



MADIBENG LOCAL MUNICIPALITY  
INTEGRITY MANAGEMENT FRAMEWORK

**Part B – Integrity Principles**

**Private Work Policy Statement**

**Principle 3: Private work**



## Municipal Integrity Framework - Integrity Principle 3

### External Private work

#### 1. Introduction

Madibeng Local Municipality (MLM) commits to serving its community and stakeholders in a manner which is free of corruption and acts at all times in the legitimate interests of all stakeholders involved and discharge their duties with integrity, faithfulness, confidentiality, efficiency, competence and in a non-discriminatory manner.

MLM is committed to further the goals of the National Government in so far as Employment is concerned thus this Policy addresses matters regarding Private work done by all MLM Employees which fall outside the scope of their normal duties at MLM.

This policy is to be read in conjunction with the Municipal Integrity Framework as it forms an integral part thereof.

#### 2. Purpose and Objectives

The purpose of this statement is to regulate and establish clear directives on how Employee's who wish to perform Private work outside their employment in MLM, can get approval.

Furthermore it is aimed at managing Employees conduct and their activities in order to minimise factors which may hamper an Employee in the execution of their duties as an MLM Employee and to create and sustain a working environment that is conducive to productivity and the betterment of MLM.

The objectives that this statement is aimed at achieving include:

- To promote and foster clean and good ethics within MLM;



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- To inform Employees what is expected of them should they wish to undertake Private work outside their employment with MLM;
- To enhance uniformity and transparency in the processing of applications for Private work outside MLM;

To make provision for potential existing Employees with scarce skills to be retained within MLM, whilst still maintaining other work interests for professional growth and development.

### **3. Scope**

This statement shall apply to all Employees, as defined.

This statement forms part of the terms and conditions of employment. The MLM reserves the right, at its sole discretion, to amend, modify or waive any term or condition in this policy, subject to obtaining relevant input from affected employees.



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4. Definitions

Term	Definition
Employees	Any person who works for the Council and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of the Council. For purposes of this policy, employee includes persons seconded from other local, provincial or national government, or seconded from any entity belonging to a local, provincial or national government.
Private work	Any work performed by an employee outside employment for which a reward or pay for services rendered is made.
Private Personal Interest	or A Financial Interest, ownership interest or any relationship with a third party and any other entity
Conflict of interest	A conflict between the public duties and private interests of an employee, in which the employee has private interests which could improperly influence the performance of his/her official duties and responsibilities
Services	Any intangible activities such as cleaning, consultancy, legal etc.
Supplier	Any supplier or potential supplier (including a legal entity) and includes any contractor, sub-contractor, consultant, specialist, vendor etc who provides Goods and Services to MLM or acts on its behalf.



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### 5. Applicable laws, Regulations and Codes

A copy of the applicable laws, regulations and codes can be obtained from HR or legal / risk departments.

What follows hereunder is only a brief summary of some of the provisions contained therein.

#### **Municipal Systems Act, 32 of 2000**

Item 4 of the Code of Conduct for Municipal employees, provides as follows:

“Except with the prior consent of the council of a municipality a staff member of the municipality may not –

(c) be engaged in any business, trade or profession other than the work of the municipality.”

### 6. Policies and Workplace Rules

Employee may not engage in Private work without the prior written approval by Accounting Officer or duly authorised delegate.

The onus will be on the Employee applying for permission to conduct Private work, to provide complete and accurate details in his or her application for permission in writing **prior to** engaging in such employment. If the Employee is already engaging in Private work prior to the implementation of this policy, the Employee must obtain permission to continue with the Private work. The application to engage in Private work must be submitted together with the necessary motivation, which will either be approved or rejected.

All Employees must apply for permission to perform Private work – this includes but is not limited to the following:



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- long, medium or short term work or involvement in an external organisation – it also includes once-off or periodic involvement in such an organisation, as long as such involvement is not during official working hours; and
- Involvement in exchange for any kind of remuneration (including defraying of expenses) – it includes any involvement whatsoever with or without any kind of remuneration, as long as such involvement is not during official working hours.

Employees must never work or provide services for anyone or any organisation that they deal with as part of their job for MLM.

Irrespective of whether authorisation has been obtained, no assets, facilities, infrastructure or proprietary or confidential information of MLM may in any circumstances be used directly or indirectly, for any outside or personal work.

In the case of any other relationships with potential or actual business partners, contractors or suppliers, an Employee should first disclose such relationships and obtain prior written approval. They should ensure that in taking on any such role that they do not compromise their ability to devote their time and energy to their job with MLM.

### **7. Applying for Permission**

Applications for Private work must be submitted in writing on the prescribed form (annexure A) for consideration. The Employee must obtain the signature of his/her line manager and forward the application to the Accounting Officer or his delegate.

MLM has a standard form that must be completed and submitted to the office of the Chief Risk Office and MANAGER: Human Resources Management (The forms may be obtained from the Human resources Department). The following details must be submitted:

- Summary of present function;
- Full details of the nature of the Private work for which permission is required;



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- Address and telephone number where the Private work will be performed;
- Type of Remuneration to be received; and
- Time and frequency of Private work.

### 8. The Granting of Permission

The Accounting Officer will take the following factors into consideration in deciding whether he/she will grant permission for the Employee to perform work outside the MLM:

- The type of work that the Employee intends to do outside MLM, e.g. lectureship at an academic institution, directorship of a company, membership of a close corporation etc. If the type of Private work may cause embarrassment or potential conflict of interest / prejudice to MLM, and / or hamper the performance of the employee's duties, approval **will not** be granted;
- Conversely, where the type of work the Employee intends to do outside MLM will benefit that employee in the performance of his duties at MLM, or benefit MLM in stakeholder relations, that approval **may be** granted;
- That the work does not encroach upon the normal duties of the employee at MLM;
- That no transactions or deliveries occur during office hours;
- The nature and extend of the work to be undertaken;
- The time required for the outside work;
- The nature of the duties of the Employee;
- The possible reputational impact on the department, MLM and Government;
- That no sick leave be granted with regard to illness or injuries sustained as a result of such Private work;



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- That no confidential information obtained at the Council be utilised in the execution of the Private work;
- That the Employee not be in charge of the same type of work during office hours as done after hours, on condition that if an Employee is in charge of the same type of work during office hours as the work done after hours, specific guidelines be laid down by the involved Head of Department in collaboration with the Executive Director: Human Resource Management and Development with the Accounting Officer as appeal body in case of any contravention of such guidelines.

The MLM retains the right at any time to withdraw, review and amend the permission given to an Employee.

The permission granted to the Employee is subject to any conditions deemed necessary by the MLM, including but not limited to:

- The Private work must in no way hamper the performance of the Employee's duties;
- The Private work must only be conducted outside of the Employee's working hours;  
and
- The Private work must not be of such a nature as to embarrass the MLM.

*Ex post facto* permission may not be granted to an Employee to perform remunerated work outside his/her official duties to the municipality.

Permission to perform the envisaged Private work is valid for a period of one year only from the date on which it is granted. If an Employee wishes to continue performing the Private work, he/she must re-apply to do so for the following one year at least thirty days prior to the expiry of the previous year.





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### **9. Monitoring**

A copy of the application with the decision of the Accounting Officer must be filed on the Employee's personal record. Human Resources will be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

### **10. Contravention**

Compliance with this policy is mandatory for all Employees of MLM. Non-compliance and/or breach of this policy or the conditions imposed in granting permission will be viewed as serious misconduct which can result in disciplinary action that may include the termination of employment.

### **11. Roles and Responsibilities**

The Accounting Officer or his duly authorised delegate(s) accepts overall responsibility for implementation and monitoring of this Policy.

The Accounting Officer is responsible for considering and processing submitted applications for private work within reasonable time which for purposes of this policy will be 30 days from the date of submission. The applicant shall deem his/her application successful if no response has been received within 30 days.

### **12. Reporting**

Every Employee has a duty to report all suspected incidents of a breach of this policy to the Office of the Chief Risk Officer. If an Employee wishes to remain anonymous, the Employee may call the Fraud Hotline on a number to be published at a later stage.



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**Dos and don'ts**



Apply for permission to perform Private work outside MLM.



Avoid situations where your personal interest conflicts with the interest of MLM.



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**ANNEXURE A**

**APPLICATION TO UNDERTAKE PRIVATE WORK**

**TO:** Accounting Officer

**Name:**

**Employee number:**

**Position:**

**Contact number:**

**Directorate:**

**Unit:**

1. I hereby wish to apply for permission to do Private work, as set out below:

Summary of present function:

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Full details of the nature of the Private work for which permission is required:

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Address and telephone number where the Private work will be performed:

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Time and frequency of Private work:

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Type of Remuneration to be received:

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2. I declare that I am acquainted with The Systems Act (Act 32 of 2000), as well as the Policy of the Council in respect of Private work and Conflict of Interests and undertake to comply with requirements as set out in the Systems Act and Council’s policy on Private work and Conflict of Interests.

3. I indemnify the Council against any claim of whatever nature that may arise from doing Private work or having other business interests.

4. I understand that the permission to conduct Private work is subject to the conditions set by the Accounting Officer and any breach of these conditions may result in disciplinary action including dismissal.

5. I understand that permission is subject to the discretion of the Accounting Officer who may withdraw, review and amend the permission granted at any time.

6. I understand that any permission granted is valid only for 1 year from the date that permission is granted and that I have no right or expectation that permission will be granted thereafter.

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**Signature (Applicant)**

**Name in full**

**Date**



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**Signature (Manager)**

**Name in full**

**Date**

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*I recommend / do not recommend* the application

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**Signature (Accounting Officer)**

**Name in full**

**Date**