

POKOLWANE MUNICIPALITY BUSINESS CODE OF ETHICS



POLOKWANE MUNICIPALITY

BUSINESS CODE OF ETHICS

#283501

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1. APPLICATION

The application and purpose of the Business Code of Ethics is to support the Municipality's vision, mission and values by informing employees of acceptable and unacceptable conduct and or behavior. It seeks to embody the fortitude of our conduct and behavior in terms of fairness, respect and ethical standards, and to guarantee that the integrity of the Municipality is not compromised in any way. Each and every employee is anticipated to apply sound judgment in deciding on the most ethical means of dealing with any given circumstances involving customers, competitors, stake holders, suppliers, the public, fellow employees and Municipal matters in general. Personal ethics establish credibility and true leadership. Whenever an employee is faced with an ethical dilemma, the employee should seek advice from the Business Unit Manager. The Municipality is obliged to take proper disciplinary action where an employee's behavior and conduct is regarded as unacceptable according to Municipality norms, policies and procedures.

Therefore, violation of any part of the Business Code of Ethics could result in disciplinary action, up to and including dismissal and civil prosecution.

2. DEFINITIONS

Assets: means any moveable, immovable or incorporeal thing, or any right and entitlement in a personal or any other legal right.

Business courtesy: means a favor from a person (or any other juristic entity regardless of whether a business relationship exists between the Municipality and that person or juristic entity) to a municipal employee in order to persuade such an employee to act in that person's favor. A Business courtesy is inter alia an intangible benefit, such as (but not limited to) free meals, drinks, entertainment hospitality, recreation, transportation, discounts, vacation and recreation, lodging, use of a donor's time or concession on any goods or service for personal use at a rate that is not available to the general public.

Code : means a set of rules aimed at governing the conduct and relations of a certain group of people that have a collective interest in respect of their employment environment.

Conflict of interest: means where employees have a personal interest in a project / contract of the Municipality that could be seen to have the possibility to interfere with their objectivity in performing their duties and service delivery, or exercising their judgment on behalf of the Municipality.

Competitors: means any persons or entities, which renders the same or very similar services or supplies the same or similar products in any one or a number of business environments. Business partners could be competitors that partner with the Municipality in certain situations under various partnership agreements.

Competitor-customer: means any competitor who is also a customer of the Municipality.

Customers / Public: means persons (internally or externally), the community and / or entities to which the Municipality provides a service (or product).

Ethics: means standards of conduct, which indicate how to behave, based on moral duties and virtues arising from principles about right and wrong.

Family members: means an employee's: -

- Spouse / life partner,
- Children, adopted children,
- Own parents, adoptive parents,
- Parents-in-law, parents of life partners, or
- Grandparents, grandchildren and
- Siblings.

Gender:

The term "him" / "her" or any other indication shall also refer to the opposite gender.

Gift: means any item, benefit or other tangible thing received worth more than R350-00, including money.

Material interest: means

- Ownership of any shares in a private company, or entity
- Ownership of shares in a public company or entity that is greater than 2% of market capitalisation and / or whose market value is greater than 5% of your annual remuneration.
- Directorship in any private / public company or Municipality.

Municipality: means POLOKWANE MUNICIPALITY

Proprietary information: means information concerning the business of the Municipality, which is regarded as being confidential in nature and belongs to and is owned by the Municipality.

Premises: means any and all buildings, grounds, structures, vehicles etc that are in any form owned or used by the Municipality.

Stake holders: means any person or entity with an interest in or involvement in the business and service delivery of the Polokwane Municipality

Suppliers: means persons or entities that supply products or render services of any nature to Municipality.

3 MATTERS REGARDING EMPLOYEES

3.1 Respect for the individual

Mutual understanding is built on respect for the individual's rights, dignity, aspirations and interests. The Polokwane Municipality and its employees therefore treat each other with respect and dignity, whilst valuing diversity. The municipality is committed to the provision of a work environment that is free from discrimination based on race, colour, religion, nationality, gender, disability, marital status, sex, pregnancy, ethnic or social origin, birth, age, colour, sexual orientation or any other unlawful factor. This means that the municipality complies with applicable human rights legislation and do not permit conduct that creates an intimidating, menacing or offensive work environment. Such conduct includes, but is not limited to racist, sexist or ethnic comments, statements, material, jokes, harassment or being in possession of or reading / viewing pornographic literature, photographs or material. Such conduct may result in disciplinary action, up to and including dismissal.

Polokwane Municipality prohibits all forms of sexual harassment. All employees are responsible for assuring that the workplace is free from sexual harassment. Such conduct may result in disciplinary action, up to and including dismissal.

Polokwane Municipality places a high premium on the privacy of the individual. The municipality therefore is committed to keeping personal information concerning our employees truly confidential. Access to and knowledge of employee records will be limited to staff members in Human Resources and people in the Municipality who need the information for rightful business or legal purposes.

3.2 Gifts, favors, invitations and Business Courtesies

Individual or group invitations to local or international sporting events, the theatre, year-end functions or any similar functions, which are extended to employees as a courtesy during the normal course of business by existing customers, service providers and / or suppliers, may not be accepted without approval.

All employees involved in decision-making during procurement will be subjected to the ethical standards Section 46, as stipulated in the supply chain management regulation, notice 868 of 2005.

Acceptance of a meal, refreshments, or other minor hospitality in the normal course of business relations is ordinarily not considered as being influencing actions and as such is acceptable as a courtesy.

Employees may never accept money from a Customer, Service Provider, Competitor, Supplier and or a member of the public.

Under no circumstances may an employee accept a gift or business courtesy that is valued at more than R350-00.

Any other personal favors that are offered to an employee or a family member of that employee, which could be construed as influencing an employee's business decisions, must be declined. Where gifts are delivered to an employee, he / she must return such gifts to the donor with an appropriate explanation of the Municipality policy in this regard.

Should the gifts be perishable goods, it should be donated to charity and the suitable explanation on Municipal policy as well as the action taken, communicated to the donor. Where, for reasons of

cultural sensitivity, it is considered unsuitable to return gifts, such items should be donated to charity and the donor diplomatically advised of the action taken and the reasons for such action.

All gifts, or other hospitality offered to an employee must be declared in the Gift Register that is maintained by the Internal Audit Manager. The above provisions apply to all employees at all times, even if the employee is on leave at the time the offer is made.

3.3 Improper conduct

We must at all times avoid conduct, which might be considered improper, unlawful or fraudulent. In judicial and administrative proceedings, the things we do, the things we say, and the words we write on a day-to-day basis will determine the way our conduct is perceived by the people who judge and regulate this conduct. For the most part, avoiding improper conduct is a matter of common sense.

The following guidelines include reminders to intensify your awareness:

3.3.1 Do not propose to anybody, even as a hypothetical possibility, any plan, strategy, tactic, action, or course of conduct that you believe may be unlawful or harmful to the Municipality.

3.3.2 Do not speculate about or pass judgment on the legality of business practices for which you are not personally responsible or about which you have incomplete or inaccurate information.

3.3.3 If you find yourself in a compromising situation that might be interpreted as participation in non-competitive or otherwise illegal activities, you should:

3.3.3.1 Immediately and conspicuously indicate your disapproval,

3.3.3.2 Refuse to participate further in the activities pending consultation with Legal Services,

3.3.3.3 Leave the meeting or otherwise terminate the discussion, and

3.3.3.4 Notify Legal Services immediately.

3.3.4 Whistleblowers will not victimised

3.4 Conflict of interest

It is an employee's duty to act in the exclusive interest of the Municipality and not for personal gain. Conflict of interest may start from certain activities that employees engage in as private individuals. Municipality requires of employees to never allow business dealings on behalf of Municipality to be influenced - or even appear to be influenced - by personal or family interests.

Employees may not enter into any business dealings with suppliers / service providers to the Municipality, own a competing business or offer trader backing (the provision of specialised and or confidential information that the employee has by virtue of his/her employment with Municipality) to any person or body outside Municipality, including family or friends.

Employees may not have a material interest (financial or otherwise) in the business of a supplier, contractor or in any organisation that could cause a conflict of interest. Non-public information about the Municipality or any other Municipality may not be used for an employee's own benefit or

disclosed to anyone outside the Municipality. No employee may under any circumstances whatsoever acquire a personal loan from a contractor or supplier, except if said contractor / supplier is a commercial bank or registered financial institution.

It is mandatory for each employee to declare in writing to the Internal Audit Manager via the employee's Director where the employee, or a family member have a direct or indirect material interest in an undertaking that (either competes with Municipality, or) renders services or supplies products to the Municipality. Employees are responsible for declaring, in writing, any changes in circumstances to their Director. The applicable Director will forward all declarations and / or changes to the Internal Audit Manager.

A conflict of interest can be encountered where an employee works for monetary gain for another or himself in addition to his Municipal responsibilities. Employees may not engage in any activity or perform any work outside their scope of activities in the Municipality (a second job). This includes directorships on councils, consultancy, interest held in a business entity that contracts with the municipality, etc.

Employees may not perform private work without prior written permission of the Municipal Manager. Employees may not solicit their business while on official premises or in official time, nor may official equipment, materials, resources or proprietary information be used for any private work. The Municipal Manager may withdraw permission to do private work at any time.

Should a Municipal employee's family member, be a supplier that poses opposition to Municipality in so far as the marketing of and delivering of services or products is concerned, the best route of action is for the employee to review the situation with the CHIEF FINANCIAL OFFICER and Directors with a view to resolving any conflict that may arise.

Should a municipal employee's family member be a service provider or supplier of the Municipality or should the employee's family member be employed by such a service provider / supplier, and the employee has direct dealings with the service provider or supplier, the CHIEF FINANCIAL OFFICER and Directors should be informed immediately in writing, with a view to resolving any conflict that may arise.

3.5 Employees required to testify or produce evidence in court

Employees who are requested to consult with any third party with a view to providing the third party with Municipality-related evidence or information must refer such a request to their business unit manager. The business unit manager must then consult with Legal Services or, in the case of labour-related matters, the Human Resources Manager.

Employees who are subpoenaed to give evidence in court in any legal proceedings (e.g. the High Court, Magistrates Court or legal proceeding etc. regarding any matter involving and / or related to Municipality's business operations, should refer the matter to their business unit manager. The business unit manager must then consult with Legal Services or, in the case of labour-related matters, the Human Resources Manager. Any employee who is not properly mandated to represent the Municipality in any legal proceedings, and who testifies or provides information on evidence without first referring the matter to his / her business unit manager, and without consulting with Legal Services / HR will be subjected to disciplinary action, up to and including dismissal.

Employees subpoenaed to give evidence as witnesses should be in accordance with the laws of the Republic.

3.6 Safe working environment

Polokwane Municipality is committed to making the work environment safe and healthy for all its employees, members of public, contractors, stakeholders, suppliers and service providers. Therefore, the Municipality strives to comply with all applicable legislation and codes of practices relating to occupational health and safety as well as environmental and conservation management.

The safety of employees is a great concern for Polokwane Municipality. Physical violence, hostility and / or any apparent threat of violence shall be dealt with relentlessly. Any employee who has any information of prohibited conduct or has concerns regarding his / her safety or the safety of a colleague, member of public or supplier must immediately report these concerns to a business unit manager. The manager must then take suitable action.

Employees are not allowed to carry firearms on the premises, except those authorized to do so by virtue of their work. Clients are expected to leave their firearms when entering Municipal buildings with security.

The unauthorized possession of any weapon or implement that might be used as a weapon, including but not limited to a firearm, knife or explosives is strictly prohibited on Municipal premises, in Municipal vehicles or while conducting Municipal or other official business.

3.7 Substance abuse

Polokwane Municipality is committed to a drug-free workplace. The misuse of illegal drugs, substances or alcohol while on municipal premises or while conducting official business is prohibited. The municipality prohibits the use, possession, distribution or sale of drugs on its premises, in its vehicles and while conducting official business.

Furthermore, no employee may conduct municipal business while under the influence of drugs or alcohol. Any transgressions in this regard shall be dealt with in accordance with the disciplinary process.

3.8 Patent rights

If an employee at any time during his / her employ in the Municipality makes an invention or discovery that is related to a product or service of the Municipality, it will be regarded as the exclusive property of Municipality, irrespective of whether it has been developed and / or discovered during or outside working hours.

The employee concerned must immediately inform the Municipality of such invention or discovery, furnish full particulars thereof and make available relative documentation and models. The employee must also, on request of Municipality and at municipal expense, do everything necessary and sign all documentation that may be necessary to transfer all his rights in respect of the invention or discovery to the Municipality and to obtain all patents or rights in the Republic of South Africa or any other country as required by Municipality at its own discretion and judgment.

However, the possibility may also be investigated of the Municipality taking the initiative to obtain joint patent rights with the inventor at Municipal cost, in which case an agreement must be completed regarding the division of profits.

If the invention or discovery is not related to a product or service of the Municipality, the employee may obtain patent rights at his own expense. He may be permitted to retain the profits that may accrue to him from that source, after he has a signed agreement from the Municipal Manager authorising this.

4. **DEALING WITH CUSTOMERS AND THE PUBLIC**

4.1 Dress code

Employees must be presentable at all times

Employees must at all times adhere to the Protective Clothing Policy. Employees shall wear the appropriate protective clothing where required by the Protective Clothing Policy.

4.2 Customers and the Public:

Polokwane Municipality recognises that integrity and customer satisfaction are inextricably intertwined. It is therefore imperative that information provided to customers is clear, factual, correct and timeous. Commitments made to customers must at all times be honored. If commitments cannot be honored, feedback must be given to the customer within agreed-upon timeframes and / or guidelines.

Always treat customers and the public in general with fairness and respect. Even if provoked do not belittle, laugh at, ridicule, mock, sneer at or criticise customers or service providers of the Municipality.

4.3 Privacy of customer information.

Privacy of customer information is fundamental to the Municipality's integrity. Except when compelled by law, the Municipality does not reveal customer information to any unauthorised persons.

Certain levels and functions of staff within the Municipality are required to sign an Oath of Confidentiality to ensure that customers and the public are treated with perfect business ethics standards and to ensure that the public, customers and service provider's information are dealt with in confidentiality.

5. DEALING WITH THE GOVERNMENT, MEDIA AND STAKEHOLDERS

Contact and co-operation with the government, media and stakeholders are extremely important to the Municipality. It is therefore necessary that we handle these relationships in a professional manner.

The Manager Communication & Public Participation is responsible for handling public and media matters in the Municipality as authorized by the Executive Mayor or Municipal Manager.

Contact and co-operation with Municipality stakeholders are also extremely important to the Municipality. It is therefore necessary that we handle this relationship in a professional manner. Employees, who are approached by Municipality stakeholders or prospective stakeholders, should immediately refer them to the CFO or relevant Director.

6. MATTERS REGARDING SUPPLIERS, SERVICE PROVIDERS AND COMPETITORS

Polokwane Municipality is committed to the principle of honest and transparent dealing with suppliers, service providers and competitors. All business relationships between the Municipality and its suppliers, service providers and competitors will be conducted in accordance with the guidelines based on the

- Municipal Finance Management Act (MFMA),
- Polokwane Municipality Procurement Policy
- Local and internationally accepted standards and ethical business conduct.

The Municipality is committed to the highest standards of integrity and any employee transgressing the principles embodied in the Business Code of Ethics will be subjected to disciplinary action, up to and including dismissal. Selection of suppliers will be done by applying fair, legally sound, equitable, consistent and transparent procurement processes in accordance with the policies, processes and procedures as well as work instructions (that regulate the selection of suppliers).

In dealing with suppliers, our focus must always be on maintaining or improving our own efficiency, reducing and minimising our costs, and improving the quality of our products and services. No verbal or written commitments can be made to any supplier for equipment, material or services without working through the Manager Procurement and / or Chief Financial Officer.

The Municipality's Delegation of Authority must be strictly adhered to at all times.¹

¹ The Municipality's Delegation of Authority will be published shortly.

6.1 Marketing of products on Municipal premises

For security, operational and practical reasons representatives of private and outside organisations, members of the public as well as employees, may under no circumstances be allowed to market or sell non-Municipality products & services including but not limited to insurance policies, housing loan schemes, funeral benefits schemes, medical aid schemes or merchandise - on Municipal premises.

6.2 Competitors and Service Providers

It is inevitable that Municipal employees and suppliers / service providers, will meet, talk and attend the same business meetings from time to time. In all contacts with suppliers and service providers, it is imperative that employees avoid discussing matters such as pricing policy, terms and conditions, costs, product plans, market surveys or studies, business plans or any other proprietary or Municipal confidential information.

In addition to adhering to the guidelines contained in the Business Code of Ethics, employees must at all times be sensitive to the prospect of legal concerns under rivalry laws, and must raise any such concerns with their business unit manager.

7. COMMUNITY ACTIVITIES

Polokwane Municipality encourages its employees to participate in community activities in their own time. Employees should however ensure that no conflict of interest - be it actual or potential - exists between their employment with Municipality and their duties in community affairs, whether elective or appointed, paid or voluntary. For example, sometimes employees who perform public service or hold a designated or appointed position are called upon to make decisions that might affect the Municipality. Any employee who finds himself in a situation like this must abstain from the vote.

7.1 Involvement in political activities

The Municipality acknowledges the rights of all employees to participate in the political process. However, employees are prohibited from using either their positions within the Municipality or Municipality assets to try to support a political party or candidate, or otherwise influence others to contribute to or support a political party or candidate.

Municipal employees who participate in politics do so as private citizens, not as municipal employees. Therefore it is the policy of the Municipality not to make contributions of resources such as money, goods or services to political candidates or parties.

8. DEALING WITH MUNICIPAL ASSETS

8.1 Dealing with proprietary information

Proprietary information is information or knowledge of the Municipality not to be disclosed except as required by law. When a legitimate business need arises to disclose proprietary information outside Municipality, a non-disclosure agreement should be considered. Legal Services should be approached for assistance in this regard.

Municipal documents should not include any material that can be interpreted or characterised as suggesting any course of conduct that is exclusionary, discriminatory, corrupt, contrary to law, or otherwise contrary to the Municipality's constitutional obligation or commitment to ethical, and lawful conduct. This rule applies not only to formal documents such as letters, memos, and reports but also to other less formal documents such as notes and e-mail messages.

Proprietary information includes but is not limited to information about:

- Municipality's business, financial and service plans;
- Research and development activities and results, inventions and patent applications;
- Customer and employee records;
- Network and infrastructure;
- Municipal technology;
- Confidential service processes or know-how;
- Non-public information about services;
- Any other confidential information.

In the absence of a clear rule, assume that information received from internal sources as well as competitors and customers is to be held in confidence.

During an employee's term of employment in Municipality and even after, each and every employee is responsible for ensuring that proprietary information is protected from theft, unauthorised disclosure or inappropriate use, and for fulfillment with security procedures for computer systems. Employees are urged to use common sense to prevent the inadvertent disclosure of proprietary information when answering questions from outsiders or using internal information systems. Guard against being overheard when discussing proprietary information in public places such as restaurants, airplanes, elevators, etc. and when using portable telecommunication devices. In addition, do not discuss municipal proprietary information with family or friends.

Polokwane Municipality is committed to fair disclosure of material information while avoiding selective disclosure.

The Municipality will communicate matters affecting the community and stakeholders through the EXECUTIVE MAYOR or his/her delegated authority.

All media interviews are to be managed or coordinated by the Manager Communication and Public Participation in accordance with the communication policy.

All employees may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorized person. Privileged or confidential information includes any information:

- Determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential
- Discussed in closed session by the council or a committee of the council
- Disclosure of which would violate a person's right to privacy
- Declared to be privileged, confidential or secret in terms of any law.

All employees are required to sign specific Oath of Confidentiality.

8.2 Municipality funds and property

We are all responsible for safeguarding and making proper and efficient use of Municipality funds and property. Municipality funds and property include but are not limited to Municipality time, cash, cheques, drafts, land, buildings, records, vehicles, equipment, including facsimile machines, copiers, telephones, computer hardware and software, scrap and obsolete items and all other items belonging to the Municipality. Always conduct Municipality's business prudently.

Any employee who willfully and / or maliciously or neglectfully manages or damages the Municipality network or any technology infrastructure or property and funds will be subject to disciplinary action up to and including dismissal and/or civil/criminal prosecution.

8.3 Security devices to safeguard assets

Where security devices such as gear locks, safes, tracking systems, alarm systems, etc. have been provided to protect municipal assets - be it money, movable/immovable property, proprietary information or municipal records - such equipment must be used at all times.

8.4 Municipal records

Municipal records include customer, employee and payroll records, vouchers, bills, time sheets, measurement, performance and production records and other essential documentation.

Accurate and complete records are critical in meeting the municipality's financial, legal and managerial obligations as well as in fulfilling our obligations to customers, suppliers, employees and other stakeholders. Records should be retained according to legal requirements and the municipality's filing and safeguarding system. Disclose records only when authorised by the Municipality or in response to legal requirements.

Any employee who willfully manipulates municipal records or damages the integrity of the municipality's records or operational support system, will be subject to disciplinary action, up to and including dismissal and or civil/criminal prosecution.

Without detracting from the generality of the previous, employees may also not manipulate municipal records contrary to municipal policy and procedures and beyond the employee's delegated authority in a manner, which adversely affects the Municipality or unduly benefits the employee or any other third party.

It is once again confirmed that all employees are required to sign the Oath of Confidentiality and refusal to sign the code does not exonerate one, from being disciplined as outlined in the Code of Conduct for Municipal Staff, Schedule 2 of the Municipal Systems Act, 2000.

8.5 Payment of arrears for rates and service charges

In terms of Schedule two, item 10 of the Municipal Systems Act (Act 32 of 2000, GG 21776) an employee "may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period". Polokwane Municipality will deduct outstanding amounts from employees' salaries after the three months if the accounts are still in arrears.

8.6 Copyright

Copyright laws protect the original expression in, amongst others, written materials, works of art and music and prohibit its unauthorised duplication, distribution, display and performance. One may not reproduce, distribute or alter copyrighted materials from literature, computer software, or play visual or audio recordings thereof without the consent of the copyright owners or their authorised agents.

Computer software used in connection with municipal business must be properly licensed and used only in accordance with that license. Using unlicensed software could constitute copyright infringements. Violations or suspected violations of computer security measures, controls or software / licensing agreements should be reported to Information Technology Services.

9. RESPONSIBILITIES REGARDING THE BUSINESS CODE OF ETHICS

9.1 Responsibilities of the Municipal Manager, CFO, Directors and Managers

The Municipal Manager, CFO and Directors have the following responsibilities with regard to the administration of the Business Code of Ethics:

- Ensuring that all employees under their control receive and sign an acknowledgement of receipt of a copy of the Business Code of Ethics upon employment, and annually thereafter during the IDP review process.
- Taking steps to ensure that employees are fully conversant with the Business Code of Ethics.
- Ensuring that the Business Code of Ethics forms part of Municipality's corporate orientation program.
- Ensuring that all standards and procedures comply with the Business Code of Ethics and are communicated to all employees.
- Ensuring that all matters that cannot immediately be decided on are properly referred to the appropriate level / division for consideration.
- Ensuring that each employee completes a Commitment Form and a Declaration of Interest Form (where applicable) and filing these forms together with the contract in the employee's personal file.
- Ensuring that a record is kept of all Declaration of Interest forms received.

9.2 Responsibilities of all employees

All employees must commit themselves to the following responsibilities:

- Familiarising themselves with the Business Code of Ethics according to which Municipality business should be conducted.
- Ignorance of any provision of the Business Code of Ethics will not be an excuse for non-compliance.
- Abiding by the behavior embodied in the Business Code of Ethics.
- Keeping a copy of the document for personal reference.
- Reporting any changes in their declaration of interest status to their business unit manager. The onus is on the employee to complete a new Declaration of Interest form as and when any changes occur.
- Seeking advice and information from their business unit manager whenever necessary.
- Reporting violations or suspected violations of the Business Code of Ethics up through the chain of command.

10. COMPLIANCE

It is pertinent that all employees adhere to the Business Code of Ethics. All employees must commit to the Business Code of Ethics by signing a personal commitment form indicating that they understand the contents of the business code of ethics. Violation of this code may result in disciplinary action, up to and including dismissal. This Business Code of Ethics will evolve and be updated as and when necessary but in core, remains effective at all times.

11. REVIEW

The Business Code of ethics will be reviewed annually by the Human Resource and Transformation Committee.