

# *Blouberg Municipality*



## CHAPTER 13: DISCIPLINARY POLICY

### ANNEXURE A: CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY

#### 1. PREAMBLE

The Blouberg Local Municipality conforms to the law and good governance that discipline is to be applied fairly, consistently, progressively and promptly. The principles of natural justice and fair procedure shall be adhered to notwithstanding any criminal and / or civil action having been instituted.

#### 2. PURPOSE

The purpose of this policy is to establish a uniform standard for management of discipline in the Municipality. The application is therefore mandatory as a condition of service.

#### 3. SCOPE OF APPLICATION

This policy applies to 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)
- Employment Equity, 1998 (Act No. 55 of 1998)
- 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

- South African Local Government Bargaining Council: Collective Agreements

## **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**

Good ethical conduct of municipal employees is at the centre of installing the good reputation of the municipality within the community.

## **7. POLICY PROVISIONS**

### **7.1 Principles of disciplinary code and its application**

**7.1.1** The purpose of the disciplinary code in the Municipality is to –

- (a) promote constructive, orderly and safe conduct in the workplace;
- (b) regulate discipline in a manner that is both substantively and procedurally fair;
- (c) promote certainty and consistency in the application of discipline;
- (d) establish principles, standards and procedures to be followed in order to address any misconduct; and
- (e) encourage staff to adhere to the appropriate standards of conduct required of them by providing for progressive and corrective action.

**7.1.2** It is the responsibility of every staff member to abide by the code of conduct and rules of discipline applicable to staff members.

**7.1.3** Discipline is a management function and supervisors are responsible for the management of discipline within their place of work.

**7.1.4** Discipline is a corrective measure and not a punitive one.

**7.1.5** The Municipality shall take all reasonable steps to ensure that discipline is applied in a prompt, fair, consistent and progressive manner.

**7.1.6** If a staff member commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings and the disciplinary action shall not be halted due

to pending external criminal actions against the staff member alleged to have committed the misconduct.

**7.1.7** The nature and severity of the staff member's alleged misconduct determines the nature and extent of the disciplinary action.

**7.1.8** Management shall, if appropriate, correct and seek to improve conduct in the normal course of work. If there is a serious infringement or repeated misconduct, formal disciplinary procedures shall be invoked.

**7.1.9** Disciplinary procedures shall be fair, using the latest or updated version entered by parties to the SALGBC.

## **7.2 Roles and responsibilities**

**7.2.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

**7.2.2** 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 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. POLICY APPROVAL**

This policy was formulated by HR Management in consultation with the Local Labour Forum.

**Authorised by Municipal Manager:**

Signature:  Date: 30/07/2024

**Recommended by Portfolio Committee on Corporate Services:**

Signature:  Date: 30/07/2024

**Approved by Municipal Council:**

Signature:  Date: 30/07/2024



**ANNEXURE A: CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY**

Column A ITEM	Column B CATEGORY OF MISCONDUCT	Column C PERIOD (YEARS)
1.	Financial misconduct contemplated in section 171 of the Municipality Finance Management Act, corruption or fraud	10
2.	Misconduct involving elements of dishonesty or negligence.	5
3.	(a) Assault with intent to do grievous bodily harm where a staff member has been criminally charged and convicted.	5
	(b) Sexual harassment	5
4.	Colluding or acceding to an influence of any councillor not to enforce an obligation in terms of this Act, any other legislation or by-law or a decision of the municipal council of the municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year.	5
5.	Facilitating or aiding an occupier of premises in a municipality to deny an authorised representative of the municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install, or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.	5
6.	Convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine.	5
7.	(a) Used the position as a staff member or confidential information for private gain or to improperly benefit another person.	5
	(b) Disclosed of any privileged or confidential information obtained as a staff member of a municipality to an unauthorised person or persons.	5
	(c) Took a decision on behalf of the municipality concerning a matter that the senior manager's spouse, partner or business associate, has a direct benefit or private business interest.	5
8.	Being party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality.	5
9.	Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment.	5
10.	Discrimination against others on the basis of race, gender, disability, sexual orientation or others grounds prohibited by the Constitution.	5
11.	Breach of the Code of Conduct for Municipal Staff as contained in Schedule 2 of the Municipal Finance Management Act, other than misconduct referred to in item 1 to 10 in this table.	2