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GOEWERMENTSKENNISGEWING

OFFICE OF THE PUBLIC SERVICE COMMISSION
KANTOOR VAN DIE STAATSDIENSKOMMISSIE

No. R. 825

10 June 1997

ANNEXURE

For general information it is hereby notified that the President has, under the powers vested in him by section 41(1) of the Public Service Act, 1994, issued the following regulations:

The Public Service Regulations, published under Government Notice No. R. 1091 of 10 June 1994, as amended, are hereby further amended by the addition of the following new Chapter M:

“CHAPTER M**CODE OF CONDUCT FOR THE PUBLIC SERVICE****MI DEFINITION**

In this Chapter any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned thereto, and “this Act” means the Public Service Act, 1994, and the regulations issued in terms thereof.

M2 PURPOSE

M2.1 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.

M2.2 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.

M3 INTRODUCTION

M3.1 The need exists to provide guidelines 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**.

M3.2 Although the Code of Conduct was drafted to be as comprehensive as possible, it does not provide a detailed standard of conduct. Heads of department are, in terms of section 7(3)(b) of the Act, *inter alia* responsible for the efficient management and administration of their departments and the maintenance of discipline. They may therefore, after the matter has been consulted in the appropriate Chamber of the Public Service Bargaining Council, and without derogating from it, supplement the Code of Conduct provided for in this Chapter in order to provide for their unique circumstances. Heads of department should also ensure that their staff are acquainted with these measures, and that they accept and abide by them.

- M3.3 The **primary** purpose of the Code is a positive one, viz. to promote exemplary conduct. Notwithstanding this, an employee shall be guilty of misconduct in terms of Section 20 (t) of the Public Service Act, 1994, and maybe dealt with in accordance with the relevant sections of the Act if he or she contravenes any provision of the Code of Conduct or fails to comply with any provision thereof.

M4 CODE OF CONDUCT

M4.1 RELATIONSHIP WITH THE LEGISLATURE AND THE EXECUTIVE

An employee -

- M4.1.1 is faithful to the Republic and **honours** the Constitution and abides thereby in the execution of his or her daily tasks;
- M4.1.2 puts the public interest first in the execution of his or her duties;
- M4.1.3 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;
- M4.1.4 strives to be familiar with and abides by all statutory and other instructions applicable to his or her conduct and duties; and
- M4.1.5 co-operates with public institutions established under legislation and the Constitution in promoting the public interest.

M4.2 RELATIONSHIP WITH THE PUBLIC

An employee -

- M4.2.1 promotes the unity and wellbeing of the South African nation in performing his or her **official** duties;
- M4.2.2 will serve the public in an unbiased and impartial manner in order to create confidence in the Public Service;
- M4.2.3 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;
- M4.2.4 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;
- M4.2.5 is committed through timely service to the development and upliftment of all South Africans;

M4.2.6 does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, **colour**, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;

M4.2.7 does not abuse his or her position in the Public Service to promote or prejudice the interest of any political party or interest group;

M4.2.8 respects and protects every person's dignity and his or her rights as contained in the Constitution; and

M4.2.9 recognises the public's right of 'access to information, excluding information that is specifically protected by law.

M4.3 RELATIONSHIPS AMONG EMPLOYEES

An employee -

M4.3.1 co-operates fully with other employees to advance the public interest;

M4.3.2 executes all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law;

M4.3.3 refrains from **favouring** relatives and friends in work-related activities and never abuses his or her authority or influences another employee, nor is influenced to abuse his or her authority;

M4.3.4 uses the appropriate channels to air his or her grievances or to direct representations;

M4.3.5 is committed to the optimal development, motivation and utilisation of his or her staff and the promotion of sound labour and interpersonal relations;

M4.3.6 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

M4.3.7 refrains from party political activities in the workplace.

M4.4 PERFORMANCE OF DUTIES

An employee -

M4.4.1 strives to achieve the objectives of his or her institution cost-effectively and in the public's interest;

M4.4.2 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;

- M4.4.3** is punctual in the execution of his or her duties;
- M4.4.4 executes his or her duties in a professional and competent manner;
- M4.4.5 does not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties;
- M4.4.6** will recuse himself or herself from any official action or decision-making process which may result in improper personal gain, and this should be properly declared by the employee;
- M4.4.7 accepts the responsibility to avail himself or herself of ongoing training and **self-**development throughout his or her **career**;
- M4.4.8 is honest and accountable in dealing with public funds and uses the Public Service's property and other resources effectively, efficiently, and only for authorised official purposes;
- M4.4.9 promotes sound, efficient, effective, transparent and accountable administration:
- M4.4. 10 in the course of his or her official duties, shall report to the appropriate authorities, **fraud**, corruption, nepotism, maladministration and any other act which constitutes an **offence**, or which is prejudicial to the public interest;
- M4.4.11** gives honest and impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind; and
- M4.4. 12 **honours** the confidentiality of matters, documents and discussions, classified or implied as being confidential or secret.
- M4.5 PERSONAL CONDUCT AND PRIVATE INTERESTS
- An employee -
- M4.5.1 during official duties, dresses and behaves in a manner that enhances the reputation of the Public Service;
- M4.5.2 acts responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned;
- M4.5.3 does not use his or her **official** position to obtain private gifts or benefits for himself or herself during the **performance** of his or her official duties nor does he or she accept any gifts or benefits when offered as these may be construed as bribes.
- M4.5.4 does not use or disclose any official information for personal gain or the gain of others; and
- M4.5.5 does not, without approval, undertake remunerative work outside his or her official duties or use office equipment for such work."

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