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A long and healthy life for all communities of the North West Province

REMUNERATIVE WORK OUTSIDE PUBLIC SERVICE POLICY

DECEMBER 2022

Author	Ethics Management Unit
Review Date	December 2025
Description	This policy defines the Department's position on Ethics Management.
Coverage	All officials of North west Department of Health
Policy Number	R&EM22/P01/R25

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1. POLICY STATEMENT

Remunerative Work Outside Public Service (RWOPS) has been at the crux of the debates on ethics and accountability throughout the country particular in the public service. As a results the department had to develop this Policy in order to properly regulate and monitor activities of RWOPS in line with Public Service Regulation, 2016. The Policy will also ensure that there is no unfair discrimination against employees and allow promotion of opportunities and rights to develop oneself beyond their employment in the public service. Permission to perform RWOPS must be applied for in advance, and RWOPS may be performed ONLY once approval has been obtained.

2. PURPOSE OF THE POLICY

The purpose of this Policy is to:

- a) Provide guidelines regulating requests by employees who wish to engage in RWOPS.
- b) Provide guideline on how remunerative work outside public service should be managed.
- c) Ensure there is compliance with RWOPS terms and conditions
- d) Ensure that there is proper management of employees' conduct and activities performed to their approved RWOPS.
- e) Set out the application processes to perform RWOPS activities

3. SCOPE OF APPLICATION

This policy is applicable to ALL employees of North West Department of Health.



4. LEGISLATIVE FRAMEWORK

This Policy is guided by the following Acts:

- a) The Constitution of the RSA, 1996
- b) Public Service Act, 1994 as amended
- c) Public Service Regulation, 2016
- d) Public Finance Management Act, 20188
- e) Public Administration Management Act, 2014
- f) Labour Relation Act, 1995 as amended
- g) Protected of Personal Information Act, 2013
- h) Directive on Other Remunerative Work Outside Public Service
- i) PSCBC Resolution No 1 of 2003, Disciplinary Code of Procedure for Public Service

5. DEFINITIONS

In this document the following shall have the following meaning:

- a) **Employee** – means a person employed by NWDOH in terms of Public Service Act of 1994, The Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, casual workers and volunteers;
- b) **Business** – Includes any business, trade, occupation, profession, calling, industry or undertaking or any kind or activity carried on for profit gain or non-profit gain by any official within the public service and includes all properties derived or used in or for purpose of carrying on such other activities, and all the rights and liabilities arising from such other activities;
- c) **Applicant** – Refers to any official who request permission from the Executive Authority (EA) to perform other remunerative work outside public service

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- d) **Ethics Officer** – Refers to employee designated by Executive Authority in terms of regulation 23(1) of the Public Service Regulation, 2016;
- e) **Executive Authority** – refers to the member of the Executive Council of a province who is accountable to the provincial legislature for that North West Department of Health in terms of Public Finance Management Act 1 of 1999;
- f) **Organ of state** – Any department of the state or administration in either Local, Provincial or National sphere of government;
- g) **Conflict of Interests** – refers to conflict between the public service interests and private or personal interests of an employee, in which an employee has personal interest which could compromise or improperly influence his/her official duties.
- h) **Employer** – Means the North West Department of Health (NWDH).

6. POLICY IMPLEMENTATION

6.1 This Policy shall be implemented based on the following conditions:

- 6.1.1 The prescribed RWOPS application form (Annexure A) must be completed in full and be duly authorized;
- 6.1.2 An employee applying to perform RWOPS should disclose any conflict of interests which may likely occur between himself/herself and the department;
- 6.1.3 Any employee joining the department, shall disclose such information and seek approval within three (3) months of assuming duty;
- 6.1.4 An employee with approved RWOPS shall not do business with organs of State or engage in transaction/s which are in conflict with official duties and/or negatively affect official operational requirements;
- 6.1.5 The supervisor / manager of applicant shall make comments on the application to ensure compliance on terms and conditions, and on applicable requirements before recommendation and approval is granted by the Executive Authority;
- 6.1.6 The supervisor / manager of an applicant shall continuously monitor compliance by the applicant to ensure that:

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- i. There is no potential or actual conflict of interests before recommending application;6Organization operational requirements are met and not negatively affected
- ii. There is no contravention of the code of conduct
- iii. Applicant do not use state resource to perform RWOPS (i.e. official time, telephone, equipment, vehicles, etc.)

6.1.7 In the event there is non-compliance with code of conduct or any terms and conditions of RWOPS application, the Executive Authority may withdraw from the employee, the granted approval and an employee will be dealt with in terms of the Public Service Disciplinary Code and Procedure as amended.

6.2 For shift workers, Policy shall be implemented based on the following conditions:

6.2.1 The shift workers should only perform remunerative work outside public service when they are off duty.

6.2.2 Approval to perform remunerative work outside public service should be requested and where deemed granted.

7. UTILIZATION OF PAID AND UNPAID LEAVE

An employee who wishes to engage in outside employment while on long service leave or while taking unpaid leave should state this in his or her application for leave, as well as seek approval for such as outside employment by providing the information outlined above. Public servants who intend to engage in outside employment while on recreational leave must obtain approval to do so.

8. UNPAID VOLUNTARY WORK

As noted above, the requirement to obtain the approval of the Executive Authority of a department also extends to employment that is unpaid and voluntary. As a general rule, however, management will not interfere with staff who participate in voluntary and unpaid outside activities, unless a conflict of interest ~~clearly exists~~ or if their own work suffers as a result of such outside work. When a conflict of

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interests arises between such employment and official duties, public servants have, in any event, an obligation to notify their supervisors.

9. PROCESSING OF RWOPS APPLICATIONS

In order to improve and properly manage time in processing RWOPS application forms, the following should be implemented:

- a) All the application forms for RWOPS should be filed as hardcopy and registered on RWOPS register electronically on a prescribed MS Excel;
- b) A Deputy Director General' (DDG) office should be assigned the aforementioned task and quarterly register should be submitted to the Ethics Management Sub-Directorate;
- c) Annual audits of RWOPS applications should be conducted by means of, among others, comparing the records kept by DDG's office with the corresponding records;
- d) Applications should be processed timeously and feedback given to applicants within 30 days

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10. POLICY REVIEW

This Policy is effective immediately after the approval by the Executive Authority and will be reviewed **September 2025** or as and when required to ensure alignment and relevance to any significant changes in the professional, regulatory, governance and any other environments that affect functionality of ethics management strategies.

11. APPROVAL:

~~Recommended/not recommended~~



Mr. P. Mokatsane
Chairperson: ethics management committee

03 Feb 2023

Date

~~Recommended/not recommended~~

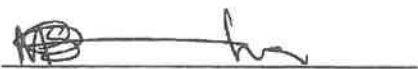


Mr. O. E. Mongale
HOD: North West Department of Health

06/02/2023

Date

~~Approved/ not approved~~



HON. MEC. Mr. M. Sambatha
North West Department of Health

07/02/2023

Date