



CITY OF MBOMBELA ETHICS POLICY

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1. LEGISLATIVE FRAMEWORK AND BEST PRACTICE REGULATIONS

Key principles contained in the following legislation and best practices were applied to develop the Code of Ethics:

- a) Municipal Finance Management Act
- b) National Treasury Regulations of March 2005;
- c) Public Service Act, 1994;
- d) Public Service Regulations, 2001;
- e) Labour Relations Act No. 66 of 1995;
- f) King IV Code of Governance Principles of 2017;
- g) Batho Pele Principles.

2. PURPOSE

The purpose of this Code of Ethics is to promote an ethical culture and provide guidance to the employees and Council Members of City of Mbombela with regard to their day to day professional conduct. It is also aimed at raising awareness of appropriate ethical standards of work performance.

All employees and Council Members of the City must ensure that their conduct protects and promotes the reputation and image of the City. It is a requirement that all employees and Council Members act ethically and in accordance with this code of ethics.

3. APPLICATION

This Code of Ethics is issued under the authority of the Council of the City and is applicable to all employees and Council Members. It should also be read in conjunction with the Human Resources Manual, Chapter 2 of Public Service Regulations, 2001 and the Code of Good Practice contained under schedule 8 of the Labour Relations Act of 1995.

4. GENERAL PRINCIPLES

- 4.1. The Public Service Regulations, Chapter 2: Code of Conduct serves as a guideline to employees of the City and Council Members as to what is expected of them from an ethical point both individual conduct and in their relationship with others.
- 4.2. Chapter 5: Senior Management Service (SMS), Paragraph 91 Of The Public Service Regulations Addresses Ethics and Conducts, it states that a member(s) of the SMS shall:
 - a) display the highest possible standards of ethical conduct;
 - b) set an example to those employees reporting to them and maintain high levels of professionalism and integrity in their interaction with political office-bearers and the public;
 - c) ensure that they minimise conflicts of interest and that they put the public interest first in the performance of their functions; and
 - d) avoid any conflict of interest that may arise in representing the interests of his or her department and being a member of a trade union, as defined in section 213 of the Labour Relations Act.

5. SPECIFICS OF THE CODE OF ETHICS

5.1. Integrity

- a) Employees and Council Members must act with honesty, sincerity and integrity in their approach to their work for the City. All employees should behave with integrity, honesty and fairness in all business, academic, professional and personal relationships.
- b) Employees should not knowingly or recklessly supply any information that is confidential, or make any statement that they know is misleading, false or deceptive to a colleague and any other stakeholders of the City. All employees shall observe the law and make disclosures as dictated by the law.

5.2. Confidentiality

- a) Employees and Council Members must protect the confidentiality of information acquired in the course of their work. The information received during the course of work must not be disclosed to any third party without appropriate authorisation unless there is a legal or professional obligation to disclose such information.
- b) Employees and Council members in receipt of confidential information should not use such information for personal gain personal or gain of a third party.
- c) Employees should discuss the matter of disclosure with their immediate superior if they are in doubt as to whether there exists a right or duty to disclose confidential information. If the matter cannot be resolved by this action, higher authority with the City of Mbombela should be consulted for advice.

5.3. Objectivity

- a) Employees and Council Members must be fair and must not allow bias or prejudice to influence or override their objectivity in academic, administrative, business or management matters.
- b) Employees and Council Members must maintain an impartial attitude when performing their duties and ensure that their work is not influenced by dishonesty, prejudice, conflict of interest and even misuse of the it's position and assets for personal gain (financial or otherwise).

5.4. Conflicts of interest

- a) Employees and Council members must strive to be and appear to be free of any interest (financial or otherwise) which might be regarded as being in conflict or incompatible with their integrity or objectivity.
- b) All employees and Council members should recognise and avoid circumstance, which may result in conflicting of interest by:
 - being cautious of undue benefits or preferential treatment received in the course of their employment. Such benefits may cloud their judgement.

- ensuring city's facilities or property, information or resources are used in the best interests of the City of Mbombela.
- guarding against conflicts of interest arising from inappropriate financial involvement and personal relationships.

5.5. Gifts and Benefits

- a) Employees and Council members may 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 regarded as bribes.
- b) In terms of the Public Service Regulation, 2016, an employee shall **not** receive or accept any gift from any person in the course and scope of his or her employment, other than from a family member, to the cumulative value of *R350 per year*, unless prior approval is obtained from the Principal.
- c) All gift or benefits accepted or received must be declared in the gift register at Corporate Services.

5.6 Other Remunerative Work Outside Public Service

- a) No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the public service, without permission granted by the relevant executing authority or an officer authorized by such authority.
- b) Employees will be required to fill the prescribed form (obtained from corporate service) and submit to the applicant's immediate supervisor, who is required to complete section E, in making recommendations to support or not to support the application, the supervisor considers if the other remunerative work could reasonably be expected to interfere with or impede the effective or efficient performance of the employee's functions or constitute a contravention of the Code of Conduct.

5.7 Conducting Business with the organ of the State

- a) The PSR, Regulation 13 (c) – Ethical conduct: An employee shall— not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state.

6. ADOPTION OF THE POLICY

This policy is effective from the date on which it is adopted by the Council.

7. AVAILABILITY OF THE ETHICS POLICY

A copy of the approved policy will be made available on the City's website

8. REVIEW

This policy is subject to a review every 3 years or as in when required by the City management to ensure compliance with relevant laws and regulations.

Any recommended changes agreed by the Risk and the Audit Committee to this should be presented to the City Council for approval

CUSTODIAN

The Risk Management Unit shall serve as the custodian of this policy.

COMMENCEMENT

This policy will come into effect on the 1st of July 2025 and reviewable on an annual basis.