

CHAPTER 2
CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS MANAGEMENT

*Part 1
Code of Conduct*

11. Adherence to Constitution and other laws.—An employee shall—

- (a) be faithful to the Republic and honour and abide by the Constitution and all other law in the execution of his or her official duties;
- (b) put the public interest first in the execution of his or her official duties;
- (c) loyally execute the lawful policies of the Government of the day in the performance of his or her official duties;
- (d) abide by and strive to be familiar with all legislation and other lawful instructions applicable to his or her conduct and official duties; and
- (e) co-operate with public institutions established under the Constitution and legislation in promoting the interest of the public.

12. Relationship with public.—An employee shall—

- (a) promote the unity and well-being of the South African nation in performing his or her official duties;
- (b) serve the public in an unbiased and impartial manner in order to create confidence in the public service;
- (c) be polite, helpful and reasonably accessible in his or her dealings with the public;
- (d) have regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them;
- (e) be committed through timely service to the development and upliftment of all South Africans;
- (f) not abuse his or her position in the public service to promote or prejudice the interest of any political party or interest group;
- (g) respect and protect the dignity of every person and his or her rights as contained in the Constitution; and
- (h) recognise the public's right of access to information, excluding information that is specifically protected by law.

13. Ethical conduct.—An employee shall—

- (a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), in return for performing or not performing his or her official duties;
[Para. (a) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (b) not engage in any conduct that is in conflict with or infringes on the execution of his or her official duties;
[Para. (b) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]

- (c) 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, unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act;
- (d) refuse himself or herself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;
 - [Para. (d) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (e) immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which is prejudicial to the interest of the public, which comes to his or her attention during the course of his or her employment in the public service;
- (f) refrain from favouring relatives and friends in work-related activities and not abuse his or her authority or influence another employee, nor be influenced to abuse his or her authority;
- (g) not use or disclose any official information for personal gain or the gain of others;
- (h) not receive or accept any gift in the course and scope of his or her employment to the cumulative value exceeding R500 per year, unless approval is obtained from the relevant executive authority;
 - [Para. (h) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (i) if he or she has permission in terms of section 30 of the Act to perform outside remunerative work, not—
 - (i) perform such work during official work hours; and
 - (ii) use official equipment or state resources for such work.
- (j) deal fairly, professionally and equitably with all other employees or members of the public, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and
- (k) refrain from party political activities in the workplace.

14. Performance of official duties.—An employee shall—

- (a) strive to achieve the objectives of his or her institution cost-effectively and in the interest of the public;
- (b) be creative in thought and in the execution of his or her official duties, seek innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law;
- (c) be punctual in the execution of his or her official duties;
- (d) execute his or her official duties in a professional and competent manner;
- (e) co-operate fully with other employees to advance the interest of the public;
- (f) be honest and accountable in dealing with public funds and use the State's property and other resources effectively, efficiently, and only for authorised official purposes;
- (g) use the appropriate mechanisms to deal with his or her grievances or to direct representations;
- (h) be committed to the optimal development, motivation and utilisation of employees reporting to him or her and the promotion of sound labour and interpersonal relations;
- (i) avail himself or herself for training and development;
- (j) promote sound, efficient, effective, transparent and accountable administration;
- (k) give honest and impartial advice, based on all available relevant information, in the execution of his or her official duties;
- (l) honour the confidentiality of official matters, documents and discussions;
- (m) not release official information unless he or she is authorised or has the necessary approval;
 - [Para. (m) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (n) when on official duty, dress and behave in a manner that is befitting of a public service employee;
- (o) not consume alcoholic beverages or any other non-medicinal substance with an intoxicating effect while on duty or shall not report for duty under such influence;
- (p) not misrepresent himself or herself or use the name or position of any other employee or person to unduly or improperly influence any decision making process or obtain any undue benefit;
 - [Para. (p) amended by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]

- (q) immediately report any non-compliance with the Act to the head of department and in the event that the non-compliance is by the head of department, report such non-compliance to the executive authority;
[Para. (q) substituted by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (r) not claim any intellectual property over work done in the course and scope of his or her employment; and
[Para. (r) added by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]
- (s) not act in a manner that brings his or her department or the public service into disrepute.
[Para. (s) added by GNR.3971 of 20 October 2023 and by GNR.4007 of 27 October 2023.]

15. Employees as candidates for elections.—(1) An employee who is issued with a certificate in terms of section 31 (3) of the Electoral Act, 1998 (Act No. 73 of 1998), stating that he or she is a candidate in an election, shall, not later than the next working day, inform his or her head of department in writing thereof and submit a copy of the certificate.

(2) The employee shall be deemed to be on annual leave from the date following the date the certificate is so issued until, if he or she is—

- (a) elected and accepts election, the date immediately before the date he or she assumes office;
- (b) elected, but declines election, the date that he or she declines election; or
- (c) not elected, the date of the designation of representatives in terms of item 16 to Schedule 1A to the Electoral Act, 1998.

(3) If the employee has insufficient annual leave, he or she shall be deemed to be on unpaid leave for the period in question.