

PART II

PUBLIC SERVICE CODE OF CONDUCT, INTEGRITY AND ETHICS

1. PURPOSE

The purpose of the staff rule is to -

- 1.1 provide a framework that guides behaviour, conduct and action of each staff member in his/her capacity as a public servant in the execution of his/her functions when rendering service to the public; and
- 1.2 set institutional arrangements that must be in place to support such behaviour, conduct and action.
- 1.3 consolidate and strengthen a culture of integrity, trust and highest standard of ethics, so as to facilitate a trustworthy public service.

2. REGULATORY FRAMEWORK

These rules, issued in terms of Section 35 of the Public Service Act, 1995 (Act 13 of 1995), were approved by the Prime Minister, on the recommendation of the Public Service Commission, in terms of Section 5(2)(j) read in conjunction with Section 5(3) of the said Act.

3. SCOPE OF APPLICATION

These rules apply to all staff members, including those at diplomatic missions, at all times during the performance of official duties in the Public Service, whether inside or outside the borders of Namibia.

4. IMPLICATIONS

Failure to comply with the measures contained in this staff rule, shall be dealt with in accordance with section 25 of the Public Service Act, 1995, (Act No. 13 of 1995) and the measures on misconduct and disciplinary action contained in Public Service Staff Rule E.X/1.

5. POLICY

5.1. Definitions

In these rules, unless the context indicates otherwise:-

5.1.1 Staff member

A *staff member* and a member of the services as defined in the Public Service Act, 1995 (Act No. 13 of 1995).

5.1.2 Executive Director

The *executive director* means the executive director of any office/ministry/agency referred to in section 3(3) of the Public Service Act, 1995 (Act No.13 of 1995).

5.1.3 Integrity

Integrity is the quality of being honest, reliable and trustworthy and the application of values, principles and norms in the daily operations of the Public Service.

5.1.4 Ethics

Ethics is a set of rules or standards according to which the rightness or wrongness of the behaviour of a staff members is judged in the execution of his/her official duties

5.1.5 Ethical conduct

Ethical conduct is refer to an action that is consistent with what society and individuals typically consider as good.

5.1.6 Moral values

Morals are habits of conduct with reference to standards of right and wrong. Values are principles considered worthwhile. **Moral values** are those values that relate to a person's behaviour or conduct with and treatment of other people.

5.1.7 Conflict of interest

Conflict of interest is when a staff member, contrary to the obligation and duty to act for the benefit of the public, exploits the relationship for personal or pecuniary benefit.

5.1.8 Corruption

Corruption is the abuse of entrusted power for private/personal gain.

5.2. Principles

To inspire public confidence and trust, this staff rule rests upon a number of general principles, as adopted from the Namibian Public Service Charter and other guiding principles, which must be an integral part of the behaviour of a staff member:

5.2.1 Public Service Charter General Principles

(a) Standards

Set, publish and monitor clear standards of service public servant should uphold.

(b) Courtesy and Helpfulness

Provide a courteous and helpful service suitable to the convenience of those entitled to the service.

- (c) Accountability
To ensure that public servants are accountable for their actions at all times.
- (d) Non-Discrimination
Ensure that service are available and provided equally and fairly to all
- (e) Value for Money
Provide efficient, effective and affordable public services
- (f) Information
Provide information about public services in a prompt straightforward and open manner that is readily understandable.
- (g) Consultation and Participation
Ensure that there is a regular consultation and communication with our service users and, taken their views and priorities into account, provide a choice wherever possible.
- (h) Transparency
Disclose how public services are managed together with the cost and performance of specific services which are open to public scrutiny in all actions taken in public office.
- (i) Quality of Service
Publicise straightforward feedback procedures. Provide where errors have been made, an apology, full explanation and early correction of the error.
- (j) Accessibility
Ensure accessibility to public service by accommodating the service needs of our service users.

5.2.2 Other guiding principles

- (a) Integrity
Putting the obligations of the Public Service above one's own personal interests.
- (b) Impartiality
Carrying out official duties fairly and unbiased to all irrespective of gender, race, religion, political affiliation, disability or social status. Choices are based solely on merit.
- (c) Fairness
Ensure that fairness is maintained at all times in the performance of duties and in dealings with others and the public at large.

- (d) Decency
Present himself/herself in a respectable manner that conforms to professionally accepted standards in the Public Service.
- (e) Diligence
Being careful and attentive in carrying out official duties.
- (f) Discipline
Behave in a manner that conforms to the rules, regulations and code of conduct, integrity and ethics.
- (g) Professionalism
Demonstrating competency, transparency and impartiality in the performance of duties.
- (h) Selflessness
Acting out of concern for others wellbeing without expecting anything in return.
- (i) Confidentiality
Staff members shall not disclose secrecy and confidential or official information which has confidentially been communicated to or has been availed while discharging official duties with due permission.

5.2.3 In addition, the staff member is expected:

- (a) to perform his/her duties with **professionalism** and **integrity** and serve the Public Service **efficiently**;
- (b) **to act fairly** and **equitably** in official dealings with colleagues and members of the public;
- (c) to avoid real or apparent **conflicts of interest**;
- (d) to respect the rights of colleagues and the public in the performance of his/her duties; and
- (e) to not bring the Public Service into disrepute in any manner.

5.3. Obligations of a staff member

For the Public Service to be trustworthy and respected, staff members must uphold standards of ethical conduct in the manner stipulated below:

5.3.1 Attendance of duty

A staff members must -

- (a) perform official duties with competence (skill, knowledge and attitude), care and diligence, using authority in a professional and unbiased way;
- (b) be familiar with and abide by statutory and other instructions governing his/her conduct and duties such as the Public Service Act, Regulations, Treasury instructions, staff rules and Circulars;
- (c) provide service to members of the public in a helpful, friendly and professional way;
- (d) treat colleagues and members of the Public with courtesy, respect, dignity and sensitivity [Regulation 10(c)];
- (e) use the appropriate channels to air grievances or direct representation [Regulation 6 and PSSR J.I/III];
- (f) be punctual in the execution of duties [Section 25 (1)(d) of Act 13 of 1995];
- (g) promote sound, efficient, effective, transparent and accountable administration;
- (h) report to the appropriate authorities any incident of fraud, corruption, nepotism, maladministration or any other act which comes to notice in the course of performing official duty and which constitutes an offence, or which is prejudicial to the public interest (Regulation 19);
- (i) refrain from using or being under the influence of intoxicating liquor or stupefying drugs during the prescribed hours of attendance without the prescription of a medical practitioner (Section 25(1)(j) of Act 13 of 1995); and
- (j) behave at all times in a manner that maintains or enhances the reputation of the Public Services [Regulation 10(b)].

5.3.2 Official Hours of Attendance (Regulation 20)

A staff members shall –

- (a) at all times be present for duty at his/her place of work during official hours of attendance and give full attention to the duties entrusted; and
- (b) not be absent from his/her place of work during official hours of attendance without the expressed consent of the supervisor or the head of the organisation.

5.3.3 Discipline

A staff member is required to -

- (a) behave at all times in a manner that maintains or enhances the reputation of the Public Service [Regulation 10(b)];
- (b) comply promptly with the official lawful orders and directives of the person with authority;
- (c) conduct private lives in such a manner that will not impact on his/her ability to perform his/her official duties negatively in any way. (Ineffectiveness due to fatigue, or the abuse or after-effects of alcohol or drugs will not be tolerated); and
- (d) be at the service of the Public Service at all times during official hours of work and must maintain acceptable standards of behavior both in and out of the office.

5.3.4 Dress and Appearance (Regulation 12)

- (a) Dress and appearance must be appropriate to the official duties of a staff member and must enhance the reputation of the Public Service. Where a uniform is required, it must be worn in the manner prescribed.
- (b) A staff member shall maintain personal hygiene in order to present a respectable, neat and clean appearance.

5.3.5 Respect of Human Rights

In the process of exercising fundamental rights, staff members should comply with certain ethical requirements as indicated hereunder.

(a) *Political Rights*

Subject to the provisions of section 25(1)(f) and section 30(2) of the Public Service Act of 1995, a staff member may –

- (i) be a member of a political party;
- (ii) attend, preside over or speak at a public political meeting;
- (iii) draw up or publish any writing to promote the interests of any political party; and
- (iv) be an office-bearer of whatever designation of a political party:

Provided that no staff member shall, at any time while he/she is required to discharge his/her official duties in the Public Service, perform any act in the exercise of any political right: Provided further that, to ensure the impartiality of the Public Service, a staff member who holds any post in the management cadre of the Public Service may not-

(aa) preside at a public political meeting or draw up or publish any writing or deliver a public speech or make a public statement with the intention to promote or prejudice the interest of any political party; and

(ab) be an office-bearer of whatever designation of a political party.

(b) *Religion*

A staff member may belong to any religion provided that he/she does not contravene the existing laws. However, since Namibia is a secular state, religious beliefs should not be advocated at the workplace or used to exclude other religions.

(c) *Discrimination [Section 25(1)(h) of the Public Service Act of 1995]*

In executing his/her official duties, a staff member shall not discriminate against, bully or harass a colleague or a member of the public, particularly on the basis of the following:

- (i) Political affiliation/opinion
- (ii) Race/colour/ethnicity
- (iii) Religion
- (iv) Gender
- (v) Sexual preference
- (vi) Marital status
- (vii) Pregnancy
- (viii) Age
- (ix) Physical or mental disability or impairment
- (x) Position or social standing

(d) *Sexual Harassment [Section 25(1)(h) of the Public Service Act of 1995]*

A staff member shall refrain from having sexual relations at the workplace. Likewise, he/she shall avoid all types of conduct, verbal or non-verbal which may constitute sexual harassment which, amongst others include the following:

- (i) Pressure for sexual activity or sexual favours with a fellow staff member.
- (ii) Rape, molestation or any form of sexual assault.
- (iii) Intentional physical conduct which is sexual in nature such as unwelcome touching, pinching, patting, grabbing and/or brushing against another staff member's body or clothes.
- (iv) Sexual innuendoes, gestures, noises, jokes, comments or remark to another staff member about one's sexuality, body or appearance.
- (v) Offering or receiving preferential treatment, promises or rewards and offering or submitting to sexual favours.

5.3.6 Disclosure of Information

(a) *Managing Official Information (Regulation 17)*

A staff member is not permitted to use or disclose information other than for official purposes without the approval of the Executive Director, including posting of official information on social media. A staff members shall continue to maintain secrecy and confidentiality of official information.

(b) *Making Statements about Official Matters [Section 25(1)(k) of the Public Service Act of 1995 and Regulation 15]*

A staff member must have the approval of the executive director/accounting officer to make official statements, to grant interviews or to discuss matters or release information on policy relating to the running of the Public Service. Any direct approach from the media should in the first instance be referred to the public relations officer or the Executive Director.

5.3.7 Discharge Duties with Integrity

A staff member is required to discharge his/her duties with integrity. Integrity means being honest and truthful in one's actions. A staff member with integrity lives his/her values in relationships with colleagues, customers, and the general public. Honesty and trust are central to integrity. A staff member who demonstrates integrity draws others to him/her because he/she is trustworthy and dependable. He/she is principled and can be counted on to behave honourably even when no one is watching.

5.3.8 Loyalty to the Public Service

A staff member shall be loyal to the public service and will therefore, implement policies and decisions given by the Authority or any other leader. Each staff members shall sign the Oath of Secrecy/affirmation upon appointment in the public Service.

5.3.9 Corruption (Section 25(i)(l) of Act 13 of 1995

Corruption may take many forms, including bribery, nepotism, sexual favors, abuse of authority, and influence peddling. A staff member shall guard against all forms of corruption including soliciting, forcing or accepting bribes from a person whom he/she is serving, has already served or will be serving either by doing so in person or by using another person. Staff members are therefore expected to act in a principled and impartial manner in their handling of for example, tenders and other business relationships on behalf of the Government. The following policy requirements are imperative:

(a) *Use of Official Position [Section 25(i)(l) of the Public Service Act of 1995 and Regulation 11(b)(ii)]*

A staff member shall not use his/her official position to seek or obtain a financial or other advantage for themselves, their families, their friends or any other person or organisation. A staff member must recuse himself/herself from any official action or decision-making process which may result in improper personal gain, and this must be properly declared by the staff member.

(b) *Accepting Gifts or Benefits [Section 25(i)(l) of the Public Service of 1995 and Regulation 16]*

A staff member shall not use his/her official position to obtain private gifts or benefits during the performance of official duties nor may he/she accept any gift(s) or benefit when offered, except with the approval of the Prime Minister, as these may be construed as bribes. This does not refer to the exchange of courtesy gifts and trivial gifts such as pens, diaries, calendars and other inexpensive gifts.

(c) *Using Government Money, Property, Goods or Services [Section 25(1)(g) of the Public Service Act of 1995 and Regulation 18]*

A staff member must be honest and accountable in dealing with public funds and resources and use Public Service property and other resources effectively, efficiently, economically and only for authorised official purposes.

(d) *Conflicts of Interests (Regulation 11)*

(i) A staff member is expected to execute his/her duties honestly and impartially to avoid circumstances that may lead to potential conflict of interest. If a staff member finds that he/she has some personal, financial, or other interest that might influence the way in which they perform their official duties, they must discuss the matter with his/her supervisor, and take whatever action is necessary to avoid a conflict of interests. He/she shall not engage in any transaction that is in conflict with or infringes upon the execution of his/her official duties.

(ii) A staff member shall recuse himself/herself from any official action or decision-making process which may result in improper personal gain and this must be properly declared by the staff member.

(e) *Remunerative working outside the Public Service [Section 17(1) of the Public Service Act of 1995 and PSSR D.XVIII/I and II]*

(i) A staff member shall not, without the prior approval of the Executive Director/Accounting Officer and on the advice of the Public Service Commission, undertake remunerative or unpaid work outside his/her official duties or use office equipment or other resources for such work.

(ii) Staff members who fail to comply with any of the provisions contained in PSSR DXV/I and II, shall be dealt with in accordance with the provisions of the Public Service Act, and the measures on misconduct and disciplinary action contained in Public Service Staff Rule E.X/I.

(f) *Declaration of interests (Regulation 11)*

Declaration of private interests by staff members in the Public Service is mandatory. All staff members are obliged to declare their private interests whilst in the employ of the Public Service.

5.4. Obligations of the employer

The employer-employee relationship is one of mutual dependency that has great impact on both. Both the employer and the employee have moral obligations arising from this relationship. The Public Service, as an employer, has certain obligations towards staff members, which may include but not limited to the following:

- 5.4.1 Instil an organisational culture that promotes ethics and integrity in the Public Service;
- 5.4.2 Deal fairly, professionally and equitably with all staff members;
- 5.4.3 Take deliberate actions to create trust by sharing useful information with staff members and making commitments on issues in the workplace;
- 5.4.4 Act consistently at all times by making decisions in such a manner that staff members are not surprised;
- 5.4.5 Provide a satisfactory, safe and healthy working environment;
- 5.4.6 Ensure that a corruption-free working environment is created;
- 5.4.7 Make decisions in a manner that demonstrates concern for and seeks to advance the welfare of staff members;
- 5.4.8 Guard against workplace bullying and discrimination of staff members and members of the public, in whatever manner;
- 5.4.9 Demonstrate respect towards staff members by showing open commitment to their optimal development, motivation and utilisation;
- 5.4.10 Co-operate fully with all staff members to advance the public interest; and
- 5.4.11 Observe terms and conditions of employment laid down by the governing legislation, internal regulations and rules or the applicable collective agreements.

5.5. Duties of Supervisors (Regulation 23)

5.5.1 It is the duty of a supervisor to supervise staff members under his/her responsibility and to take appropriate action in every case of breach of any of the provisions of the Act, regulations, staff rules and other directives.

5.5.2 A supervisor who fails to comply with the duty imposed on him/her shall be deemed to have been negligent in the performance of their duties and shall be dealt with in accordance with measures on misconduct and disciplinary action contained in Public Service Staff Rule E.X/I.

5.6. PROHIBITION ON VICTIMISATION

No staff member shall be victimised because he/she has or is suspected to have, reported or given information about fraud, corruption, nepotism, maladministration and/or any other act which constitutes an offence, or which is against the public interest. Any detrimental action by a staff member who retaliate against anybody who disclosed improper conduct shall be dealt with in accordance with measures on misconduct and disciplinary action contained in Public Service Staff Rule E.X/I.

6. STRENGTHENING ANTI-CORRUPTION INITIATIVES

6.1. The Government initiative on anti-corruption, places certain anti-corruption functions on Executive Directors including analysing corruption risks, developing and implementing an anti-corruption plan, establishing systems that allow staff members to report corruption, referring allegations of corruption to relevant law enforcement authorities, establishing educational and awareness programmes, among others.

6.2. In terms of this initiative, OMAs are required to create and promote an ethical organisational culture and to provide guidelines for how every staff member should behave. This is cornerstone for good governance and a core responsibility of any public office.

7. INTEGRITY AND ETHICS MANAGEMENT

7.1. Ethics management in the public sector has come a long way as part of the Government's good governance and anti-corruption initiatives. Ethics is cornerstone in the management of public institutions, particularly as part of the preventative component of the fight against corruption. It therefore requires that ethics be championed more vigorously than before.

7.2. The anti-corruption initiative requires Executive Directors to promote integrity and ethical behavior, assist staff members on ethical matters, identify and report such unethical behavior and corrupt activities.

7.3. Where a staff member is deemed to have engaged in any unethical conduct and/or corrupt practice, the Executive Directors shall take corrective measures and charge the staff member with misconduct where necessary, and report such unethical and corrupt activities to the relevant authorities.

7.4. In order for the Public Service to see a significant impetus on ethics and integrity management, Executive Directors must assume full responsibility for promoting and managing ethics and integrity in OMAs. The anti-corruption capacity requirements call for the designation of an “ethics and integrity champion” in each OMA, who shall be responsible to drive ethics, integrity and anti-corruption initiatives.

7.5. Integrity Committee

7.5.1 In order to ensure that there is governance oversight on ethics and integrity management at an OMA level, each OMA shall establish an Integrity Committee comprising of staff members identified and designated to act as “ethics and integrity champions”, in line with this policy and the anti-corruption initiatives. It is not a requirement that a dedicated structure be created on the establishment of each OMA.

7.5.2 The Integrity Committee shall consist of staff members selected from within the OMA. Members will be appointed by the Executive Director of the OMA. A minimum of six (6) and a maximum of twelve (12) members are recommended, depending on the size of the OMA. The Integrity Committee shall comprise of the following members:

- (a) A Chairperson who must be a staff member on the Management Cadre level.
- (b) A Vice-chairperson who shall be on a functional level not lower than middle management.
- (c) Other members drawn from key organizational units, including but not limited to, human resources, finance, procurement, internal auditing, legal etc.

7.6. Functions of the Integrity Committee

The Integrity Committee shall perform the following functions:

7.6.1 Promote the values of integrity and ethical behaviour, transparency and good governance in OMAs.

7.6.2 Ensure that the Public Service Staff Rule on ethics and integrity, procedures and practices are implemented.

7.6.3 Advise the Executive Director and staff members on matters of ethics.

- 7.6.4 Identify and report unethical behaviour and corrupt activities to the Executive Director.
- 7.6.5 Develop and implement awareness programmes to educate staff members on ethics and integrity, good governance and anti-corruption measures.
- 7.6.6 Support the implementation of the National Anti-Corruption Strategy (NACS) and other anti-corruption initiatives by the Government.
- 7.6.7 Strengthen the internal systems and procedures that support corruption prevention in the OMA through effective planning and implementation of integrity management initiatives and measures.
- 7.6.8 Advocate for change towards reducing corruption within the OMA and seeking institution-wide commitment to address anti-corruption measures, challenges as well as resource requirements.
- 7.6.9 Receive complaints and suggestions from within the OMA on ways to address ineffective systems that contribute to corruption risks and to respond and provide solutions within a reasonable period of time.
- 7.6.10 Communicate integrity management initiatives and measures across the OMA, inclusive of its regional offices, as the case may be.
- 7.6.11 Regularly monitor and review the implementation of commitments in the Annual and Action Plans for the OMA.
- 7.6.12 Report to the Accounting Officer on the progress of the initiatives within the OMA.

7.7 Integrity Pledge

The anti-corruption initiative requires that a one-page integrity pledge be signed by the Executive Director of the OMA and individually by staff members employed. This pledge contains a set of positive principles and values that will guide ethical conduct, including integrity, honesty, objectivity and impartiality.

7.7.1 By the Office/Ministry/Agency

In accordance with paragraph 7.4 above, the Executive Director shall sign an Integrity Pledge committing the OMA to the following integrity standard:

- (a) A commitment to practice and promote integrity, transparency, objectivity, impartiality and ethical behaviour in the execution of the mandate of the OMA.
- (b) Compliance with Namibian laws, public service policies, practices and procedures designed to fight corruption.

- (c) Work to strengthen the internal systems, procedures and controls to address and reduce opportunities for corruption within the OMA.
- (d) Address and report any corrupt practice that occurs within the OMA to the Division: Integrity Unit in the Office of the Prime Minister (Department: Public Service Management), and act against those staff member(s) involved in the corrupt practice regardless of position and status.
- (e) Support anti-corruption efforts by the Government and the Anti-Corruption Commission, including maintaining relationships with the government authorities in order to create awareness, detect, prevent, and enforce laws against corruption.
- (f) Enable and support staff members to perform the above actions.

7.7.2 By the Staff Member

Each staff member shall be required to sign an integrity pledge, committing to the following:

- (a) Practice and promote integrity, transparency, objectivity, impartiality and ethical behaviour in the daily performance of his/her functions and duties.
- (b) Not to conduct any business operations or activities that would require or encourage any corruption offences.
- (c) Not to commit any corruption offence under any law, such as the Anti-Corruption Act, Act 8 of 2003.
- (d) Work together with regulators and law enforcement agencies to create an environment that is free from corruption.
- (e) Uphold the Anti-Corruption principles of the Government of the Republic of Namibia in the conduct of business and in interactions with the general public.

8. MONITORING AND EVALUATION

8.1 The Division: Integrity Unit in the Office of the Prime Minister (Department: Public Service Management), is responsible for the overall coordination of the promotion of ethics and integrity as well as the anti-corruption initiatives of the Government, in conjunction with the Anti-Corruption Commission.

8.2 In order to monitor and evaluate the effectiveness of the Integrity Committees and the extent to which the objects of these rules are being

achieved, quarterly reports (end of June, September, December and March) and annual reports (end of April) will be produced by the Integrity Committee of each OMA and submitted to the Division: Integrity Unit. An overall Public Service Report will be prepared annually by the Division: Integrity Unit in the Office of the Prime Minister (Department: Public Service Management) and submitted to the Prime Minister.

8.3 The reporting format, and specific requirements and deliverables to be reported on by OMAs, will be designed and determined by the Division: Integrity Unit in conjunction with the Anti-Corruption Commission.

9. ATTACHMENTS

The following annexes are attached:

9.1 Integrity Pledge – Office/Ministry/Agency; and

9.2 Integrity Pledge – Staff Member.

10. IMPLEMENTATION

The Human Resource Office in each OMA is responsible for the administration of these rules in so far as implementation and provision of expert advice, guidance and support to staff members are concerned.

11. COMMUNICATION

This staff rule is available on the eservice. However, as not all staff members have access to the eservice, the Human Resource Office in each OMA must ensure that all staff members are informed of these rules and, if need be, have access to a hard copy. A staff member is obliged to acquaint him/herself with the provisions of these rules.

12. MONITORING

In order to determine the extent to which the provisions hereof succeed to address the objects of these rules, it needs to be monitored and evaluated regularly. As the need arises, the respective stakeholders shall make proposals and suggestions to the Office of the Prime Minister regarding possible changes and amendments to these rules.

13. EXCEPTIONAL CASES

In the event of circumstances arising that justify a departure from the provisions of any parts of this Chapter, the Executive Director may approach the Public Service Commission with a fully motivated request for a recommendation and approval by the Prime Minister.