

**EXPLANATORY  
MANUAL ON THE  
CODE OF CONDUCT  
FOR THE PUBLIC  
SERVICE**

**A PRACTICAL GUIDE TO  
ETHICAL DILEMMAS  
IN THE  
WORKPLACE**

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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.

## 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

## 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.

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)

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.**

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.**

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;



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.

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.

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

**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.

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

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

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

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:



- (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

- 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
  - (v) 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;

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.

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

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;

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

**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.

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.



**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,

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.

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 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

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.

## **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 an exhaustive set of rules regulating standards of conduct. However, Heads of Department, by virtue of their

- 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;

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.4.12 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 (a description and the value and source of gift with a value in excess of R350) 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.



**From:** Dipuo Lethoko  
**To:** #Dept of Local Government; #Dept of Public Safety; safety; safety  
**Date:** 11/19/2012 9:11 AM  
**Subject:** Circulars on the Adoption of the rules for dealing with Discipline and Incapacity  
**Attachments:** Scan0015.pdf; Resolution 1 of 2003.PDF; Guide on disciplinary and incapacity matters.pdf; Explanatory Manual for Print.pdf

Morning,

It is hereby requested that you e-mail all employees within the Public Safety Branch for their information.

Thank you,

J. S. van Wyk  
DD: Employee Relations & People Management  
Public Safety Branch  
018-388 1206  
083 495 8633

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