate/influence the system.

Example 1: Two employees (A and B) join the staff of the public service. They are given the same rank, are good friends and share the same office. Employee B is promoted to become Mr A's supervisor. Consequently, he is in a position to assign "special" tasks to Mr A, so that he will be able to show more noteworthy incidents for his merit rating than his colleagues. When the time comes for Mr A's merit assessment, which is presented by Mr B with enthusiasm and favouritism, he receives a merit award, although he does not necessarily deserve it.

Example 2: An employee participates in the process of selecting a person for appointment to a post in the public service. The employee gives preference to a person because he or she is a friend, a member of the political party to which the employee belongs or a member of a particular ethnic group. This is nepotism, which is contrary to the intent of the Constitution and the interests of the State.

Example 3: There are many ways in which an employee in a senior position can abuse his or her position. For example, the employees controlling entry into the parking area have clear instructions that the parking space is only for senior officials and official visitors. However, the head of the office overrides these instructions and allows his or her spouse to park in the facility from time to time. Such an action causes employees to lose respect for rules and for senior officials and is detrimental to the efficient functioning of the organisation.

4.3.4 An employee uses the appropriate channels to air his or her grievances or to direct representations.

Although it is accepted that grievances and disputes may, from time to time, develop within the public service work environment, it is to the benefit of both the aggrieved and the employer (and the public) that such grievances and disputes be resolved between the parties concerned as soon as possible. It is for this very reason that specific grievance and dispute resolution procedures are made available to be utilised by all employees. Whenever a grievance or dispute may develop it is, however, important to keep the following in mind:

- (a) A grievance or dispute can only be resolved effectively if the parties to the grievance/dispute actively and personally engage in discussion/ conciliation.
- (b) In the case of any grievance/dispute an employee may utilise the following channels:
 - (i) The grievance procedure (refer to section 35 of the Public Service Act, 1994 read with Rules for dealing with complaints and grievances of officials in the Public Service, Regulation no. 6575, dated 1 July 1999) in terms of which any employee may bring a grievance/dispute to the attention of the immediate supervisor who must refer it to higher levels of authority if the supervisor cannot succeed in resolving the grievance/dispute.

Example 1: A supervisor negatively reports on an employee's performance during personnel assessment without giving the person proper opportunity to state his or her side of the case. This is contrary to generally applicable labour relations principles. The public service supervisor must realise that the public service must set an example regarding compliance with the letter and spirit of the laws of the land, and always ensure that he/she acts in a fair and just manner.

- (ii) The conciliation board procedure (in accordance with Item 15(l) of Schedule 7 of the Labour Relations Act, 1995) in terms of which any employee may bring the dispute (an unfair labour practice) to the attention of the head of department who must establish a conciliation board and refer the dispute to this board if the head of department does not succeed in resolving the dispute.

Example 2: A messenger who is unhappy about the fact that he or she is apparently being discharged unfairly, may bring the matter to the attention of the head of department, who should look into the matter and see to it that the dispute is resolved. If the head of department does not succeed in resolving the dispute within 20 days, the aggrieved messenger may request the head of department to establish a conciliation board within 10 days, which should then attempt to resolve the dispute. If the conciliation board fails to resolve the dispute, the aggrieved messenger may then approach the Labour Court for relief.

- (iii) Where a grievance/dispute is related to maladministration and prejudicial actions by the State as employer, the grievance/dispute may also be referred to the Public Protector.

Example 3: A messenger who becomes aware of questionable practices applied in his or her working environment, may bring this to the attention of his or her supervisor or the head of department. If not satisfied with the response of either the supervisor or the head of department, the aggrieved messenger may refer the matter to the Public Protector. Under certain circumstances, the messenger may prefer to approach the Public Protector directly.

4.3.5 An employee is committed to the optimal development, motivation and utilisation of his or her staff and the promotion of sound labour and interpersonal relations.

In order to achieve the overall objective of the public service, which is to render excellent services to the public, all supervisors/managers in the public service are obliged to see that the personnel under their control have the knowledge and skills to perform their tasks at the required level, are motivated to render such services and are willing and able to promote sound relations. In striving to achieve this, a supervisor should keep the following in mind:

- (a) Development of personnel implies that an employee in a supervisory/managerial capacity should —
 - (i) understand what the development of personnel entails;
 - (ii) continually assess the developmental needs of personnel;
 - (iii) introduce a developmental plan;
 - (iv) see to it that the plan is followed; and
 - (v) constantly monitor the progress of such a plan.

Example 1: A supervisor must, in consultation with a newly appointed employee, identify his or her in-service training needs. The identified training needs should then be taken up in a training programme which is in line with his or her duty sheets and procedure manuals. A training schedule should also be compiled so as to map the development progress of the newly appointed employee.

- (b) Motivation of staff implies that an employee in a supervisory/managerial capacity should —
 - (i) understand what the motivation of personnel entails;
 - (ii) assess the level of motivation of personnel;
 - (iii) introduce measures to enhance the level of motivation of personnel if necessary; and
 - (iv) constantly monitor the level of motivation of personnel.
- (c) Utilisation of staff implies that an employee in a supervisory/managerial capacity should —
 - (i) understand what the utilisation of personnel entails;

- (ii) assess the extent to which personnel are utilised;
- (iii) introduce measures to provide for the optimal utilisation of personnel; and
- (iv) constantly monitor the utilisation of personnel.

Example 2: Supervisors/managers should constantly monitor the workload and level of functioning of their personnel in order to ensure that all personnel are utilised optimally. This will avoid a situation where some employees have too much work while others have too little to do. Personnel should also be encouraged to acquaint themselves with tasks which are not normally part of their duties as well as more advanced duties, so that they can grow as workers to be ready for possible utilisation at higher levels when the time comes.

(d) The promotion of sound labour and interpersonal relations implies that an employee in a supervisory/managerial capacity should —

- (i) understand what sound labour and interpersonal relations entail;
- (ii) assess the soundness of labour and interpersonal relations among personnel;
- (iii) introduce measures, if necessary, to improve labour and interpersonal relations; and
- (iv) constantly monitor the soundness of labour and interpersonal relations among personnel.

Example 3: Supervisors/managers should monitor the team spirit in their components and immediately intervene if their personnel seem to be negative or constantly arguing with one another.

4.3.6 An employee deals fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language.

The Constitution, employment and labour legislation, as well as Common Law, provide employees in the public service with a fundamental right to be treated fairly and equitably. If that right is affected in any way, employees may utilise the dispute resolution mechanisms provided for in the Public Service Act, 1994, Public Service Regulations and the Labour Relations Act, 1995, or may approach either the Constitutional Court, the Supreme Court or the Public Protector for relief, depending on the circumstances. It is therefore important that supervisors/managers in the public service should know what fair and equitable treatment means.

(a) To deal fairly with other employees implies that an employee should —

- (i) always respect the established rights (in terms of Common Law, the Constitution, Labour Law and any other law that may apply) of other employees;
- (ii) always grant other employees the opportunity to state their side of a case;
- (iii) always allow other employees representation if requested; and
- (iv) always be willing to discuss/consult/negotiate openly.

Example 1: When an employee is, for instance, charged with misconduct, he or she should be treated procedurally, as well as substantively fairly.

Procedural fairness implies that a specific disciplinary procedure should be followed whereby an employee should — be informed timeously about any charge against him or her;

- be granted the opportunity to state his or her case in a hearing;
- have the right to be represented;
- have access to all relevant information;
- have the right to cross question witnesses; and
- have the right to appeal.

Substantive fairness implies that all the facts on the table should be taken into consideration as objectively as possible before a decision is made.

(b) To deal professionally with other employees implies that an employee should —

- (i) have sufficient knowledge about the subject;
- (ii) respond quickly to instructions/requests;
- (iii) apply his or her mind fully to the relevant issues;
- (iv) participate actively in a teamwork situation in order to deliver services/solve problems;
- (v) respect the rights of other employees; and
- (vi) also consider the interests of others involved.

(c) To deal equitably with other employees implies that an employee should —

- (i) not unfairly discriminate directly or indirectly against other employees on any grounds;
- (ii) treat other employees as equals at all times; and
- (iii) be totally objective and apply the same criteria in taking decisions that affect others.

Example 2: A supervisor gives time-off to members of his or her own religious group but refuses to grant time off to members of other religious groups. This is discriminatory. All religious groups should be treated in the same way.

4.3.7 An employee refrains from party political activities in the workplace.

In terms of the Constitution, the public service has to be apolitical in the service it renders to the community. This means that public service employees are required to render services to all the citizens of the country and may not be selective. The public service and its employees stand in the service of the country as a whole and may not, in their functioning, advance the interests of any particular political party.

Example 1: A person who wears a T-shirt with party political slogans while rendering direct services to the public in issuing identity documents may be accused of politically motivated discriminatory practices if he or she is unable to provide an identity document within a specific time, even if the reason for the delay is beyond his or her control.

Furthermore, a member of the public might be offended by being served by someone promoting a specific political party in a public institution.

Example 2: An employee who allows members of certain political parties access to information to which the public is entitled, but denies members of another political party access to the same information, has failed to render services to all the people of South Africa, irrespective of political affiliation.

4.4 PERFORMANCE OF DUTIES

4.4.1 An employee strives to achieve the objectives of his or her institution cost-effectively and in the public's interest.

In their day-to-day functioning, employees should continually ask themselves whether what they are doing really contributes to delivering the services or results for which their organisational component is responsible. This, of course, requires all employees to have a thorough knowledge of the goals and objectives of their components and the institution and, importantly, also their specific duties within the component.

Supervisors/managers at all levels should also continually ask themselves whether the functions their components are performing really contribute to delivering the services for which their institution is responsible.

Both employees and supervisors/managers should also guard against duplicating work that should actually be performed by another institution.

Example 1: An employee plays computer games on an office computer during working hours. This undermines the spirit of dedication and steals time (and therefore money) from the employer. If a person does not have enough work to do he or she must tell his or her supervisor so that he or she can be used more effectively in achieving the organisation's goals.

Example 2: A budget programme manager or responsibility manager must be careful to use the public funds entrusted to him or her to achieve the objective of the programme. This requires proper planning and the avoidance of *ad hoc* or spur of the moment decisions.

4.4.2 An employee is creative in thought and in the execution of his or her duties, seeks innovative ways to solve problems and enhances effectiveness and efficiency within the context of the law.

Employees should be fully involved in performing their duties. They should apply their minds constantly and seek to do their work quicker and better in order to deliver better results and or services. During the course of a normal workday, numerous problems

occur in the work situation. Employees should continually seek to overcome these problems in the quickest and best possible manner and should also seek in a creative and imaginative manner to prevent the problems from occurring again.

Example 1: If an employee working in a component that has to issue certificates becomes aware that the public is dissatisfied with the procedures followed and the time it takes to issue the certificates, he or she should consider ways in which the service could be rendered more quickly and efficiently, and advise his or her supervisor accordingly.

Example 2: If an employee who works in an office that serves the public notices that people are having difficulty finding parking or have to stand in queues for a long time, he or she should think of ways of solving the problem. The service point could possibly be moved to a place which is more convenient and accessible for the public, or more than one service point could be created.

4.4.3 An employee is punctual in the execution of his or her duties.

Employees should realise that their official responsibilities are very important and that the carrying out of their duties should receive their undivided attention, time and energy. Employees should especially make an effort to see to it that their duties are finalised by the time/deadlines required.

Employees should furthermore strive to be self-motivated and self-directed, faithfully doing their work in accordance with the laid down policies and procedures without someone else having to request/remind them to do so.

Example 1: An employee turns up at work late and tired as a result of staying up late at a party the previous evening and is not able to do his or her work properly. He or she is guilty of being irresponsible and wasting public money.

Example 2: If an employee has to complete an urgent assignment by a deadline, he or she must work in such a way that he or she will not miss the deadline. This may require him or her to work during tea and lunch time and after hours, or having to request the assistance of colleagues if the task is too big for one person to deal with in the required time.

4.4.4 An employee executes his or her duties in a professional and competent manner.

Employees should continually ask themselves whether they are truly satisfied with their work and whether they would be satisfied if they were in the shoes of the people receiving their end-product or service. Employees should also constantly ask themselves whether they are treating others (colleagues, supervisors and the public) in

a manner that respects their human dignity and legitimate rights and whether they are displaying a knowledgeable, pleasant, helpful and efficient attitude. Their ability to render services in a professional and competent manner will also depend on their level of knowledge of the duties to be performed, which again emphasises the responsibility of both employer and employees to attend to training.

Example 1: Sometimes an employee rendering a counter service has to deal with a person who appears to have difficulty understanding why certain things have to be done in a certain way. The employee should not react emotionally, but must calmly explain the reasons. If the person is still unhappy, the employee could propose that the individual puts his or her complaint in writing and provide him or her with the address to which to send the complaint.

Example 2: If an employee is responsible for answering written enquiries from the public, he or she should make sure that all enquiries are responded to promptly and that the answers are factually correct and politely and correctly formulated. In cases where it is not possible to reply immediately, the employee should at least promptly acknowledge receipt of the enquiry.

Example 3: A newly recruited employee is placed on a counter service without direct supervision and before appropriate training has taken place. Although it could be argued that the relevant employee should learn the duties “on the job”, sight must not be lost of the harm that such a practice could cause the image of the employer if the employee acts incorrectly or customers experience unacceptable time delays.

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

In order to bring about and maintain trust in the public service, all employees are expected to serve in a loyal and dedicated manner. This requires employees not to get involved, either on or off duty, in matters or activities that could:

- (a) be regarded as being fraud or theft;
- (b) interfere with the carrying out of their duties;
- (c) influence the way in which they do their work;
- (d) influence their objectivity in making decisions;
- (e) create embarrassment for the State as employer; or
- (f) be perceived to potentially prejudice or favour certain parties.

Employees’ behaviour on and off duty should be such that the Government of the day and members of the public will trust them to loyally do their work, with the only objective being the best interests of the community.

Example 1: An employee working with tax assessments may not, extramurally or during official hours and for extra remuneration, or as a favour, assist members of the public to evade tax.

Example 2: An employee may not serve on the board of an organisation/business with which his or her department does business.

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

Whenever employees feel that they cannot remain objective in performing their work or making a decision, or when other people might have reason to believe that they are not able to remain objective because of some kind of external involvement, they must immediately withdraw from such activities in order to protect the fair, honest and trustworthy image of the public service.

Example 1: If an employee serves on a selection panel responsible for the filling of a vacant post and he or she discovers that one of his or her family members has applied for the post and has been short-listed, such an employee should excuse himself or herself from the proceedings since he or she will not be regarded as being able to remain objective. The employee should also declare this in writing.

Example 2: If an employee is involved in the purchasing of land for a Government project and some of the land belongs to one of his or her relatives, the employee should point this out to his or her superiors and excuse himself or herself from dealing with that particular transaction.

4.4.7 An employee accepts the responsibility to avail himself or herself of on-going training and self-development throughout his or her career.

It is a particular responsibility of managers and supervisors to see that their subordinates receive ongoing training to ensure that they can perform their duties independently and to equip them for their future career advancement. However, each employee has a personal responsibility to take the necessary steps to ensure that he or she —

(a) has full knowledge and understanding of what is expected of him or her as a public service employee;

(b) has full knowledge and understanding of how to carry out his or her duties; and

(c) enhances his or her knowledge and skills for purposes of possible future utilisation in higher positions.

Example 1: If a new appointee is unsure of how to perform any of his or her duties, he or she should consult the prescripts regulating the relevant duties and should ask either his or her colleagues or supervisor, or both, for assistance .

Example 2: Employees who have served the public service for years may show under-preparedness in certain areas of their work. It would be beneficial for them to use any opportunity for further training, for example, completing a module related to their work needs, or enrolling for further academic studies.

4.4.8 An employee is honest and accountable in dealing with public funds and uses the public service's property and other resources effectively, efficiently, and only for authorised official purposes.

The general public trusts public servants with the assets, property and funds of the State, expecting employees to handle these in a responsible and honest manner. Employees are also expected to bring about savings for the taxpayer in the way that they handle public property and funds. It is important that employees realise that the lower the State's expenses can be kept, the more and better quality services can be rendered to the country within the limits of the available resources.

Example 1: If an employee has access to a fax machine, he or she should not send and receive private faxes under the pretence that they are official. If the employee wishes to send a private fax, he or she must obtain approval to do so and must also pay for the use of the machine.

Example 2: An employee uses State property (cars, machines, furniture, etc), negligently or recklessly and causes damage. This means that public money is wasted and that a lower level of services can be rendered, which is not in the public interest.

Example 3: An employee uses State property (anything from paper and pencils to cars) for his or her private purposes. This is not in the interest of the public because the person is not only stealing from the State and the taxpayer, but also making the public lose respect for the public service.

4.4.9 An employee promotes sound, efficient, effective, transparent and accountable administration.

The promotion of sound, efficient, transparent and accountable administration implies that every citizen should have equal access to efficient, helpful and friendly service, irrespective of his or her status, gender, race, etc.

In rendering sound, efficient and accountable administrative services, the basic values and principles of the Constitution must always be kept in mind. Employees must at all

times try to complete their tasks without delay, and should also continually strive to do quality work, no matter how unimportant a task may seem.

Example 1: If an employee is given an instruction to make photocopies of documents that are to be attached to letters going out to various other institutions, such copies should be neat and clear, as this will add to the image of the institution.

Example 2: An employee who is responsible for managing Government owned transport must ensure that log books for all vehicles allocated to his or her division/section have been submitted in time and all kilometres travelled have been properly recorded.

Example 3: All official transactions must be properly recorded so that the procedure followed and considerations taken into account will be clear if an enquiry or dispute should arise. This will enhance transparency.

4.4.10 An employee in the course of his or her official duties, shall report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence, or which is prejudicial to the public interest.

Corruption refers to widespread moral deterioration especially bribery or fraud. It often goes hand in hand with other criminal practices, for example influence peddling, drug trafficking, ghost workers, fraud and organised crime which may threaten a legitimate economy. Firstly, it is a factor of social disintegration and is extremely harmful to any community. It is always underpinned by a “get rich quick” social ethos. Secondly, it undermines the legitimacy of a political system by destroying trust and confidence, for when an administration loses its credibility a climate for instability and lawlessness is created. Thirdly, it frustrates the economic system. It does this by acting as a disincentive to investment, whether by foreign or local entrepreneurs. Corruption eats away at the very fabric of public trust and confidence in our democracy. We need to nip it in the bud.

It is the duty of all employees to report any illegal actions, dishonest behaviour or corrupt practices to their supervisors or a relevant authority as soon as they become aware of them. Corrupt practices are often fed by lack of work ethic, absence of public accountability and responsibility, as well as by nepotism.

Example 1: An employee who is responsible for transporting employees regularly with a Government minibus might be allowed, for practical reasons, to drive himself or herself home and park the minibus at his or her premises. His or her colleagues notice that the employee is utilising the minibus as a taxi in order to earn extra money. They must immediately report this to the employee’s supervisor. If appropriate steps are not taken, the matter can be reported to the Public Protector.

Example 2: If an employee in the Department of Transport responsible for issuing traffic fines to road offenders is offered money by a driver as a bribe, he or she must report the person offering the bribe for possible prosecution. If an employee accepts any bribe, he or she is guilty of corruption.

Example 3: An employee is not involved in corrupt practices, but is aware of colleagues who are. If the employee keeps quiet and does not report the malpractice, he or she is evading collective responsibility for the integrity of the public service. In such a case, he or she becomes an accessory to corruption.

4.4.11 An employee gives honest and impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind.

Whenever employees are asked to give advice to any higher authority on a particular matter, it should be given on the basis of professional integrity in terms of work ethic. This advice should not be influenced by personal likes, dislikes or preferences.

Example: An employee who deals with a grievance of a fellow colleague to whom he or she is sympathetic must not withhold facts from management in order to put the grievance of his or her colleague in a better light. The withholding of relevant information in this case might be detrimental to a department/administration.

4.4.12 An employee honours the confidentiality of matters, documents and discussions, classified or implied as being confidential or secret.

Transparency means, *inter alia*, that everyone has the right of access to information held by the State if such information is required to protect certain rights of the individual. There may, however, be information that is classified as confidential. In such a case it is the duty of an employee to honour confidentiality, as disclosure may be detrimental to the State.

Example 1: It would be wrong for an employee to supply the media with confidential information, such as Cabinet memoranda or a draft policy formulation of the Government of the day.

Example 2: Information that is kept on the personal records of employees is regarded as confidential and must at all times be treated as such. This information may, for instance, not be supplied to insurance companies or any outside party unless an acceptable reason exists for doing so and it has been appropriately authorised.

Example 3: Electronic Communication

Sensitive and confidential information should only be faxed in the absence of more secure transmission possibilities. Such a fax must be authorised by the source and the

recipient beforehand, information classified as highly confidential and top secret may never be sent through a public network, unless safeguard measures are taken. In all instances information must be safeguarded with a lock in whatever way or form it might exist.

ACCESS CONTROL: Various categories of information should be accessible to respective and intended users. An access control check list should be maintained. Rights to access should consider business continuity. Passwords shall not be shared with any other person for any other reason. Remote access should be controlled through relevant safeguards through robust identification, authentication and encryption techniques. Access to third parties is only allowed in incidences where there is little or no risk associated.

E-MAIL AND WWW: Must be used for business purposes and not for malicious and illegal purposes. Transmission of sensitive information should be accompanied by relevant encryption and advanced electronic signature. A virus free environment needs to be maintained, suspicious mail should not be opened. Guard against copyright infringements, verify information and acknowledge sources. Inappropriate material must be filtered.

SECURING DATA: Confidential information should always be transmitted in encrypted form. Enforcement measures for security bridges should be priority set and communicated to all personnel. Privacy and confidentiality should be maintained at all times. The integrity with which third parties will treat data received has to be established prior to information dissemination. Information security should not be confined to passwords alone, other complementary application e.g. bio-metrics should be explored. Only authorised personnel should speak to the media. Such conversations should be properly planned and comply with the broader framework. Addresses, and fax numbers are to be confirmed prior to dispatch.

COMBATING CYBERCRIME: High security levels are to be maintained for networks. A risk assessment should be conducted periodically to inform how attacks can be minimised. Quick restoration capabilities must be ensured. Evidence should not be dismissed on the basis of being in electronic format. Cybercrime is punishable by law as per the Electronic Communications and Transactions Act, the Interception and Monitoring Act and other sources of criminal law. Staff awareness and vigilance should be maintained.

4.5 PERSONAL CONDUCT AND PRIVATE INTERESTS

4.5.1 An employee during official duties, dresses and behaves in a manner that enhances the reputation of the public service.

The Government and the community expect a high level of professionalism from public servants. Professionalism here means punctuality, initiative, dedication, skill and quality in providing service. Dress should at all times be neat, decent and respectable. Employees, especially those who deal directly with the public, should take care not to dress too informally or to look untidy.

Example 1: Employees, especially those who serve the public directly, should not, for instance, work in a torn shirt and jeans with holes in them.

Example 2: No public servant should come to work looking untidy. If, for example, an employee working at an international point of entry into the country comes to work unshaven and smelling of liquor, he or she will be creating a negative image of South Africa, which will be to the detriment of the country.

4.5.2 An employee acts responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned.

Employees should never be under the influence of alcohol or any other intoxicants while on duty. Apart from the embarrassment it might cause, this could adversely influence their rendering of services and interaction with other employees and the public.

The morale of employees and a good team spirit are important in the functioning of an organisation. Employees must not disgrace themselves in the eyes of their colleagues by abusing intoxicating substances during official functions.

Even if an employee is off duty, he or she still remains a public servant and should always act responsibly so as not to embarrass the public service.

Example 1: A supervisor who over-indulges during an office party and becomes intoxicated will disgrace himself or herself in the eyes of his or her seniors, colleagues and subordinates. This could have a negative effect on the efficient functioning of his or her component.

Example 2: If an employee, particularly one who has to serve the public, arrives at work smelling of liquor (or, worse still, under the influence) he or she is at the very least guilty of bad manners, and his or her behaviour will damage the overall image and effectiveness of the public service. It is also important to understand that behaviour of this kind is regarded as misconduct and that the employee is liable to be charged as such in these circumstances.

4.5.3 An employee shall not, without prior written approval of the Head of Department obtain or accept any private gifts, benefits or item of monetary value (a description and the value and source of gift with a value in excess or R350) from any person for himself or herself during the performance of duties as these may be construed as bribes.

When a person is employed as a Public Servant, such an appointment carries a very special meaning. It clearly implies that such an employee sells his or her labour to the

State and will be remunerated from taxes collected from the community at large and that the employee shall then provide the community with the best possible service in a professional and dedicated manner.

It must be clearly understood by both Public Servants and the community at large that unless it is officially required that a member of the public should pay an additional amount for a specific service, e.g. in the case of a certain amount which has to be paid for the issuing of an identity document, *no* further payments be it in cash or kind, should be made. This principle should be included in all service charters and should be clearly displayed in public buildings for the benefit of the public. Where additional payments are required for a specific service, this should also be indicated on the relevant (application) documents.

Likewise, potential service providers in the private sector should be made aware of the fact that the Public Service, in procuring services/goods, are bound by the principles contained in the Constitution regulating public administration which require the highest possible level of professional conduct. Offers of gifts, sponsorships, promotional material, luncheon invitations, etc. should thus not form part of their promotional activities in regard to the Public Service as it inevitably creates the impression/perception of improper influencing of decision takers and also makes for unfair competition where small service providers cannot afford to undertake such activities.

As this is always a highly contentious matter, the following is intended to serve as guidelines in directing departments' actions in this regard. It is impossible to provide departments with a comprehensive guidelines and departments should approach the Public Service Commission for advice should they be in doubt regarding the handling of certain situations which may arise.

The acceptance of any gifts or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by performance of employee's duties can only be accepted within the express written approval of the Head of Department.

It is important to note that gifts and hospitality from a source other than a family member need to be declared. The gifts/benefits to be declared must be in excess of R350. Employees may also consult the Public Service Commission where doubts exist with regard to the acceptance of gifts.

4.5.4 An employee does not use or disclose any official information for personal gain or the gain of others.

Employees who in their official duties come into contact with sensitive, confidential or even secret information from time to time, may not disclose this information without the

necessary authority to do so. Information may not be made available or utilised for personal gain or the gain of others or to support a personal vendetta against others. It is important that employees consider whether the disclosure of information would be in the interest of the public service. Employees must understand that transparency does not mean indiscriminately providing or disclosing information. Since it is impossible to provide full guidelines as to what information can be made available to whom, employees are urged to always seek prior approval from higher authority when they are uncertain.

Example 1: The disclosure of the selection criteria or the interviewing questions to some of the contenders for a post would not only wrongfully favour the position of some candidates, but also negatively affect the rights of the other contenders to have an equal opportunity to contend for the post.

Example 2: If an employee, because of the nature of his or her job, has knowledge of a Government project that will increase property values in a particular area, the employee may not in any way make use of such information to enrich himself or herself or his or her relatives or friends.

4.5.5 An employee does not, without approval, under-take remunerative work outside his or her official duties or use office equipment for such work.

Employees are expected to place their undivided attention, time and skills at the disposal of the public service as employer. The nature and demands of the job in the public service are such that the interests of both the public service and the community may be prejudiced by a public servant undertaking remunerative work outside official duties. It is therefore mandatory to obtain prior approval to perform remunerative work outside official hours.

Example 1: An employee becomes a partner in business. There is an arrangement that he or she should be on duty at the business after hours only. Unexpectedly, his or her work situation at the public service institution demands that he or she works overtime. The consequences of this may lead to a conflict of interest, frustration and divided attention.

Example 2: A medical doctor employed in a Government hospital, shall not, without the approval of his or her head of department, do part-time work for which he or she receives remuneration at a friend's surgery and/or use Government equipment and/or medicines for this purpose.

Example 3: An employee works at a second job after hours, which means that he or she goes to bed late. The result is that the employee is tired during the day and cannot perform at the level he or she is expected to or capable of. This is not in the public interest and indirectly wastes taxpayer's money.

CHAPTER 2

CODE OF CONDUCT FOR THE PUBLIC SERVICE

A PURPOSE

- A.1 In order to give practical effect to the relevant constitutional provisions relating to the Public Service, all employees are expected to comply with the Code of Conduct provided for in this Chapter.
- A.2 The Code should act as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others. Compliance with the Code can be expected to enhance professionalism and help to ensure confidence in the Public Service.

B INTRODUCTION

- B.1 The need exists to provide direction to employees with regard to their relationship with the legislature, political and executive office-bearers, other employees and the public and to indicate the spirit in which employees should perform their duties, what should be done to avoid conflicts of interests and what is expected of them in terms of their personal conduct in public and private life.
- B.2 Although the Code of Conduct was drafted to be as comprehensive as possible, it is not exhaustive set of rules regulating standards of conduct. However, heads of department, by virtue of their responsibility in terms of section 7(3)(b) of the Act of the efficient management and administration of their departments and the maintenance of discipline, are, *inter alia*, under a duty to ensure that the conduct of their employees conform to the basic values and principles governing public administration and the norms and standards prescribed by the Act. Heads of department should also ensure that their staff are acquainted with these measures, and that they accept and abide by them.
- B.3 The primary purpose of the Code is a positive one, *viz.* to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct and may be dealt with in accordance with the relevant collective agreement if she or he contravenes any provision of the Code of Conduct or fails to comply with any provision thereof.

C. CODE OF CONDUCT

C.1 RELATIONSHIP WITH THE LEGISLATURE AND THE EXECUTIVE

An employee —

- C.1.1 is faithful to the Republic and honours the Constitution and abides thereby in the execution of his or her daily tasks;
- C.1.2 puts the public interest first in the execution of his or her duties;
- C.1.3 loyally executes the policies of the Government of the day in the performance of his or her official duties as contained in all statutory and other prescripts;
- C.1.4 strives to be familiar with and abides by all statutory and other instructions applicable to his or her conduct and duties; and
- C.1.5 co-operates with public institutions established under legislation and the Constitution in promoting the public interest.

C.2 RELATIONSHIP WITH THE PUBLIC

An employee —

- C.2.1 promotes the unity and well-being of the South African nation in performing his or her official duties;
- C.2.2 will serve the public in an unbiased and impartial manner in order to create confidence in the Public Service;
- C.2.3 is polite, helpful and reasonably accessible in his or her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service;
- C.2.4 has regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them;
- C.2.5 is committed through timely service to the development and upliftment of all South Africans;
- C.2.6 does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- C.2.7 does not abuse his or her position in the Public Service to promote or prejudice the interest of any political party or interest group;
- C.2.8 respects and protects every person's dignity and his or her rights as contained in the Constitution; and

C.2.9 recognises the public's right of access to information, excluding information that is specifically protected by law.

C.3 RELATIONSHIP AMONG EMPLOYEES

An employee —

C.3.1 co-operates fully with other employees to advance the public interest;

C.3.2 executes all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law;

C.3.3 refrains from favouring relatives and friends in work-related activities and never abuses his or her authority or influences another employee, nor is influenced to abuse his or her authority;

C.3.4 uses the appropriate channels to air his or her grievances or to direct representations;

C.3.5 is committed to the optimal development, motivation and utilisation of his or her staff and the promotion of sound labour and interpersonal relations;

C.3.6 deals fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and

C.3.7 refrains from party political activities in the workplace.

C.4 PERFORMANCE OF DUTIES

An employee —

C.4.1 strives to achieve the objectives of his or her institution cost-effectively and in the public's interest;

C.4.2 is creative in thought and in the execution of his or her duties, seeks innovative ways to solve problems and enhances effectiveness and efficiency within the context of the law;

C.4.3 is punctual in the execution of his or her duties;

C.4.4 executes his or her duties in a professional and competent manner;

- C.4.5 does not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties;
- C.4.6 will recuse himself or herself from any official action or decision-making process which may result in improper personal gain, and this should be properly declared by the employee;
- C.4.7 accepts the responsibility to avail himself or herself of ongoing training and self-development throughout his or her career;
- C.4.8 is honest and accountable in dealing with public funds and uses the Public service's property and other resources effectively, efficiently, and only for authorised official purposes;
- C.4.9 promotes sound, efficient, effective, transparent and accountable administration;
- C.4.10 in the course of his or her official duties, shall report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence, or which is prejudicial to the public interest;
- C.4.11 gives honest and impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind; and
- C.4.12 honours the confidentiality of matters, documents and discussions, classified or implied as being confidential or secret.

C.5 PERSONAL CONDUCT AND PRIVATE INTERESTS

An employee —

- C.5.1 during official duties, dresses and behaves in a manner that enhances the reputation of the Public Service;
- C.5.2 acts responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned;
- C.5.3 an employee shall not, without prior written approval of the Head of Department obtain or accept any gifts, benefits or item of monetary value from any person for himself or herself during the performance of duties as these may be construed as bribes;
- C.5.4 does not use or disclose any official information for personal gain or the gain of others; and

C.5.5 does not, without approval, undertake remunerative work outside his or her official duties or use office equipment for such work.