



**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION  
REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 911**

**Mr M G P Lekota (Cope) to ask the Minister of Public Service and Administration:**

Whether, in view of cases where high-ranking officials are implicated in fraudulent cases like that of a certain person (name and details furnished), he intends to compel all departments and state entities to include an integrity clause in all employment contracts, which employees will have to fully comply with; if not, why not; if so, what are the relevant details?

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**REPLY**

The current public service prescripts include an integrity clause in employment contracts, for example, with regard to appointments made in terms of the Public Service Act, 1994 it is required that an employee, upon appointment, be provided with a written contract of employment, including the terms and conditions of his/her employment. The “terms and conditions of employment” includes compliance with the Code of Conduct prescribed in the Public Service Regulations 2001, Chapter 2.

Public Service Regulations 2001, Annexure A, Parts 1 – 3 contains the generic contracts for Heads of Departments and for members of the Senior Management Service. The contracts specify that “in case of inefficiency and misconduct of an employee, the employer may deal with her/him, in accordance with the relevant labour legislation and any directive issued by the Minister” (refer to Annexure 2 part 1, par 4.6, Annexure 2 part 2 par 3.5 and Annexure 2 part 3, par 13.6). It also indicates that members of the Senior Management Service are expected to adhere to the Public Service Code of Conduct: “....shall comply with the Code of Conduct...” (refer to Annexure 2 part 1, par 6.1.4, Annexure 2 part 2, par 4.1.4 and Annexure 2 part 3 par 4.1.4).

Therefore, once a person accepts appointment in terms of the Public Service Act, 1994 he/she agrees to the legal prescripts that *inter alia* prescribe the required conduct of staff. Contravention of this Code of Conduct is regarded as a disciplinable offence, with a person contravening it to be charged for bringing the organization into disrepute.

The legal prescripts guiding the ethical behavior of public servants include: section 195 of the Constitution (“A high standard of professional ethics must be promoted and maintained”), the Code of Conduct prescribed in Public Service Regulations 2001, Chapter 2; the Financial Disclosure Framework (addressing the disclosure of financial status of Senior Management Service) prescribed in Public Service Regulations 2001, Chapter 3; section 30 of the Public Service Act (addressing other remunerative work); the Senior Management Service Handbook (directed at Senior Management Service and addressing conflicts of interest, see Chapter 6: Ethics and Conduct) and the Public Service Integrity Management Framework (adopted by Cabinet on 9 October 2013, addressing conflicts of interests such as other remunerative work, the disclosure of financial status and gifts and other benefits). Provisions for ethical conduct are also covered in the Correctional Services Act, No 111 of 1998; South African Police Service Discipline Regulations, 1996; the Employment of Educators Act, No 76 of 1998; National Prosecuting Authority Act, Act 32 of 1998; the Handbook for the appointment of persons to board of State and State controlled institutions; and the Prevention and Combating of Corrupt Activities Act, 2004.