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Department:
Community Safety & Transport Management
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

Remunerative Work outside Public Service
&
Doing Business with Organ of State
POLICY

NORTHWEST PROVINCIAL GOVERNMENT:
**DEPARTMENT OF COMMUNITY SAFETY AND
TRANSPORT MANAGEMENT**

HUMAN RESOURCES POLICY

POLICY NO : **HR2014/002**

POLICY NAME : **Remunerative Work outside Public Service & Doing Business with Organ of State Policy**

EFFECTIVE ON : **Immediately after the Approval**

DATE OF REVIEW : **As and when need arises**

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1. Acronyms

- RWOPS - Remunerative Work Outside Public Service
- HOD - Head of Department
- MEC - Member of Executive Council
- HRM - Human Resource Management
- PAJA - Promotion of Administrative Justice Act
- PSCBC - Public Service Coordinating Bargaining Council
- PSR - Public Service Regulations

2. Preamble

Remunerative work outside Public Service has been at the crux of the debates on ethics and accountability throughout the country and particular in the Public Service. As a result the Department needs to ensure proper regulation and monitoring of the activity. In view of this fact we therefore need a policy to ensure that there are no unfair discriminations against employees and are allowed opportunities and rights to develop themselves, beyond their current employment.

3. Introduction

In recognition to a need for compliance with the Legislations regulating the performance of Remunerative Work Outside Public Service (RWOPS), we need to ensue effectiveness and efficiency in managing employees when undertaking such work and the usage of resources of the employer. The Department of Community Safety & Transport Management saw it necessary to develop a policy to provide guidance and guidelines in obtaining permission prior to the commencement of the actual work for employees who wishes to engage in such remunerative work. The Policy will give directive on continuous monitoring of all processes relating to RWOPS.

The Policy is aligned with the Directive which elucidates Regulation 24 of the Regulations, addressing section 30 of the Act which will contribute to the enhancement of the value systems which guides the professional conduct of Public Service employees. Section 30 of the Public Service Act, 1994 as amended read in conjunction with Paragraph C5.5 of the Explanatory Manual on the Code of Conduct for the Public Service is providing an employee who shall, not without approval, perform RWOPS and declaration or disclosure of conflict of interest.

The Public Service employees are required in terms of section 195 of the Constitution of the Republic of South Africa, 1996 to exercise the highest ethical standards and adhere to the Code of Conduct as they are entrusted with the duty and responsibility of serving a broad society.

4. Purpose of the Policy

The purpose of this policy is to: -

- Provide measures or guidelines to be used in regulating and considering request by employees to engage themselves in Remunerative Work Outside the Department;
- Provide guidance on how remunerative work outside employment should be managed;
- Ensure that there is compliance with regard to legislations governing RWOPS;
- Ensure that there is proper management of employees' conduct and activities performed in relation to their work outside their employment;
- Reduce possible, perceived and potential conflicts of interest;
- Promote ethical behaviour among Public Service employees;
- Effect transitional measures that will facilitate the implementation of the policy;
- Set out the application processes to perform other remunerative work; and
- Facilitate the prescribed forms used by employees to apply for permission to undertake other remunerative work.

5. Authority of the policy

This Policy is issued under the authority of the Departmental MEC as the Executive Authority and the Head of the Department as the Accounting Officer for the Department of Community Safety & Transport Management

6. Legal framework

The Policy is guided by the following legal prescripts

- 6.1 The Constitution of the RSA. 1996
- 6.2 Public Service Act, 1994, as amended
- 6.3 Public Service Regulations, 2016
- 6.4 Directive on Other Remunerative Work Outside the employee's employment
- 6.5 PSCBC Resolution No 1 of 2003: Disciplinary Code of Procedure for Public Service
- 6.6 Explanatory Manual on the Code of Conduct for Public Service, 2002
- 6.7 Public Finance Management Act (PFMA), 2018
- 6.8 Treasury Regulations, 2001 as amended
- 6.9 Labour Relations Act. 1995 as amended
- 6.10 Promotion of Administrative Justice Act (PAJA), 2000

7. Scope of application

This Policy is applicable to ALL employees of the Department of Community Safety & Transport Management, North West Province

8. Definitions

Business

- Includes any business, trade, occupation, profession, calling, industry or undertaking or any kind or activity carried on for a gain or profit by any person within the Republic or elsewhere, and includes all property derived from or used in or for the purpose of carrying on such other activities, and all the rights and liabilities arising from such other activity;

Applicant

- It refers to an employee who request permission from the relevant authority to perform other remunerative work;

Conflict of interest

- It refers to a conflict between the public duties and the private interests of an employee, in which the employee has private interest which could improperly influence him/her and/or negatively impact on his/her official obligations or official duties, and/or negatively impact on the public interest

Department

- In this case refer to the Department of Community Safety & Transport Management, North West Province

Ethics Officer

- It refers to the ethics officer designated by Executive Authority as required in terms of regulation 23(i) of the Public Service Regulations. 2016

Employee

- "means all employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees;

Employer

- Refers to the Department of Community Safety & Transport Management

Executive Authority

- Refers to an executive authority as defined in chapter 1 of the Public Service Act, 1994. For purpose of this Policy the Executive Authority is a Member of the Executive Council for Department of Community Safety & Transport Management

Organ of State

- Any department of the state or administration in either Local, Provincial or National sphere government; or
- Any other functionary or institution:
 - ✓ Exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - ✓ Exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer.

9. Policy Pronouncements

9.1 The Policy shall be implemented based on the following conditions for performing of RWOPS:

9.1.1 The prescribed form, hereto attached and marked as Annexure A, must be completed in respect of all requests for RWOPS. This form must also be completed by employees whose company has registered or close corporation or intending to work for the company or a corporation

9.1.2 An employee shall not engage him/herself in any transaction or action that is in conflict with his/her official duties, thus the employee shall refrain from any official action or decision making process, which may result in improper gain or give rise to a conflict of interest

9.1.3 An employee who wishes to undertake RWOPS must apply for approval from the Executive Authority each financial year and such approval shall be granted and feedback be given within 30 days after application has been submitted

9.1.4 Any person joining the Department, shall disclose such information and seek approval within three (3) months after assumption of duty

9.1.5 An employee applying for permission to perform RWOPS shall disclose any conflict of interest that is likely to occur between him/her and the Department

9.1.6 The Supervisor and/or Manager of an applicant shall make comments on the application to ensure compliance on applicable requirements before recommendations and approval granted by Executive Authority if the applicant complies with the requirements

9.1.7 The Supervisor and/or Manager of an applicant shall continuously ensure compliance by the applicant to ensure that:-

- There is no conflict of interest
- Organisational requirements is satisfactory
- Impacting negatively on their performance is prohibited
- Contravention of the Code of Conduct is prohibited
- They are prohibited in involving the use of State resources to perform other remunerative work (including telephones, fax, emails, state vehicle, etc)
- employee is prevented from placing their time at the disposal of the State

9.1.8 In the event of a conflict or interest or if deemed necessary, the Executive Authority may withdraw the approval granted to perform RWOPS from the Employee

9.1.9 RWOPS performed must in no way interfere or impede the effective or efficient performance of functions in the unit of the employee, who has been granted approval to perform RWOPS

9.1.10 RWOPS must be performed outside the employee's normal working hours or any period of overtime granted to him/her within the Public Service

9.1.11 The nature of work to be performed by the employee outside his/her employment should be clearly outlined and the total remunerative hours to be performed must not exceed eight (8) hours per week, such hours should be counted after knock off time of the employer

9.1.12 If the employee is no longer performing RWOPS, a written notice accompanied by resignation or deregistration letter from institutions authorized to register businesses must be given to the Department

10. Dispute Resolution

An employee, who fails to comply with the provision of this Policy, will be dealt with in terms of the Public Service Disciplinary Code and Procedure as amended.

11. Inception date

The inception date of this Policy is immediately after the approval by Head of Department

12. Termination

This Policy shall remain in force until and unless it has been withdrawn and/or amended.

13. Monitoring, Evaluation and Review

The Department's Human Resources Administration Sub-Directorate is responsible for communicating the provisions of this document within the department. All managers and supervisors are responsible for the implementation thereof.

The policy shall be reviewed and amended as and when a need arises to ensure that it is aligned to the prevailing legislations.

Approved



MS BOTLHA MOFOKENG
HOD: COMMUNITY SAFETY & TRANSPORT MANAGEMENT

09/04/19
DATE



REPUBLIC OF SOUTH AFRICA

**APPLICATION TO PERFORM OTHER REMUNERATIVE WORK
IN TERMS OF SECTION 30 OF THE PUBLIC SERVICE ACT**

In accordance with the provisions of section 30 of the Public Service Act, 1994 (Proclamation No. 103 of 1994) ["the Act"] as amended, this form must be completed by any permanent or temporary employee of any Provincial Department, National Department or Government Component as contemplated in section 8 of the Act, who wishes to perform other remunerative work.

This application form consists of the following sections:

SECTION A: PERSONAL DETAILS OF APPLICANT
(TO BE COMPLETED BY THE APPLICANT)

SECTION B: WORKING HOURS
(TO BE COMPLETED BY THE APPLICANT)

SECTION C: APPLICATION FOR OTHER REMUNERATIVE WORK
(TO BE COMPLETED BY THE APPLICANT)

SECTION D: DECLARATION
(TO BE COMPLETED BY THE APPLICANT)

SECTION E: RECOMMENDATIONS
(TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR)

SECTION F: RECOMMENDATIONS
(TO BE COMPLETED BY THE ETHICS OFFICER)

SECTION G: APPROVAL
(TO BE COMPLETED BY THE EXECUTIVE AUTHORITY OR DELEGATED
AUTHORITY)

CERTIFICATE: APPROVAL OF OTHER REMUNERATIVE WORK

SECTION B: WORKING HOURS
(TO BE COMPLETED BY THE APPLICANT)

- 1. Current working hours of the applicant (per week)

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- 2. Call/standby duties hours (per week)

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- 3. Current overtime hours worked (per month)

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**SECTION C: APPLICATION FOR OTHER REMUNERATIVE WORK
(TO BE COMPLETED BY THE APPLICANT)**

1. Please select the category of other remunerative work applying for.

**tick only
one option**

Category of Work

Architecture Planning and Surveying	<input type="checkbox"/>
Building Construction	<input type="checkbox"/>
Consultancy Work	<input type="checkbox"/>
Design (Textiles; Graphics)	<input type="checkbox"/>
Engineering and Mechanical Repairs	<input type="checkbox"/>
Farming and Breeding	<input type="checkbox"/>
Fashion Design/Sewing	<input type="checkbox"/>
Financial Markets	<input type="checkbox"/>
Fitness Industry (including Gym, Yoga, Pilates, and Karate instructor)	<input type="checkbox"/>
Health Professionals	<input type="checkbox"/>
Sub Categories of Health Professionals:	
Medical Doctors	<input type="checkbox"/>
Nursing and Midwifery Professionals	<input type="checkbox"/>
Traditional and Complementary Professionals	<input type="checkbox"/>
Paramedical Practitioners	<input type="checkbox"/>
Sport Scientists (Physiotherapist, etc.)	<input type="checkbox"/>
Veterinarians	<input type="checkbox"/>
Other Health Professionals (Psychologists, etc.)	<input type="checkbox"/>
Hospitality Industry (Including Catering, Baking)	<input type="checkbox"/>
Import and Export Business	<input type="checkbox"/>
Information and Communication (including Call Centre/Contact Centers)	<input type="checkbox"/>
Logistics and Transport (including Shuttle Services, Travel Agency)	<input type="checkbox"/>
Manufacturing Mining Construction	<input type="checkbox"/>
Retail and Wholesale Trade	<input type="checkbox"/>
Sales and Marketing (including Advertising, Public Relations and Promotion, as well as direct marketing of Cosmetics, Jewellery, Health Products))	<input type="checkbox"/>
Security Industry	<input type="checkbox"/>
Sports Recreation and Cultural (including Dancer, Musician, Singer)	<input type="checkbox"/>
Training Research and Development (including Lecturing and Tutor)	<input type="checkbox"/>
Tavern Owner and Restaurants	<input type="checkbox"/>
Pastoral Services (Religious Leader, Reverend, Priest, etc.)	<input type="checkbox"/>
Funeral Parlor	<input type="checkbox"/>
Other (Please specify in the box in number 2 below)	<input type="checkbox"/>

2. Describe in detail the nature of the work that will be performed, i.e. company activities and your role

3. Dates for performing the remunerative work

- 3.1. Planned start date of other remunerative work
(Note that permission is only granted for a maximum period of 12 calendar months)

- 3.2. Planned end date of the remunerative work

- 3.3. Specify the days of the week and specific hours that work will be performed

Day	Working hours (e.g. 05:00 to 06:00, etc.)
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

4. Total number of hours planned for performing the remunerative work (per month)

SECTION D: DECLARATION
(TO BE COMPLETED BY THE APPLICANT)

I
(full name)

hereby confirm that the information supplied in this application form is correct and undertake to assist my department in meeting its service delivery demands, including overtime commitments (if applicable), which includes being on call/standby (when applicable) as scheduled. I acknowledge that my first commitment is to meet the operational objectives of my department.

I confirm that my performance of other remunerative work will in no way interfere with my commitments to my department.

I confirm that my performance of other remunerative work will not take place during the hours I am required for duties as agreed in my employment contract.

I confirm that I will not use any state resources for the purpose of performing other remunerative work.

I accept that I shall not conduct business with any organ of the state, either in person or as part of an entity (including non-profit organisations).

I accept that permission to perform other remunerative work is only granted for the time agreed upon (and reflected on the certificate of approval), and that it only applies to the services/types of remunerative work as indicated in this application form.

I accept that, should I wish to continue with such remunerative work, I must submit a new application at least 30 days before expiry.

I accept that non-compliance with any of the conditions, monitoring or control measures pertaining to other remunerative work may lead to disciplinary action and that the sanction imposed includes forfeiture of remuneration and/or benefits gained.

I accept that the normal policies and measures governing discipline also apply in terms of non-compliance with the other remunerative work policy and measures.

I agree to abide by any control measures applicable to the other remunerative work system, including that it may be required of me to sign in and out each time I enter or exit the institution where I perform my basic or overtime duties.

I agree to attach the certificate of approval when disclosing my financial interests, if applicable.

I acknowledge that the Executive Authority or delegated authority can, at any time, terminate my authorisation to perform other remunerative work, based on a change in operational requirements and/or poor performance on my part.

Signature of Applicant

Designation

Date

After completing the form and signing the above (sections A-D), please present it to the Ethics Officer for further administrative processing and submission to the Executive Authority/Delegated Official.

SECTION E: RECOMMENDATIONS

(TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR)

1. Recommendation by Supervisor

1.1. The application is :

Supported

Not supported

1.2. Motivation for recommendation / reasons for not supporting

Signature of Supervisor

Designation

Date

SECTION F: RECOMMENDATIONS
 (TO BE COMPLETED BY THE ETHICS OFFICER)

1. Recommendation by the Ethics officer

1.1. The application is

Supported

Not supported

1.2. Motivation for recommendation

1.3. If not supported please state reason(s):

Reason(s)

Tick

Conflict of interest	<input type="checkbox"/>
Organisational requirements (work load)	<input type="checkbox"/>
Impacting negatively on the employee's performance	<input type="checkbox"/>
Contravening provisions in the Code of Conduct	<input type="checkbox"/>
Involving the use of State resources to perform other remunerative work (including telephone, fax, email, etc.)	<input type="checkbox"/>
Prevents the employee from placing their time at the disposal of the State	<input type="checkbox"/>

 Signature of Ethics Officer

Designation

Date

SECTION G: APPROVAL

(TO BE COMPLETED BY THE EXECUTIVE AUTHORITY OR DELEGATED AUTHORITY)

1. The approval by the Executive Authority or Delegated Authority

1.2. The application is :

Approved

Not approved

1.3. Comments

Signature of Executive Authority / Delegated Official

Designation

Date



REPUBLIC OF SOUTH AFRICA

CERTIFICATE: APPROVAL OF OTHER REMUNERATIVE WORK

Permission is hereby granted to

[Empty box for employee name]

(employee)

[Empty box for personal no/ID No]

(persal no/ID No)

to perform other remunerative work outside

[Empty box for name of department]

(name of department)

The following work will be conducted:

[Empty box for work description]

[Empty box for work description]

(Short description, indicating the type of work, the name and type of business activity, name of employer and the amount of remuneration to be received)

Period: [Empty box] to [Empty box]

(maximum 12 calendar months)

Please note:

Permission is only granted for the work indicated above.

If it is to be discovered that you are not adhering to Government prescripts regulating other remunerative work, including not conducting business with an organ of state, your permission will be withdrawn and disciplinary steps will be instituted.

If you wish to continue with other remunerative work after the expiry of the approved date, a further application must be submitted.

Executive Authority/Delegated Authority

[Empty box for Designation]

Designation

[Empty box for Date]

Date