

THEMBISILE-HANI LOCAL MUNICIPALITY



PRIVATE WORK & DECLARATION POLICY 2024/25

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PRIVATE WORK AND DECLARATION OF INTERESTS POLICY

1. PREAMBLE

The Municipality is committed to managing the declaration of interest and applications for private work of councillors and employees 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

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

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- South African Local Government Bargaining Council: Collective Agreements
- Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014
- Public Administration Management Act 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 applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

To manage declaration of interests and applications for private work outside the Municipality on a continuous basis.

7. POLICY PROVISIONS

7.1 Private Work [See Annexure A]

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

7.1.1.1 Electrician performing electrical work in his / her private capacity and issuing a certificate of competence in his / her official capacity.

7.1.1.2 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:

7.1.2.1 capacity of the employee.

7.1.2.2 nature of the duties of the employee at the Municipality.

7.1.2.3 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:

7.1.3.1 The proposed remunerated work shall not interfere with the employee's normal duties and/or cause a conflict of interests of whatever nature to arise.

7.1.3.2 The proposed remunerated work shall take place entirely outside the employee's prescribed hours of work.

7.1.3.3 The proposed remunerated work shall not be of such a nature that it is detrimental to the relationship between the Municipality and employee or causes the employee to violate the Code of Conduct.

7.1.3.4 The Municipality resources shall under no circumstances be used in the performance of the envisaged remunerated work.

7.1.3.5 Permission to perform the envisaged remunerated work shall be valid for a period of one (1) year only, provided that if the employee 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 employee concerned wishes to continue with his / her outside work.

7.1.4 Disciplinary action shall be taken against an employee:

7.1.4.1 who performs remunerated work outside his / her duties at the Municipality without written permission; or

7.1.4.2 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 an employee, on condition that the reasons given are justified and reasonable.

7.1.6 Permission may not be granted to an employee 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 employees who perform remunerated work outside their duty at the Municipality. The register shall contain the following information:

7.1.7.1 name

7.1.7.2 employee number

7.1.7.3 rank

7.1.7.4 department

7.1.7.5 division / section

7.1.7.6 application for remunerated work approved / denied

7.1.7.7 period and hours for which permission was granted

7.1.7.8 name of the employer, type of work, nature of work and contact details; and

7.1.7.9 starting date

7.2 Declaration of Interest/s [See Annexure B]

7.2.1 Should an employee 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 employee's relationship with the Municipality, include:

7.2.3.1 shares and securities in any company

7.2.3.2 membership of any close corporation

7.2.3.3 interest in any trust

7.2.3.4 directorships

7.2.3.5 partnerships

7.2.3.6 consultancies and retainerships

7.2.3.7 other financial interests in any business undertaking

7.2.3.8 other employment and remuneration

7.2.3.9 interest in property

7.2.3.10 pension; and

7.2.3.11 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 work or have a business interest by the Municipal Manager shall be approved or refused by the MAYCO / EXCO / of the Municipal Council.

7.3.2 Applications to do private 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 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 employee'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

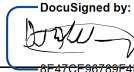
8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, 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. POLICY APPROVAL

Approved by Municipal Council on the 23rd of May 2024 and signed by the
Municipal Manager

DocuSigned by:


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DJD Mahlangu

6/5/2024

Date

ANNEXURE A: APPLICATION TO UNDERTAKE PRIVATE WORK FORM

APPLICATION TO UNDERTAKE PRIVATE WORK FORM

TO: Municipal Manager

Full Name		Employee number	
Position		Contact number	
Department		Division	

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

Nature and extent of work / activity:

2. I declare that I am acquainted with the provisions of the Private Work and Declaration of Interests and undertake to comply with requirements as set out in the said Policy.

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

Your favourable consideration of my application will be appreciated.

Signature of Applicant / Employee			Date		
RECOMMENDATION BY HEAD OF DEPARTMENT <i>(Mark appropriate box with an X)</i>					
Recommended	<input type="checkbox"/>	Not Recommended	<input type="checkbox"/>	Recommended with amendments	<input type="checkbox"/>
Remarks <i>(state reason if Not Recommended, OR amendments if any)</i>					

Head of Department's Signature:				Date:	
APPROVAL BY MUNICIPAL MANAGER <i>(Mark appropriate box with an X)</i>					
Approved	<input type="checkbox"/>	Not Approved	<input type="checkbox"/>	Approved with amendments	<input type="checkbox"/>
Remarks <i>(provide motivation if not approved, or approved with amendments)</i>					

Municipal Manager's Signature:	Date:
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ANNEXURE B: DECLARATION OF INTEREST FORM

DECLARATION OF INTEREST FORM

TO: Municipal Manager

EMPLOYEE DETAILS			
Name		Employee number	
Position		Contact number	
Division		Department	
SPOUSE'S / PARTNER'S DETAILS			
Surname			
Names			
Identity Number			
DECLARATION			
(Please ensure that every question is answered by placing a tick on the "yes" or "no" box, even if the details have remained unchanged from previous financial interest form submissions. Attach also additional details if there is insufficient space to fill in an answer, with the appropriate referencing.)			
1. FINANCIAL INTEREST			
		YES	NO
Do you or your partner own shares or securities in any company? <i>(this includes listed shares and other financial instruments on the Stock Exchange)</i> If yes, please provide details by completing "Schedule A"			
Are you a member of a close corporation? If yes, please provide details in "Schedule B"			
Do you have an interest in any trust? If yes, please provide details in "Schedule C"			
Are you a director/ member of any company or its Committee? <i>(This includes executive and non-executive directorship of companies, SOC/Es, NGOs, Section 21 companies, etc.)</i> If yes, please provide details in "Schedule D"			
Do you have financial interest in any partnerships? If yes, please provide details in "Schedule E"			
Do you have financial interest in any business undertaking? <i>(e.g. trader, consultancy)</i> If yes, please provide name in "Schedule F"			
Are you currently in paid employment over and above that of being a Municipality employee? If yes, please provide details in "Schedule G"			
Are you receiving any financial interests from businesses other than what was defined in questions above? If yes, please provide details in "Schedule H"			
Do you have a financial interest in any property? If yes, please provide details in "Schedule I"			
Are you receiving a pension of any kind? If yes, please provide details in "Schedule J"			
Are you the beneficiary of any subsidies, grants or sponsorships by any organisation? If yes, please provide details in "Schedule K"			
Are you or your partner a vendor of Municipality or deliver any services, goods, etc. to the Municipality? If yes, please provide details in "Schedule L"			

2. REWARDS, GIFTS & FAVOURS		
	YES	NO
Did you receive any gifts / benefits exceeding R350 or hospitality as a gift for the past financial year? If yes, please provide details in "Schedule M"		
Did you declare gifts exceeding R350? If yes, was authority obtained to enjoy the gift?		
Did you or your partner receive any rewards (financial and or other) from:		
Municipality		
Vendors		
Contractors		
Fellow Staff		
Did you or your partner receive any favours (financial and other) from:		
Municipality		
Vendors		
Contractors		
Fellow Staff		
Did you travel abroad during the last financial year? (Foreign travel for which the employee / Council member / Municipality did not pay) If yes, please provide details in "Schedule N"		
3. OTHER		
	YES	NO
Have you or your partner made use of Municipality assets -		
<ul style="list-style-type: none"> without authority; and/or while not performing Municipality duties? 		
Is there any member of your family or relative employed by the Municipality? If yes, please provide details in "Schedule O"		
I declare that the information furnished in this declaration is to the best of my knowledge a true and correct reflection of my compliance to the Private Work and Declaration of Interests as at the date of my signature and I indemnify the Municipality against any claim of whatever nature that may arise from my having other business interests		
Signature of Applicant / Employee		Date
NOTING BY HEAD OF DEPARTMENT (Mark appropriate box with an X)		
Declaration noted		Declaration noted with remarks
Remarks		
Head of Department's Signature:		Date:
NOTING BY MUNICIPAL MANAGER (Mark appropriate box with an X)		
Declaration noted		Declaration noted with remarks
Remarks		

Municipal Manager's Signature:	Date:
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				SCHEDULE A
Company(s) where shares/securities are kept	Nature of shares (e.g. ordinary, preference, etc)	Number of shares	Nominal value of shares	Total value of shares

				SCHEDULE B	
Name of Close Corporation	Reg. number	Details of ownership (i.e. sole member of 50% share etc.)	Remuneration received from membership (per annum)	Does the CC do business with Municipality?	
				YES	NO

		SCHEDULE C
Name of Trust	Nature of Interest	

					SCHEDULE D	
Name of company/ institution/ organisation	Type of business activity	Reg. Number (Not applicable for non-owners)	Details of ownership (% of shareholding) or membership	Remuneration received from directorship/ membership (per annum)	Does the Institution do business with Municipality?	
					YES	NO

				SCHEDULE E	
Name of partnership	Reg. Number	Details of ownership (% of partnership)	Remuneration received from partnership (per annum)	Does the partnership do business with Municipality?	
				YES	NO

							SCHEDULE F	
Name of business undertaking	Type of business	Remuneration received from undertaking (per annum)	Does the undertaking do business with Municipality?		Does the undertaking do business with Municipality Vendors?		Who is primary client ?	
			YES	NO	YES	NO		

					SCHEDULE G	
Name of business	Type of business activity	Designation	Remuneration received for such employment	Does the organisation do business with Municipality?		
				YES	NO	

						SCHEDULE H	
Name of organisation	Type of business	Nature of benefit	Reason for benefit	Does the organisation do business with Municipality?		Expected life span of benefit?	
				YES	NO		

					SCHEDULE I	
Type/description of property (i.e. residential, flat, vacant land, industrial, commercial, etc.)	Area / Location	Physical address or Erf Number	Nature of interest (owner, landlord, lessor, etc.)	Is Municipality making use of property?		
				YES	NO	
Other properties outside of South Africa (description)			Where is the property situated – Country			

SCHEDULE J

Source of the pension (Pension Fund)	Value of the pension

SCHEDULE K

Source of subsidy(s), grant(s) or sponsorship(s)	Description of subsidy(s), grant(s) or sponsorship(s)	Is assistance from a non-party source?		Value of subsidy(s), grant(s) or sponsorship(s) (per annum)
		YES	NO	

SCHEDULE L

Service Provider (Name of Organisation)	Description of service	Value of Service	Department in which Service was rendered

SCHEDULE M

Description of gift	Source of gift	Value of gift(s) per source per annum.

SCHEDULE N

Where	Reason	Sponsor (incl. Self)	Authority obtained (if paid by another person other than self)	
			YES	NO

SCHEDULE O

Name of employee	Employee number	Designation (level)	Department	Years of Service

