



# **INGQUZA HILL LOCAL MUNICIPALITY**

## **STANDARD CODE OF CONDUCT**

Reviewed :2025

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## 1. DEFINITIONS

**“Employees”** means any person who has been appointed by the Ingquza Hill Local Municipality, who is subject to the rules and policies of the institution.

**“WIL intern”** Means Work Integrated Learning which herein referrer to integrating academic learning with its practical application to the workplace.

**“EPWP”** Mean a programme to provide public or community assets or services through a labour -intensive programme initiated by government and funded from public resources.

**“Days”** All expressions used in this Policy, which are defined in the Labour Relations Act, 1995 and as amended, shall bear the same meaning as in the Act and unless the contrary intention appears, words importing the masculine gender shall include the feminine. All reference to days shall be a reference to working days.

**“Disciplinary action”** refers to the measure taken by an organisation or authority to address and correct unacceptable behaviour, performance or violation of rules or policies.

**“Allegations”** refers to the accusation of wrongdoing.

## 2. PURPOSE OF POLICY

The purpose of this policy is to establish a common and uniform procedure for the management of employees' discipline and to replace all existing procedures and regulations. This policy is taken from Labour Relations Act and Municipal Systems Act & Municipal Staff Regulations

## 3. POLICY STATEMENT

The Municipality exercise their executive and legislation authority withing the constitutional system of co-operating government envisage in section 41 of the constitution .The terms of this Policy shall be observed in the Local Government Undertaking and specifically the Municipality of Ingquza Hill Local Municipality in the Republic of South Africa all employees who fall within the registered scope of the applicable Council.

#### **4. APPLICATION OF THE POLICY**

This policy shall apply to all the employees including Municipal Manager & Senior Managers, EPWP, WIL interns of the Municipality.

#### **5. Legal Framework**

The Constitution of the Republic of South Africa Act 108 of 1996  
Municipal Systems Act 32 of 2000  
Basic Conditions of Employment Act 75 of 1997  
Employment Equity Act 55 of 1998  
Labour Relations Act 66 of 1995  
Municipal Finance Management Act 56 of 2003  
Disciplinary Code and Procedures Collective Agreement as signed.

#### **6. POLICY CONTENT**

##### **6.1 Conduct of an employee**

- a) Be responsive to the needs of the local community.
- b) Facilitate a culture of public service and accountability among staff.
- c) Take measure to prevent corruption.
- d) Establish clear relationships, and facilitate co-operation and communication, between it and the local community.
- e) Give members of the local community full and accurate information about the level and standard of the municipality services they are entitled to receive.
- f) Inform the local community how the municipality is managed, of the costs involved and the persons in charge.

##### **6.2 Roles and Responsibilities of the Employee**

- a) Adhere to company Policies.
- b) Maintain confidentiality.
- c) Respect colleagues and stakeholders.
- d) Act with Integrity
- e) Report Misconduct
- f) Comply with laws and Regulations.
- g) maintain a safe and health work environment.

- h) Use the municipal resources responsible.

### **6.3 Roles and Responsibility of the Employer**

- a) Develop and implement a code of conduct that outlines expected behavior and standards for employees.
- b) Communicate clearly the code of conduct to all employees, ensuring they understand their roles and responsibilities.
- c) Provide training and support to help employees understand and comply with the code of conduct.
- d) Promote a culture of respect, inclusivity, and professionalism in the workplace.
- e) Ensure the code of conduct is accessible to all employees, including those with disabilities.

### **6.4 Possible disciplinary actions**

Depending on the gravity and peculiar circumstances of each matter, disciplinary sanctions may be invoked progressively or independently when an employee breaches the code of conduct as follows:

- a) Corrective counselling
- b) Verbal warning
- c) A written warning
- d) A final written warning
- e) Suspension without pay up to a maximum of ten (10) days, as referred to in clause 2.5 of Annexure A, of the Disciplinary collective agreement.
- f) Withhold of any salary increment for a period not exceeding twelve months
- g) Demotion, with or without financial loss, to a post that is one level below the post which the employee occupied before the finding of guilt.
- h) Dismissal

### **6.5 Referral of an employee misconduct**

- a) The Misconduct must be reported by the Supervisor, Manager, Head of the departments to Senior Manager Corporate Services, or designated authority, submitting a report, and the compliant form.
- b) Preliminary Investigation must be conducted to determine the facts and severity of the misconduct.
- c) For less serious forms of misconduct, no formal enquiry shall be held.

- d) If the alleged misconduct justifies a more serious form of disciplinary action, the employer may initiate a disciplinary enquiry.

#### **6.6 Dispute Resolution or Appeal procedure.**

- a) The employee has the right to appeal against any disciplinary find and / or sanction, which has been given at a Disciplinary Hearing. The employee may waive his right to an appeal and the Employee may proceed directly to refer a dispute as provided for in the LRA.
- b) An appeal shall be lodge on the prescribe form withing seven (7) days of receipt of written notification of findings and sanction of the Disciplinary Hearing.
- c) The grounds of appeal shall be clearly set out in the employees notice of Appeal, provided that the failure by an employee to raise a ground of appeal shall not prevent from subsequently raising it before the disciplinary appeal hearing.

### **7. STANDARD CODE OF CONDUCT FOR MUNICIPAL STAFF**

#### **7.1 AWOL / Desertion**

Absence without leave is a serious offence and may lead to dismissal. Employees who deserted their work for a period of ten (10) or more consecutive days without notification to the employer shall be deemed to have absconded and their services will be terminated. In dealing with desertion line managers must make every possible attempt to establish where the employee is and must issue a letter to the employee informing the employee of his alleged abscondment.

If the employee reports for duty after steps referred above have been taken, he/ she must be afforded the opportunity to make representation prior to the decision to terminate his services.

Line Managers must follow necessary steps when dealing with desertion by submitting disciplinary forms to Labour Relations Office immediately on the 11<sup>th</sup> day of absence.

#### **7.2 Dishonesty**

Any instance of dishonesty is regarded as extremely serious and is dismissible should staff members be found guilty. Line Managers are to ensure that disciplinary action is taken in all cases and wherever possible. Criminal action is also instituted by reporting such cases to the SAPS for prosecution. Line Managers are required to request a

precautionary suspension from the Municipal Manager where necessary in instances of dishonesty.

An alarming number of staff can be dismissed for dishonesty such as: theft of various items including money, fraudulent application forms, bribery, theft of the Municipal property, tampering with their electricity/ water supplies and selling jobs to members of the public. Commissioners at arbitration can confirm dismissal in the above cases.

### **7.3 Sexual harassment**

Cases of sexual harassment may lead to dismissals. Vicarious liability (liability of the employer for the wrongful deeds of its employees) in sexual harassment cases is a very real issue and accordingly Line Managers are advised to take all sexual harassment claims very seriously by immediately requesting suspension of the accused employee if the allegations has been proven and take formal disciplinary action thereafter.

### **7.4 Misuse/ and Unauthorized use of Municipal Vehicles/ Equipment**

Municipal vehicles/ equipment may not be used for private purposes and disciplinary action must be taken against any staff member found to be misusing a Municipal vehicles or equipment. Failure to record mileage or account for kilometres travelled is also viewed in a very serious offence and may lead to dismissal.

### **7.5 Unauthorised disclosure of information/ internal communication**

Staff members must follow the correct channels of communication with regard to any grievance/query that they might have. Such internal matters must be referred to Line Manager or via Management or the HR Department and staff may not approach political office bearers in such regard. Disciplinary action will be taken in cases where this standard is breached.

### **7.6 Assault**

Assault of fellow staff member and hurling insults to fellow staff member is totally unacceptable and will generally lead to dismissal unless it was unavoidable and was of justifiable self-defence. Staff members are advised that assault is a dismissible offence.

### **7.7 Private Work**

The performance of private work during working hours is considered as serious misconduct and may lead to disciplinary action taken against an employee.

### **7.8 Consumption of alcohol/ drugs**

Consumption of alcohol or drugs before attending work or during working hours is totally unacceptable and is regarded as a dismissible offence. Emergency services staff members and all other staff members who are driving Municipal vehicles or operating machinery may be dismissed for a first offence should they be found guilty of consumption of alcohol and/ or intoxicating drugs or substances whilst or before assuming duties.

### **7.9 Abuse of E-mail/ internet**

E-mail/ internet facilities are business tools for effective communication. Staff must not abuse the e-mail inclusive of viewing of pornographic material as that can lead to dismissal, depending on the merits of the case.

### **7.10 Insubordination**

Staff must perform their tasks and job responsibilities diligently, carefully and to the best of their ability. Staff must obey all lawful and reasonable instructions given by a person having the authority to do so, failing which disciplinary action must be taken against them which may lead to dismissal, depending on the merits of the case.

### **7.11 Gross Negligence**

The costs incurred by the Municipality as a result of negligence conduct by an employee must be recovered from the employee as stipulated in the Municipal Finance Management Act. Line Managers must ensure that the recovery of such costs is actioned once the necessary hearing has been finalized. This conduct may lead to dismissal depending on the merits of the case.

### **7.12 Work Stoppage**

Staff members are not allowed to strike or take part in work stoppage unless the strike is protected. In instances where a work-stoppage occurs, Line Managers must ensure that proper records are kept for the duration of the strike and that such strike information is submitted forthwith to the Labour Relations Office. The principle of no work no pay is to be adhered to and disciplinary action shall be instituted unless the strike is protected as advised by Labour Relations Act. Staff members are prohibited from locking Municipal premises and such conduct is viewed in a serious light.

### **7.13 Abusive and racist Language**

The use of abusive language by one employee to another employee may amount to harassment, but not necessarily so. However, where it is sufficiently serious, an isolated incident of verbal abuse may in itself warrant a dismissal, particularly if accompanied by

malice, when it is directed at a female, when it is used in the presence of other employees or customers, where there was no justification for the utterance, or where the user showed no remorse.

Racist abuse shall serve as a mitigation factor if the victim reacts violently against the perpetrator. Racist abuse is viewed in a particularly serious light and may lead to dismissal.

#### **7.14 Failure to report misconduct**

Staff members are in terms of the Municipal Systems Act 32 of 2000, have a duty to report any form of misconduct. Any failure to report misconduct and or concealing of information, giving false written and or verbal sworn or unsworn statement, letters, recordings, photographs etc. is regarded as extremely serious and may lead to dismissal.

Line Managers are advised that failure to take action on reported misconduct is contrary to schedule (2) of the Municipal Systems Act 32 of 2000 and disciplinary action will be taken against any Line Manager who fails to comply.

#### **7.15 Suspension of employees**

Line Managers are instructed to ensure that suspension is requested in all cases of serious misconduct wherein there is a possibility of reoccurrence, threat to safety of other employees or the accused himself/ herself and or continuation with his/ her duties poses a real threat to trust relationship.

Failure to suspend in serious cases shall bear serious consequences that can lead to a disciplinary action being taken against any Line Manager who fails to provide justifiable reasons for not suspending an employee who is accused for serious misconduct.

#### **7.16 Absenteeism & late coming or early departure to and from work**

An employer shall consider dismissal after a formal disciplinary inquiry in cases where an employer has repeated a similar misconduct after a final written warning within a period of six months.

Absent from work without a valid reason, late coming or early departure to and from work within a period of six months after a final written warning for a similar offence shall constitute a dismissal.

### **7.17 Conform to the reasonable Dress and Uniform Requirements of the employer**

Employees must wear protective clothing at all times when they are performing their tasks. Employer will not be responsible for any accident caused by failure of an employee to wear reasonable dress or uniform.

### **7.18 Neglect of duties**

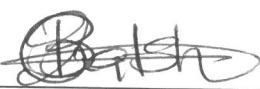
Employees must refrain from neglecting their duties. Leaving of work without permission from the supervisor is a punishable offence and employee who proven to have been done so will be charged and punished for that.

## **8. RELATED DOCUMENT**

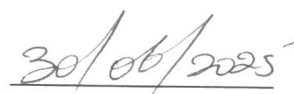
The formulation of this is based upon the principles which preserved in the constitution of the republic of South Africa 1996, to ensure employment equity, fairness, efficiency, and the achievement of a representative public services. The Constitution of South Africa no 108 of 1996, section 23 stipulates that every person shall have the right to fair labour practices, Labour Relations Act no 66 of 1995 as amended and other pieces of legislation governing the employee and the employer relationship are the guiding prescripts to achieve the stated objective. The policy shall be reviewed when there are new developments in terms of legal mandates and legislations.

## **9. APPROVAL**

The Policy will be adopted and all clauses shall apply as such, any deviations from this policy will be non-compliance.



**CLLR S.B VATSHA  
THE HONORABLE SPEAKER**



**DATE**