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PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF SOCIAL
DEVELOPMENT**

ETHICS POLICY

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1. GLOSSARY OF TERMS

TERMINOLOGY	DEFINITION
Compliance	Adhering laws, binding and non-binding regulations, Departmental policies and procedure, local and international best practice principles of ethics and corporate governance.
Conflict of interest	A conflict between the public duties and the private interest of an employee in which said employee may be improperly influenced or result in negative impact on public duties in decision-making
Ethical decision-making	A disciplined reflection on how to make decisions regarding ethical issues.
Ethics	A set of principles used by Department to establish and guide appropriate conduct.
Ethics Management	A series of activities that when combined are intended to achieve a sound ethical environment.
Ethics Officer	An employee assigned with the responsibilities for managing ethics, and the related obligations for ethics management within the Department.
Ethics Policy	A structured set of guidelines and codes that detail the Department's processes for maintaining ethics.
Ethics Risks	Risks faced by the Departmental due to negative consequences of unethical behaviour.
Financial interest	Pecuniary interests in the form of payment for services, equity shares, debt instruments, tangible and intellectual property.
Internal Controls	Internal controls are any actions (such as reviews, checks and balance methods and procedures) taken by personnel, management, oversight committees and other parties to manage risk and increase the likelihood that the established objectives and goals of the Department will be achieved.

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Organ of state	Any Department or administration in the National, Provincial or Local spheres of Government or any institution exercising powers or functions in terms of the constitution.
Related party	A person or entity related to an employee of the Department such as spouse, partner, close family member or business associate.
Remunerative work outside the Public Service	Any business carried out or services rendered for gain or personal benefit by an employee outside his or her employment for which remuneration, a fee or reward is received.
Supporting Documentation	An official document that serves as evidence that a compliance activity or intervention was performed.

2. Background

2.1. The Constitution of Republic of South Africa, 1996, makes various calls for ethical behaviour by government employees. Section 195 of the Constitution states that public administration must be conducted with the democratic values and principles enshrined in the constitution, as expressed in the following statements:

- 2.1.1. A high standard of professional ethics must be promoted.
- 2.1.2. Efficient, economic, and effective use of resources must be promoted.
- 2.1.3. Public administration must be developmental and oriented.
- 2.1.4. Services must be responded to impartially, fairly, equitably and without bias.
- 2.1.5. People's needs must be responded to, and the public must be encouraged to participate in policymaking.
- 2.1.6. Public administration must be accountable.
- 2.1.7. Transparency must be fostered by providing the public with timely, accessible and accurate information.
- 2.1.8. Sound human resources management and career development practices designed to maximise human potential must be cultivated.
- 2.1.9. Public administration must be broadly representative of the South African people with employment and personnel management practiced based on ability, objectivity, fairness and the need to redress the imbalance of the past in order to achieve broad presentations.

2.2. The Department has a responsibility to create an environment in which its strategic outcomes are achieved with integrity. To channel right behaviour, ethics is propagated by setting at root level the Department's shared beliefs and expectations to encourage ethical reflection and decision-making, developing and implementing supporting structures in the way of policies, procedures and systems and finally, demonstrating ethical values through actions and communications.

2.3. In exercising their discretionary powers, an employee may encounter

may influence their interpretation of the Department's ethical values. This policy intends to assist in systematically addressing ethical situations where ethical conduct is unclear or difficult to discern and strengthens measures established to address conflicts of interest arising from say, financial interests, acceptance of gifts, and remunerative work outside the public sector.

- 2.4. Therefore, guidance to simplify the current working environment has to be created to ensure that the Department adhere to the same values and ethical standards, to promote trust, good behaviour and fairness among all employees.
- 2.5. Ethics is about distinguishing between what is morally right and wrong with the purpose of doing what is right. In an ethical organisation employees will do the right for the right reason-not just because the rule says so. Rules and procedures influence individuals 'behaviour, but values are what change the culture within the department.

3. **Purpose**

- 3.1. The purpose of this policy is to drive ethics as a key of the turnaround strategy and serve as a guidance in:
 - 3.1.1. Articulating the Department's expectations of professional conduct which in turn assists in upholding accountability for any behaviour with negative impact.
 - 3.1.2. Developing a common approach in enhancing the quality of ethical decisions making by encouraging all employees to align theirs with the department's values and mandate.
 - 3.1.3. Setting the premise for developing a code ethics.
 - 3.1.4. Assisting all employees to identify and resolve dilemmas.
 - 3.1.5. Increasing the awareness of ethical behaviour through education and training.
 - 3.1.6. Ensuring that the Department responds timely and appropriate manner to

potential or actual unethical conduct; and

- 3.1.7. Instilling a compliant and responsible ethical culture benchmarked against the values of the Department.

4. Scope of the Policy

- 4.1. This policy applies throughout the Department in as far as ethics management is concerned.

5. Standard of conduct

- 5.1. Departmental conduct operations with honesty, integrity, openness and with respect for the human right and interests of our employees and stakeholders.
- 5.2. Departmental shall similarly respect the legitimate interest of all stakeholders whom we have business relationships with
- 5.3. The Department is committed to diversity in a working environment where there is mutual trust and respect, and where everyone feels responsible for the performance and reputation of our department.
- 5.4. A zero tolerance to discrimination in terms of race, religion or gender will apply.
- 5.5. Department will recruit potential employees on the sole basis of the qualifications, experience and abilities needed for the work to be performed subject to the Employment Equity Act.
- 5.6. Department is committed to safe and healthy working conditions for all employees and working with employees to develop and enhance each individual's skills and capabilities.
- 5.7. Good communication with employees will be maintained throughout the Department based on information and consultation procedures.
- 5.8. Any breaches of the Code must be reported in line with the Whistle Blowing Policy.

6. Departmental Values

6.1. The core values of the Department are espoused in the Constitution and Batho Pele principles, and in turn underpin the ethical of the Department as follows:

6.1.1. Human Dignity

Is a fundamental human right that must be protected in terms of the Constitution of South Africa and facilitates freedoms, justice and peace.

6.1.2. Respect

Is showing regard for one another and the people we serve and is a fundamental value for the realisation of development goals.

6.1.3. Integrity

Refers to consistency with our values, principles, actions, and measures and thus generate trustworthiness amongst ourselves and with our stakeholders.

6.1.4. Accountability

Refers to our obligation to account for our activities, accept responsibility for them and to disclose the results in a transparent manner.

6.1.5. Equality and Equity

We seek to ensure equal access to services, participation of citizens in the decisions that affect their lives and the pursuit of equity imperatives where imbalances exist.

7. Ethics Governance Structures

7.1. The Department is required to create and promote an ethical organisational culture and to provide guidelines to support the conduct of each employee. The leadership of the Department should indicate ethical commitment by setting up formal ethics structures with delegated authority from the Accounting Officer. These structures include amongst others but not limited to Ethics, Risk and Executive Management Committee.

7.2. Ethical Leadership

7.2.1. Strong ethical leadership paves the way for voluntary submission to a moral code of integrity legal prescripts. In terms of the King Report on Corporate Governance, the ethical tone of the Department should be set at the top and the executive management should develop strategic rooted within the ethical values upheld by the Department.

7.2.2. The ethical leadership of the Department should act ethically and create environment which makes it easy to act ethically by:

- a) Exemplary person conduct.
- b) Allocation of resources to ethics management.
- c) Supporting ethical initiatives and those who take a principled stand.
- d) Encouraging employees to discuss ethical matters openly.
- e) Acknowledging ethical behaviour.
- f) Timely, consistent and fair dealing regarding unethical conduct.
- g) Treat all employees equally without discrimination

7.3. Ethics Committee

7.3.1. Composition of the committee

7.3.1.1. The Public Service Regulations prescribes that composition of the Ethics Committee at National Departments should be Chaired by a Senior Management Members at the level of Deputy-Director General. In the case of the Provincial Departments, the Chair will be at the level of a Chief Director or equivalent. The committee in the Department is comprised as follows:

- a) Chief Director: Corporate Services Ethics Champion (the chair)
- b) Human Resources Administration.
- c) Legal Services.
- d) Ethics and Anti-corruption.
- e) Risk Management; Secretariat
- f) Security; and
- g) Investigations.
- h) Labour Relations

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- i) Head of Department Support
- j) Government Information and Technology
- k) Diversity Management
- l) Compliance Unit

7.3.2. Role of the Accounting Officer

- 7.3.2.1. The Accounting Officer should ensure that the Ethics Committee is established and functional
- 7.3.2.2. Ensure that Ethics Committee Members are appointed in writing.

7.3.3. Roles of the Ethic Committee

- 7.3.3.1. The Ethics Committee is mandated to provide strategic direction and to perform oversight role on ethics management in the Department.
- 7.3.3.2. The Ethics Committee reports to the Accounting Officer through its Chair of the ethical performance of the Department.
- 7.3.3.3. Risk Management Unit should perform the secretariat functions.
- 7.3.3.4. The general duties of the Ethics Committee should include:
- 7.3.3.5. Raising awareness and promoting ethical behaviour within the department.
- 7.3.3.6. Advising employees on ethical issues and dilemmas.
- 7.3.3.7. Ensuring the integrity of the Departmental' policies and procedures.
- 7.3.3.8. Ensure that all Identified and reported unethical behaviour are attended to by relevant Directorates.
- 7.3.3.9. Manage conflicts of interest resulting from financial interest disclosures and external remunerative work.
- 7.3.3.10. Maintaining a register of employees under investigation for unethical conduct and disciplinary action taken.

7.3.4. Ethics Champion

- 7.3.4.1. Chair ethics committee meetings.

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7.3.4.2. Prepare and Report department's ethics performance to the Executive Management Committee.

7.3.5. Role of the Ethics Office

7.3.5.1. The Ethics office is crucial to the agenda of the Ethics Committee as a custodianship of ethics and anti-corruption programmes within the department.

7.3.5.2. It is responsible for ethics management functions in the department.

7.3.5.3. It serves as a secretariat to the Ethics Committee.

7.3.5.4. Follow-up on the resolutions taken in the Ethic Committee meetings.

7.3.5.5. Provide reports on all ethics and anti-corruption functions to the Ethics Committee.

7.3.5.6. Keep the diary of the Ethics Committee.

7.3.5.7. Organize and attend meetings and other important events; and

7.3.5.8. Escalate ethics matters to the Ethics Committee.

8. Education and Training /Awareness on Ethics

8.1. The Department should conduct ethics training regularly on ethical values and principles to uphold, ethical expectations of the Department and accountability of employees.

8.2. The ethical tone set at the top by management should actively drive and reinforce the awareness on unethical behaviour.

8.3. The training programmes should be aligned with strategic outcomes, the current social, economic, technological, political and environment.

9. Acts of misconduct

- 9.1. Any official will be guilty of misconduct if he or she (the list is not exhaustive)
- 9.1.1. Without permission possesses or wrongly uses the resources of the Department or that of another official and or visitor for personal gain
 - 9.1.2. Wilfully, intentionally or negligently damages and or causes loss to property.
 - 9.1.3. Endangers the lives of self or others by disregarding safety rules or regulations.
 - 9.1.4. Prejudices the administration, discipline or efficiency of the Department.
 - 9.1.5. Steals, bribes, or commits fraud.
 - 9.1.6. Accepts any compensation in cash or otherwise from a member of the public or another official for performing his or her duties without written approval.
 - 9.1.7. Discriminates against others on the basis of race, gender, disability, sex, ethnic and social origin, colour, age, etc.
 - 9.1.8. Without written approval perform work for compensation in a private capacity for another person or organisation either during or outside working hours.
 - 9.1.9. While on duty conducts him/herself in an improper disgraceful and unacceptable manner.

10. Conclusion

- 10.1. Rules and procedures influence individuals' behaviour but values are what change the culture within the Department. Adherence to this policy by all employees and stakeholders is one of the important ways the Department can derive value and the public trust in delivering on its mandate as per the constitution.
- 10.2. Organisational integrity by understanding the Department policies, procedures and legislation applicable will assist with achieving our vision.

11. Policy compliance

11.1. An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

12. Policy review

12.1. This Policy shall be reviewed after every two years (24 months) to determine its adequacy and effectiveness for current circumstances.

13. Approved by Executive Authority



Mme N.A NDALANE
MEMBER OF EXECUTIVE COUNCIL
DEPARTMENT OF SOCIAL DEVELOPMENT

DATE: 27/10/2022