

MOPANI DISTRICT MUNICIPALITY



PRIVATE WORK AND DECLARATION OF INTERESTS POLICY

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1. PREAMBLE

The Municipality is committed to managing the declaration of interest and applications for private work of councillors and staff members to avoid and prevent conflicts of interests.

2. PURPOSE

The purpose of this policy is to manage declaration of interests and applications for private work outside the Municipality on a continuous basis.

3. SCOPE OF APPLICATION

The policy shall apply to Council members and all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- South African Local Government Bargaining Council: Collective Agreements
- Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014
- Public Administration Management Act, 2014 (Act No. 11 of 2014)
- National Anti-Corruption Strategy 2020-2030

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Private work/Remunerative work may not direct or indirectly interfere with the daily duties of the employee.

7. POLICY PROVISIONS

7.1 Private Work

- 7.1.1 No staff member shall be granted permission to perform private work after hours that is in direct conflict with his / her profession and / or authority. For instance:

- (d) Electrician performing electrical work in his / her private capacity and issuing a certificate of competence in his / her official capacity.
 - (b) Building Control Officer drawing building plans after hours, and approving the same building plans in his / her official capacity, etc.
- 7.1.2 Any request to perform private work shall be stated in writing and accompanied by sound motivations, according to the following criteria:
- (a) capacity of the staff member.
 - (b) nature of the duties of the staff member at the Municipality.
 - (c) nature and extent of the proposed remunerated work outside the Municipality, as well as the time (hours) estimated to be spent on it and the possible conflict thereof with normal duties within the employment contract.
- 7.1.3 The following conditions, where applicable, shall be taken into account when an application is considered and shall, if such application is approved, apply as conditions for approval:
- (a) The proposed remunerated work shall not interfere with the staff member's normal duties and/or cause a conflict of interests of whatever nature to arise.
 - (b) The proposed remunerated work shall take place entirely outside the staff member's prescribed hours of work.
 - (c) The proposed remunerated work shall not be of such a nature that it is detrimental to the relationship between the Municipality and staff member or causes the staff member to violate the Code of Conduct.
 - (d) The Municipality resources shall under no circumstances be used in the performance of the envisaged remunerated work.
 - (e) Permission to perform the envisaged remunerated work shall be valid for a period of one (1) year only, provided that if the staff member wishes to continue performing the outside work after the said one (1) year has passed, he / she shall renew the application to do so for the following one (1) year at least thirty (30) days prior to the expiry of the first year. The abovementioned procedure is repeated each and every following year for as long as the staff member concerned wishes to continue with his / her outside work.
- 7.1.4 Disciplinary action shall be taken against a staff member:
- (a) who performs remunerated work outside his / her duties at the Municipality without written permission; or
 - (b) who, after permission has been given to perform private work, in the opinion of the Municipality breaks or does not comply with any stipulation or condition as stated in this policy.

- 7.1.5 The Municipality retains the right at any time to withdraw permission given in terms of the stipulations of this policy to a staff member, on condition that the reasons given are justified and reasonable.
- 7.1.6 Permission may not be granted to a staff member to perform remunerated work outside his / her duties at the Municipality after they have already started with the private work.
- 7.1.7 The HRM Unit shall keep a register of staff members who perform remunerated work outside their duty at the Municipality. The register shall contain the following information:
- (a) Name;
 - (b) staff member number;
 - (c) rank;
 - (d) department;
 - (e) division / section;
 - (f) application for remunerated work approved / denied;
 - (g) period and hours for which permission was granted;
 - (h) name of the employer, type of work, nature of work and contact details; and
 - (i) starting date.

7.2 Declaration of Interest/s

- 7.2.1 Should a staff member have a business interest in any number of any form of business entity he / she shall declare such business interests as required by legislation.
- 7.2.2 In addition, where a staff member who or whose spouse, partner or business associate or close family member acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, he / she shall disclose in writing, full particulars of the benefit to the Municipality.
- 7.2.3 Interests to be declared, which may give rise to a conflict of interest with the staff member's relationship with the Municipality, include:
- (a) shares and securities in any company;
 - (b) membership of any close corporation;
 - (c) interest in any trust;
 - (d) directorships;

- (e) partnerships;
- (f) consultancies and retainer ships;
- (g) other financial interests in any business undertaking;
- (h) other employment and remuneration;
- (i) interest in property;
- (j) pension; and
- (k) subsidies, grants and sponsorships by any organisation.

7.3 Application for and approval of private work or declaring a business interest

- 7.3.1 An application to do private/remunerative work or have a business interest by the Municipal Manager shall be approved or refused by the Municipal Council.
- 7.3.2 Applications to do private/remunerative work or have a business interest by any other member of staff shall be approved by the Municipal Manager.
- 7.3.3 Applications for private/remunerative work or declaring a business interest shall be submitted in writing on the prescribed form for consideration.
- 7.3.4 A copy of the application with the decision of the competent authority shall be filed on the staff member's personal record. The HRM Unit shall be the custodian of the administrative infrastructure and processes to safeguard the relevant documentation and files.

7.4 Roles and responsibilities

- 7.4.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.
- 7.4.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

- 8.1 This policy shall be implemented and effective once approved by Council.
- 8.2 Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9 DEFAULT

- 9.1 Disciplinary measures will be applied to any official who fail to comply with the content of the policy.
- 9.2 Any dispute arising from this policy due to interpretation of wording or phrasing must be referred to the Local Labour Forum for adjudication.

10 INCEPTION DATE

This policy will come into effect on the date of adoption by the council

11. REVIEW OF THE POLICY

The policy shall be reviewed after five (5) Years or as and when necessary.

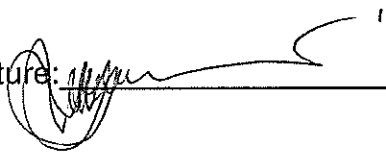
12. POLICY APPROVAL

This policy was developed in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature:  Date: 2023/07/01

Approved by Municipal Council:

Signature:  Date: 2023/07/01