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Department:
Public Works and Roads
North West Provincial Government
Republic of South Africa

ETHICS POLICY/ STRATEGY 2022/23

POLICY TITLE: ETHICS POLICY/STRATEGY

DEPARTMENT: PUBLIC WORKS AND ROADS

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GLOSSARY OF TERMS

TERMINOLOGY	DEFINITION
Ethics	A set of principles used by Department to establish and guide appropriate conduct.
Ethics Policy	A structured set of guidelines and codes that detail the Department's processes for maintaining ethics.
Ethical decision-making	A disciplined reflection on how to make decisions regarding ethical issues.
Ethics Management	A series of activities that when combined are intended to achieve a sound ethical environment.
Ethics Officer	A person assigned with the responsibilities for managing ethics, and the related obligations for ethics management within the Department.
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 and interest in decision-making.
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.
Compliance	Adhering laws, binding and non-binding regulations, Departmental policies and procedures, local and international best practice principles of ethics and corporate governance.
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.
Financial interest	Pecuniary interests in the form of payment for services, equity shares, debt instruments, tangible and intellectual property.
Related party	A person or entity related to an employee of the Department such as a spouse, partner, close family member or business associate.
Internal Controls	Internal controls are any actions (such as reviews, checks and balances, 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.
Ethics Risks	Risks faced by the Department due to negative consequences of unethical behaviour.
Supporting Documentation	An official document that serves as evidence that a compliance activity or intervention was performed.

1. BACKGROUND

The Constitution of the 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:

- A high standard of professional ethics must be promoted;
- Efficient, economic and effective use of resources must be promoted;
- Public administration must be developed and oriented;
- Services must be responded impartially, fairly, equitably and without bias;
- People's needs must be responded to, and the public must encouraged to participate in policymaking;
- Public administration must be accountable;
- Transparency must be fostered by providing the public with timely, accessible and accurate information;
- Sound human resource management and career development practices designed to maximise human potential must be cultivated;
- Public administration must be 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 in order to achieve broad representation.

The department has a responsibility to create an environment in which its strategic objectives 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.

In exercising their discretionary powers, an employee may encounter several internal and external factors fraught with risk and uncertainty which may influence their interpretation of the Department's ethical values. This framework 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.

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.

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 thing 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.

2. PURPOSE

The purpose of this policy is to drive ethics as a key driver of the turnaround strategy and serve as a medium that provides guidance in:

- Articulating the Department's expectations of professional conduct which in turn assists in upholding accountability for any behaviour with negative impact;
- Developing a common approach in enhancing the quality of ethical decisions made by encouraging all employees to align their decisions with the Department's values and mandate;
- Setting the premise for developing a code of ethics;
- Assisting all employees to identify and resolve ethical dilemmas;
- Increasing the awareness of ethical requirements through education and training on ethics, fraud and corruption, as well as the resources available to address ethical dilemmas;
- Ensuring that the Department as a whole responds in a timely and appropriate manner to potential or actual unethical conduct (including allegations thereof);
- Instilling a compliant and responsible ethical culture benchmarked against the values of the Department and
- Indicating the Department as a good corporate citizen and improving its reputation in the sight of relevant stakeholders and the public.

3. SCOPE

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

4. STANDARD OF CONDUCT

- We conduct our operations with honesty, integrity, openness and with respect for the human right and interests of our employees;
- We shall similarly respect the legitimate interest of those with whom we have relationships;
- The Department is committed to diversity in a working environment where there is mutual trust and respect, and also where everyone feels responsible for the performance and reputation of our Department;
- A zero tolerance to discrimination in terms of race, religion or gender will apply;
- We will recruit and employ employees on the sole basis of the qualifications and abilities needed for the work to be performed subject to the Employment Equity Act;
- We are committed to safe and healthy working conditions for all employees and working with employees to develop and enhance each individual's skills and capabilities;
- We will maintain good communication with employees through Departmental based information and consultation procedures;
- Any breaches of the Code must be reported in line with the Whistle Blowing Policy.

5. STANDARD VALUES OF THE DEPARTMENT

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

Innovation: by tirelessly seeking opportunities for service delivery improvement by thinking freely and not bound by old, non-functional, or limiting structures, rules, or practices.

Integrity: by consistently honouring our commitments, upholding ethical, honest behaviour and transparent communication.

Motivation: by ensuring our best efforts and actions toward the realisation of organisational goals.

Professionalism: by treating our clients with respect and reliably delivering against expectations as required in the principles of courtesy and service standards in Batho Pele.

Accountability: by discharging our duties in a responsible manner in compliance with the relevant laws.

Results-orientated: by knowing what results are important and focusing resources to achieve them as required in the principle of value for money in Batho-Pele.

Teamwork: by respecting diversity while sharing a common purpose and working together in cooperation with each other.

6. ETHICS GOVERNANCE

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 include the Ethics Committee and Ethics Officers.

6.1 Ethical Leadership

Strong ethical leadership paves the way for voluntary submission to a moral code of integrity which goes beyond strict legal prescripts. According to Principle 1.2 of the King IV Report on corporate governance, the ethical tone of the department should be set at the top and the executive management should develop strategic objectives rooted within the ethical values upheld by the department.

The ethical leadership of the department should act ethically and create an environment which makes it easy to act ethically by:

- Exemplary personal conduct;
- Allocation of resources to ethics management;
- Supporting ethical initiatives and those who take a principled stand;
- Encouraging employees to discuss ethical matters openly;
- Acknowledging ethical behaviour;
- Timely, consistent and fair dealing regarding unethical conduct.

6.2 Ethics Officers and Ethics Committee

The Accounting Officer should appoint an ethics officer to be responsible for ethics performance with delegated authority to drive ethics and anti-corruption initiatives.

The Ethics Committee provides strategic direction and oversight of ethics management within the department. It reports to the Accounting Officer through its chair of the ethical

performance of the department. Officials in the Risk Management Unit should perform the secretariat functions. Meetings, roles and responsibilities should all be conducted in line with the Committee Charter.

The Risk Management Unit which acts as the Ethics Office of the department should perform the day-to-day duties relating to ethics management. The general duties of the Risk Management Unit should include:

- Raising awareness and promoting ethical behaviour within the Department;
- Advising employees on ethical issues and dilemmas;
- Ensuring the integrity of the Department's practices, policies and procedures;
- Identifying and reporting unethical behaviour and corrupt activities through appropriate channels;
- Manage conflicts of interest resulting from financial interest disclosures and external remunerative work;
- Organising ethical training and educative programmes and
- Maintaining a register of employees under investigation for unethical conduct and disciplinary action taken;
- Liaising with DPSA regarding financial interest disclosures.

7. ETHICS MANAGEMENT

Ethics Management sets the platform for systems that promote acceptable behaviour and the right attitude in employees' performance of their official duties within the Department. The Department's interventions to instil and maintain an ethical culture include; setting a clear ethical tone through strong leadership, establishing ethics structures and assigning responsibilities, implementing the ethics management process, conducting independent assessments of the ethics management systems and establishing an ethical culture. The ethics management process includes the following aspects:

7.1 Ethics Risk Assessment

The Public Service Regulation regulations require the Accounting Officer to analyze ethics and corruption risks as part of the department's system of risk management; develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption.

The ethics risks should be analyzed at both strategic and operational level using the risk management structures available to determine the ethics risk profile.

The Risk Management Unit should assist in; identifying and assessing ethics risks, monitoring the implementation of mitigating actions or controls and developing an ethics risk register.

In defining the ethics risk profile, analysis of the following should be performed:

Historic analysis: Desktop analysis of ethical issues that have been uncovered and reported through AGSA, Internal Audit, Hotline, Media, disciplinary hearings and other form of reporting or communication channels available to the Department.

The following risks should be assessed:

- Lack of integrity and honesty of employees;
- Abuse of Department resources;
- Maladministration;
- Increase in unethical and negative behaviour of employees;
- Reputational damage to the Department due to misconduct of employees and
- Lack of public trust due to unresponsiveness.

The Department should also assess and foster the opportunities that ethics management adds to its operations including better working environment and staff retention in light of bringing PMTE into operation, improved service delivery and public trust.

7.2 Code and Policies

The Code of Conduct acts as a constitution that guides the ethical behaviour of the employees within the department. The department uses a combination of values and rules to provide employees with specific behavioural requirements which also allow for the use of discretion in their decision-making. Therefore the department complements the rules-based Public Service Regulation with its own values to develop a Code of Conduct according to its ethics risk profile. Department should ensure that every employee has been asked to state in a declaration that they understand the Department's expectations regarding ethics and compliance with the Code of Conduct

and that they are not aware of any violations thereto. The Human Resource Management Directorate circulates the Code quarterly to all employees and should ensure that declarations and acknowledgement thereof are obtained.

The department should supplement its Code of Conduct with the principles contained in Batho-Pele and formal policies on the following:

- Sexual harassment
- Whistle-blowing
- Fraud investigations

The Code of Conduct and Policies should be reviewed regularly to ensure they address existing and evolving ethical issues appropriately.

7.3 Management of Conflict of Interest

The department must ensure that all designated employees complete and submit their financial interest as per requirements of the Public Service Act, Public Service Regulations and applicable directives.

The ethics officer has to ensure that potential and actual conflict of interest is managed through verification and review of financial interests disclosed by employees, as well as implementing the framework and strategy for lifestyle audits.

7.4 Remunerative Work Outside Public Service

All employees in the department must comply with the requirements of section 30 of the Public Service Act of 1994 and its amendments.

The Act states that;

- (1) No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.
- (2) For the purposes of subsection (1) the executive authority shall at least take into account whether or not the outside work could reasonably be expected to interfere with or impede the effective or efficient performance of the employee's functions in the department or constitute a contravention of the code of conduct contemplated in section 41(1)(b)(v).

- (3) (a) The executive authority shall decide whether or not to grant permission, contemplated in subsection (1), within 30 days after the receipt of the request from the employee in question.
- (b) If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given

8. EDUCATION AND TRAINING ON ETHICS

Ethics training communicates to employees the importance of the department's ethical values and the perils of unethical behaviour. In addition to the anti-corruption and fraud awareness workshops held by the Risk Management Unit and the presentation of the code of conduct at the induction of new employees by the Labour relations Unit, the department should conduct ethics training annually on ethical values and principles to uphold, ethical expectations of the department and accountability of employees.

Training equips employees to identify and address ethical dilemmas in their line of duty. The ethical tone set at the top and in the middle hierarchy of the department should actively drive and reinforce the training initiatives, including championing communications on ethics to their teams.

Because of its evolving nature, ethics is not a matter of ticking a box and the appropriate conduct may not always be easy to simulate.

The training programs should therefore be diverse and Risk Management Unit should:

- Structure ethics educational programs to extend over a period of time based on the premise that ethics is embedded over time;
- Include training on conflict resolution and emotional intelligence to equip employees with the necessary interpersonal skills required to intervene and address unethical situations or conduct;
- Diversify ethics training with opportunities to address ethical dilemmas experienced outside the Department and
- Make available information on professional and business ethics.

The annual training goals of the department should be outlined at the onset of each year, reviewed and re-evaluated on an ongoing basis. Information drawn from risk and culture

assessments should also be incorporated into the education and training initiatives. It is imperative that the Department communicate its expectations of personnel in terms of the ethics education and training and whether it will be compulsory or voluntary. A variety of tools can be employed including online education for broad audiences and face-to face interactive sessions and workshops.

9. ACTS OF MISCONDUCT (General notice 1568 of 2009)

Any official will be guilty of misconduct if he or she (this list is not exhaustive)-

- Without permission possesses or wrongly uses the property of the Department or that of another official and or visitor;
- Wilfully, intentionally or negligently damages and or causes loss of property;
- Endangers the lives of self or others by disregarding safety rules or regulations;
- Prejudices the administration, discipline or efficiency of the Department;
- Steals, bribes, or commits fraud;
- 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;
- Discriminates against others on the basis of race, gender, disability, pregnancy, ethnic and social origin, colour, age, etc.
- Without written approval performs work for compensation in a private capacity for another person or organisation either during or outside working hours;
- While on duty conducts him/herself in an improper disgraceful and unacceptable manner.

10. CONCLUSION

Rules and procedures influence individuals' behaviour but values are what change the culture within the Department. Adherence to this Code of Ethics by all employees is one of the important ways we can merit the confidence and support of the public.

Organisational integrity by understanding the Departmental policies, procedures and legislation applicable will assist with achieving our vision.

11. POLICY COMPLIANCE

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

12. POLICY REVIEW

This Policy shall be reviewed annually to determine its adequacy and effectiveness for current circumstances.

Recommended by the Risk Management Committee:

Signature:

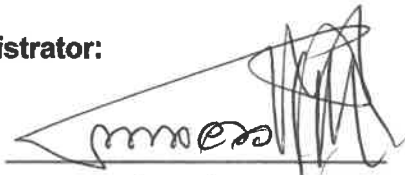


Date:

28 March 2022

Approved by the Administrator:

Signature:



Date:

28/03/22

ANNEXURE A: DEPARTMENTAL ETHICS MANAGEMENT PLAN 2022/23

ACTIVITY	RESPONSIBLE OFFICIAL	OUTPUTS/ OUTCOMES	Progress to date
	DUE DATE		
Review the ethics Policy/ Strategy for 2023/24	Chief Risk Officer 31 March 2023	Approved Ethics Policy/Strategy	
Financial disclosures: Declaration of financial interests	April 2022 - SMS officials July 2022 – All designate employees.	Detailed reports for financial disclosures: eDisclosure reports	
Conduct the Departmental Ethics Risk Assessment	Chief Risk Officer/ Ethics Officer April 2022	Approved Departmental ethics risk register	
Conduct monitoring & evaluation for the ethics Risk Register	Ethics Officer Quarterly	Approved Risk Monitoring Report	
Management of Remunerative Work outside public service	Chief Risk Officer, EA Continuous	RWOPS Forms, Register of requests	
Investigating ethics/misconduct cases reported	Security Services & Labour Relations Unit Ongoing	Ethics/misconduct case database	
Conduct ethics awareness workshops	Chief Risk Officer/ Ethics officer 3 rd & 4 th Quarter	Well informed officials on ethics management	