



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
HEALTH

ETHICS POLICY

2021

ETHICS POLICY

TABLE OF CONTENTS

No.	CONTENTS	PAGE
1.	Acronyms	3
2.	Definitions	3-4
3.	Introduction	4
4.	Purpose and objectives	4-5
5.	Authority of the policy	5
6.	Legal framework	5
7.	Scope of application	5
8.	Policy pronouncements	5
8.1	Roles and responsibilities	6
8.2	Code of conduct	7
8.2.1	Introduction on code of conduct	7
8.2.2	Gifts	7
8.2.3	Conflict of interest	7
8.2.4	RWOPS	7-8
8.2.5	Doing business with organ of the state	8
8.2.6	Reporting obligation	8
8.2.7	Unethical behaviour	8-9
8.3	Financial disclosures	9
8.4	Anti-corruption	9
8.4.1	Database on cases received	9
8.4.2	Whistle Blowing	9-10
8.4.3	Capacity to combat corruption	10-11
9.	Default	11
10.	Inception date	11
11.	Policy review	12
12.	Termination	12
13.	Enquiries	12
14.	Approval	12

ETHICS POLICY

1. ACRONYMS

- LDOH** : Limpopo Department of Health
- DPASA** : Department of Public Service and Administration
- PFMA** : Public Finance Management Act
- SIS** : Security and Investigation Services
- HOD** : Head of Department/ Accounting Officer
- RWOPS** : Remunerative Work Outside Public Service
- PSC** : Public Service Commission
- PRECCA**: Prevention and Combating of Corrupt Activities Act

2. DEFINITIONS

- 2.1 **"bribe"** means unlawful gratification in the form of, amongst other things: money, donation, gift, loan, avoidance of a loss, status, employment and payment of a loan;
- 2.2 **"company listed in Schedule 2 of the PFMA"** refers to Major Public Entities;
- 2.3 **"company listed in Schedule 3 of the PFMA"** refers to National Public Entities and National Government Business Enterprises;
- 2.4 **"corruption"** means the abuse of public resources or entrusted power for private gain or any dishonest or fraudulent conduct which involves bribery or any form of misuse of power;
- 2.5 **"designated officials"** means employees who form part of a specified category of officials and who annually need to disclose their financial interests;
- 2.6 **"ethics"** mean moral principles that govern a person's behaviour or the conducting of an activity;
- 2.7 **"fraud"** means unlawful and intentional making of a misrepresentation or any deceptive; conduct which causes prejudice to the Department or any another person for personal gain or any form of advantage;

ETHICS POLICY

- 2.8 “**gift**” means a token given willingly to someone without payment;
- 2.9 “**integrity**” means quality of being honest and having strong moral principles;
- 2.10 “**occupational detriment**” means when an employee is harassed, dismissed, transferred or denied promotion unfairly for exposing wrong doing through whistle blowing;
- 2.11 “**theft**” means an intentional appropriation of movable property which belongs to another with the aim to permanently depriving the person entitled to the possession of the property; and
- 2.12 “**unethical behaviour**” is an action that falls outside of what is considered morally right or proper in terms of the Code of Conduct of the Public Service.

3. INTRODUCTION

LDOH proactively promotes a culture of honesty and good corporate governance, which in turn will lead to effective and efficient service delivery. This requires employees to be professional, ethical and to perform their duties and tasks with integrity. Certain activities, depending on the type of the rules by which operations are carried out, harm or benefit not only the department, but also the society.

Unethical behaviour undermines service delivery, cripples’ democracy, impedes economic growth and generates economic distortion by diverting resources away from critical services such as education, **health care** and others to areas where bribes and kickbacks are rife. It is widely acknowledged that to be successful in combating unethical conduct in any Department, the tone and support should be set from the top of such Department.

Senior management of the LDOH commits to good corporate governance ethos where unethical conduct will not be tolerated (**ZERO TOLARENCE**). The HOD is committed in allocating financial and human capitals in achieving the goals specified in both the Ethics Policy and the Ethics Strategy.

ETHICS POLICY

4. PURPOSE AND OBJECTIVES

The purpose and objectives of this policy are as follows:

- 4.1. To establish an ethical culture where employees will raise their voice against unethical conduct.
- 4.2. To outline the roles of management in ethical decision-making.
- 4.3. To ensure that all employees are informed about the provisions of ethics as stipulated in the Public Sector Regulations.
- 4.3. To ensure that unethical conduct is reduced to its absolute minimum.

5. AUTHORITY OF THE POLICY

The policy is issued under the Head of Department, delegated by the Member of Executive Council, as the accounting officer for LDOH.

6. LEGAL FRAMEWORK

- 6.1 The Constitution of South Africa, 1996.
- 6.2 Public Finance Management Act of 1999 as amended.
- 6.3 Promotion of Access to Information Act 2 of 2000.
- 6.4 Protected Disclosures Act 26 of 2000.
- 6.5 Prevention and Combating of Corrupt Activities Act 12 of 2003.
- 6.6 Treasury Regulations, 2003.
- 6.7 Public Service Regulations, 2016.
- 6.8 Promotion of Administrative Justice Act 3 of 2000.

7. SCOPE OF APPLICATION

This policy is applicable to all permanent and temporary employees (permanent and temporary) of LDOH as guided by Public Sector Regulations and any other relevant and applicable prescripts.

The policy further applies to consultants, contractors or any other person who is in a business relationship with the Department.

ETHICS POLICY

8. POLICY PRONOUNCEMENTS

The policy is designed to regulate the Ethics and Integrity provisions specified in Chapter 2 of the Public Service Regulations, 2016 viz: Code of Conduct, Financial Disclosures and Anti-Corruption. Note that the PSR incorporates the principles of the former Minimum Anti-Corruption Capacity Requirements of the Public Service.

8.1. ROLES AND RESPONSIBILITIES

8.1.1 The HOD delegated the Ethics functions mentioned in the PSR to the Corporate Services Branch and Risk Management Directorate respectively. The duties of different key personal regarding ethical culture in calculation are categorically outlined herein under:

8.1.2 The duties of the Ethics Office entail the following:

- a) Promotes ethics and integrity in the department.
- b) Advises employees on ethical matters.
- c) Identifies and report unethical behaviour and corrupt activities to the HOD.
- d) Manages conflicts of interest reports.
- e) Manages financial disclosures by designated employees.
- f) Manages applications for RWOPS.
- g) Develops and implements awareness programmes on ethics.
- h) Keeps a register of all employees under investigation.
- i) Investigates all reported unethical conduct and whistle blowing reports.
- j) Keeps and monitors a departmental gift register.

8.1.3 The Directorate: Employee Relations, within the Corporate Services Branch, is responsible for keeping a register of those disciplined on charges of unethical conduct;

8.1.4 The Department appointed an Ethics Committee to be chaired by the Deputy Director General: Corporate Services. The roles of the Ethics Committee are as follows:

ETHICS POLICY

- a) To provide oversight on ethics management.
- b) To monitor all employees under investigation on charges of unethical misconduct and those disciplined for unethical conduct.

8.1.5 The Deputy Director General: Corporate Services serves as the Ethics Champion of the Department and his duties include the following:

- a) Advocates the ethics principles in the Department.
- b) Drives the Department's ethics management programme and ensures that it retains momentum.
- c) Ensures that procedures are in place to investigate unethical behaviour; and
- d) Elevates significant ethics issues to the HOD.

8.1.6 The Chief Risk Officer has the following responsibilities:

- a) Examines ethics and fraud/ corruption risks as part of the Department's risk management system.
- b) List tendencies of unethical behaviour into the Department's Fraud Risk Register.
- c) Coordinates mitigation of risks.

8.2 CODE OF CONDUCT

8.2.1 The Code of Conduct in the Public Service provides the following regarding employees' behaviour in the workplace:

- a) Adherence to the Constitution and other laws;
- b) Sound relationship with the public;
- c) Ethical conduct and;
- d) Professional execution of duties.

ETHICS POLICY

8.2.2 Gifts:

No employee shall receive or accept any gift from any person in the course and scope of his or her employment, (other than from a family member), to the cumulative value of R350 per year, unless prior approval is obtained from the HOD.

8.2.3 Conflict of interest:

- a) Employees need to put public interest first in the execution of their official duties and are obliged to recuse themselves from any official action or decision-making process which may result in improper personal gain;
- b) Employees need to refrain from favouring relatives and friends in work-related activities and from abusing their authority.

8.2.4 Other remunerative work outside the Public Service (RWOPS):

- a) No employee shall perform remunerative work outside his or her employment, except with the written permission of the Member of Executive Council;
- b) An employee will if he or she has permission to perform remunerative work, not perform such work during official working hours and also not use official equipment or state resources for such work;
- c) An application to perform RWOPS will be in accordance with the process determined by the DPSA.
- d) When adjudicating an application, the HOD shall take into account whether or not the outside work could reasonably be expected to interfere with or impede the effective or efficient performance of the employee's functions.

8.2.5 Doing business with organ of state:

- a) No employee shall conduct business with any organ of state, unless such employee is in an official capacity a director of a company listed in schedule 2 and/ or 3 of the PFMA;

ETHICS POLICY

- b) As from 01 February 2017, all employees that are doing business with an organ of the state should have ceased conducting business or should have resigned as an employee of the Public Service.

8.2.6 Reporting obligation: unethical conduct:

Employees shall immediately report to the HOD any fraud, corruption, nepotism, maladministration or any other criminal activities which come to their attention during the course of their employment at the Department.

8.2.7 Unethical behaviour:

- a) Employees are not allowed to consume alcoholic beverages or any other non-medical substance with an intoxicating effect while on duty, nor report for duty under such influence.
- b) Employees are not allowed to misrepresent themselves 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.

8.3 FINANCIAL DISCLOSURE:

8.3.1 Financial disclosures identify and manage conflict of interest situations for designated employees and ensure transparency and accountability.

8.3.2 Categories of designated employees that annually need to declare their financial interests are from time to time publicised by the DPSA.

8.3.3 Designated employees who fail to disclose on time, submit incomplete disclosures, and submit false or inaccurate information make themselves guilty of misconduct.

8.3.4 No person who has access to a submitted form may, except when a court so orders, disclose any information in that form to anyone.

8.4 ANTI-CORRUPTION

8.4.1 Database on cases received:

ETHICS POLICY

- a. LDOH established an information system that records all reported allegations, including whistle blowing reports which is available in both manual as well as electronic formats.
- b. The database enables management to track progress on cases received and; to identify systemic weaknesses and recurring risks.

8.4.2 Whistle Blowing:

- a. The Department encourages a culture of openness and is committed to the principles, goals and ideals described in the Department's mission, vision and core values that are designed to deal with concerns raised in relation to fraud, theft, corruption, unethical conduct and any other related unlawful activities within the Department.
- b. LDOH encourages employees and members of the public to report crimes and unethical conduct.
- c. Any employee who has a reasonable belief that fraud, theft, corruption, unethical conduct and related unlawful activities have occurred or will occur in the work environment may raise a concern.
- d. Disclosures must be made without malice and in good faith with the reasonable believe that the information and allegations made are substantially true and that the disclosure is not made for personal gain, excluding rewards payable in terms of the law.
- e. Where matters are raised by employees that are clearly unfounded and malicious, disciplinary action will be considered against the whistle blower.
- f. All cases will be handled on a confidential basis and the identity of the whistle blower will be protected.
- g. Reporting can be done verbally or in writing or by any other communication channel available.

ETHICS POLICY
14. APPROVAL

Approved/Not-approved


DR. BILA H.P.
CHIEF RISK OFFICER

09.02.2021
DATE

Comments/remarks by HOD:

Recommended/not recommended


DR. MHLONGO F.T.
HEAD OF DEPARTMENT

09. 02. 2021
DATE

Comments/remarks by MEC:

Approved / Not Approved


DR. RAMATHUBA P.C.
MEC-DEPARTMENT OF HEALTH

2021/02/17
DATE