



HEALTH AND WELFARE SECTOR EDUCATION AND TRAINING AUTHORITY

ETHICS GUIDELINE

Approved by the Board 30 October 2019

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Health and Welfare Sector
Education and Training Authority

HWSETA

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1. BACKGROUND

Ethical business conduct and behaviour

Ethics includes but is not limited to prevention of fraud and corruption. The Governance of Ethics refers to the role of the Board in ensuring that the management of ethics results in ethical behaviour with consequence management.

One of the outcomes of King IV is an ethical culture.

The integrity of its employees underlies all the HWSETA relationships, including those with customers, suppliers, communities, as well as its internal dynamics. The HWSETA expects the highest standards of ethical business conduct from its employees.

Employees shall not engage in any activity that could cast a negative perception as to the integrity, respect for diversity, impartiality or reputation of the HWSETA.

Ethical business conduct includes workplace relationships between employees, particularly with regard to human dignity, non-discrimination and respect for diversity, impartiality and reputation. Actions prohibited by the HWSETA rules, regulations, policies as well as all government prescripts, law or the Constitution, remain prohibited irrespective of whether it is by or on behalf of an employee.

All employees must ensure that their and their colleagues conduct is ethical. Any possible contraventions of the Code or unethical behaviour must be brought to the attention of management immediately.

Employees are encouraged to ask questions, seek guidance and express concerns regarding potential interest of conflict and ethical dilemmas.

2. ETHICAL LEADERSHIP

Ethical leaders always know how to do the right thing. It may be difficult to define exactly what "right" is, but a leader who is ethical is not afraid to do what they truly believe to be right – even if it is unpopular, unprofitable, or inconvenient. Ethical leadership characteristics:

- 2.1. **Justice** - An ethical leader is always fair and just. They have no favourites, and treat everyone equally. Under an ethical leader, no employee has any reason to fear biased treatment on the basis of gender, ethnicity, nationality, or any other factor.
- 2.2. **Respect others** - One of the most important traits of ethical leadership is the respect that is given to followers. An ethical leader shows respect all members of the team by listening to them

- attentively, valuing their contributions, being compassionate, and being generous while considering opposing viewpoints.
- 2.3. **Honesty** - Anyone who is ethical will also be honest and loyal. Honesty is particularly important to be an effective ethical leader, because followers trust honest and dependable leaders. Ethical leaders convey facts transparently, no matter how unpopular they may be.
 - 2.4. **Humane** - Being humane is one of the most revealing traits of a leader who is ethical and moral. Ethical leaders place importance in being kind, and act in a manner that is always beneficial to the team.
 - 2.5. **Focus on teambuilding**- Ethical leaders foster a sense of community and team spirit within the organization. When an ethical leader strives to achieve goals, it is not just personal goals that they're concerned about. They make genuine efforts to achieve goals that benefit the entire organization – not just themselves.
 - 2.6. **Value driven decision-making** - In ethical leadership, all decisions are first checked to ensure that they are in accordance with the overall organizational values. Only those decisions that meet this criterion are implemented.
 - 2.7. **Encourages initiative**- Under an ethical leader, employees thrive and flourish. Employees are rewarded for coming up with innovative ideas, and are encouraged to do what it takes to improve the way things are done. Employees are praised for taking the first step rather than waiting for somebody else to do it for them.
 - 2.8. **Leadership by example** - Ethical leadership is not just about talking the talk, this type of leader also walks the walk. The high expectations that an ethical leader has of employees are also applicable on the individual level. Leaders expect others to do the right thing by leading from example.
 - 2.9. **Values awareness**- An ethical leader will regularly discuss the high values and expectations that they place on themselves, other employees, and the organization. By regularly communicating and discussing values, they ensure that there is consistent understanding across the organization.
 - 2.10. **No tolerance for ethical violations** - An ethical leader expects employees to do the right thing at all times, not just when it is convenient for them. Don't expect a leader of such high values to overlook or tolerate ethical violations.

3. ETHICAL CULTURE

Ethical Culture is a religion centred on ethics, not theology, whose mission is to encourage respect for humanity and nature and to create a better world. Members are committed to personal ethical development in their relationships with others and in activities involving social justice and environmental stewardship. An organization's ethical climate is important because it can improve employee morale, enrich organizational commitment, and foster an involved and retained workforce. Creating clear boundaries for risks and ethical business standards provides a framework for employees to make the right decisions.

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Strategies to build an Ethical culture:

- 3.1. Be a role model and be visible. Employees look to the behaviour of top management as a model of what's acceptable behaviour in the workplace.
- 3.2. Communicate ethical expectations
- 3.3 Offer ethics training
- 3.4 Visibly reward ethical acts and punish unethical ones
- 3.5 Provide protective mechanisms.

4 INTRODUCTION – Ethics Guidelines for HWSETA

- 4.1 The need exists to provide direction to employees with regard to their relationship with other employees and the public and to indicate the spirit in which employees should perform their duties, what should be done to avoid conflicts of interest and what is expected of them in terms of their personal conduct in public and private life. All employees and Board members are required to attend and participate in **ethics training**.
- 4.2 The primary purpose of the Ethics Guideline is to **promote exemplary conduct**. Notwithstanding this, an employee shall be guilty of misconduct and shall be dealt with in accordance with the relevant HWSETA policies, if she / he contravenes any provision of the Code or fails to comply with any provision thereof.
- 4.3 The ethical guidelines and rules are derived from these general ethical guidelines. They offer more precise guidance and direction for action in concrete situations. They also make it possible for the HWSETA to implement sanctions against transgressors

5 PURPOSE

- 5.1 In order to give practical effect to the relevant constitutional provisions relating to the HWSETA, all employees are expected to comply with the Code.
- 5.2 The Code of Ethics sets out standards that all employees and Board members are required to adhere to.

6 The core ethical values and standards required of HWSETA employees and Board Members

- 6.1. **Respect for persons:** HWSETA employees and Board members must respect all persons, and acknowledge their intrinsic worth, dignity, and sense of value.
- 6.2. **Best interests or well-being:** Non-maleficence: Employees and Board members must not harm or act against the best interests of stakeholders, even when the interests of the latter conflict with their own self-interest.

- 6.3. **Human rights:** HWSETA must recognise the human rights of all individuals.
- 6.4. **Integrity:** HWSETA employees and Board members must incorporate these core ethical values and standards as the foundation for their character and practise as responsible citizens. Board members and employees must act in good faith and in the best interests of the organisation, avoid conflicts of interest, act ethically and set the tone for an ethical organisational culture.
- 6.5. **Truthfulness:** HWSETA employees and Board members must regard the truth and truthfulness as the basis of trust in their working relationships with stakeholders
- 6.6. **Confidentiality:** HWSETA employees and Board members must treat personal or private information as confidential in working relationships with stakeholders - unless overriding reasons confer a moral or legal right to disclosure.
- 6.7. **Compassion:** HWSETA employees and Board members must be sensitive to, and empathise with the public and social needs of our citizens and seek to create mechanisms for providing assistance and support where appropriate and possible.
- 6.8. **Tolerance:** HWSETA employees and Board members must respect the rights of people to have different ethical beliefs as these may arise from deeply held personal, religious or cultural convictions.
- 6.9. **Justice:** HWSETA employees and Board members must treat all individuals and groups in an impartial, fair and just manner. To adopt a stakeholder inclusive approach in the execution of duties.
- 6.10. **Professional competence and self-improvement:** HWSETA employees and Board members should continually endeavour to attain the highest level of knowledge and skills required within their area of practice.
- 6.11. **Community:** HWSETA employees and Board members should strive to contribute to the betterment of society in accordance with the HWSETA mandate and responsible citizen mandate in the country.
- 6.12. **Responsibility:** collective and individual responsibility for actions taken. Anticipating, preventing negative outcomes.
- 6.13. **Accountability:** Be willing to answer for the execution of responsibilities, even when these have been delegated.
- 6.14. **Transparency:** To be transparent in the manner in which governance and responsibility is exercised.

7. HOW TO RESOLVE ETHICAL DILEMMAS

Employees will all the time behave with integrity and will not knowingly lay a claim to a level of competence not achieved. Opinions expressed must be of sound judgement and character based on honesty and conviction. Ethical reasoning is required where such ethical reasoning proceeds in four steps:

- 7.1. **Formulating the problem:** Determine whether the issue at hand is an ethical one, once this has been done, it must be decided whether there is a better way of understanding it.

- 7.2. **Gathering information:** All the relevant information must be collected Eg personal and social data. Consult authoritative sources such as these guidelines, associations, and respected colleagues and see how people generally deal with such matters.
- 7.3. **Considering options:** Consider alternative solutions in light of the principles and values they uphold.
- 7.4. **Making a moral assessment:** The ethical content of each option should be weighed by asking the following questions:
 - 7.4.1. What are the likely consequences of each option?
 - 7.4.2. What are the most important values, duties, and rights? Which weighs the heaviest?
 - 7.4.3. What are the weaknesses of the individual view concerning the correct option?
 - 7.4.4. How would an employer, employee or individual want to be treated under similar circumstances?
 - 7.4.5. How do you think that the other party would want to be treated in a particular circumstance?
- 7.5. **Discuss** your proposed solution with those whom it will affect
- 7.6. **Act** on your decision with sensitivity to those affected
- 7.7. **Evaluate** your decision and be prepared to act differently in the future

8. HAVING A DUTY

Ethical guidelines express duties. A duty is an obligation to do or refrain from doing something.

- 8.1. If we have a **duty to another person**, it means we are bound to that person in some respect and for some reason. We owe that person something, while he or she holds a corresponding right or claim against us.
- 8.2. **Every right comes with a responsibility.** To have a duty is to ask the question "What do I owe others?" To have a right is to ask the question "What do others owe me?"
- 8.3. Duties may be ethical, legal or both at once, and operate in the personal, social, professional or political spheres of our lives.
- 8.4. As human beings we have "**natural duties**", namely unacquired general duties simply because we are members of the human community - Eg the natural duties to refrain from doing harm, to promote the good, or to be fair and just. As is the case with everyone, we owe these duties to all other people
- 8.5. As an employer we have "**moral obligations**", namely general duties we acquire by being qualified and licensed to operate eg. Entering into contractual relationships gaining informed consent, respect confidentiality, and be truthful.
- 8.6. **Institutional duties:** These are specific to the HWSETA's mandate. Eg the duties of an employee. These duties are contained in employment contracts, job descriptions, policies and procedures, codes of conduct in the workplace, and conventional expectations.

- 8.7. **Legal duties:** Legal duties are duties imposed by the common law and by statute law that require HWSETA to follow certain procedures and to use particular skill and care when dealing with stakeholders.

9. IMPELEMNETING EFFECTIVE ETHICS STANDARDS

Strengthening the ethical competence of employees and Board members, and strengthening mechanisms to support "professional ethics": new techniques need to be undertaken to institutionalise ethically competent decision making, and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law.

Developing administrative practices and processes which promote ethical values and integrity:

Specific strategies which should be considered include:

- **management approaches** which encourage all employees and Board members to deal positively with corruption and unethical practice when they encounter it.
 - **'whistle-blower'** protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials;
 - **ethics audits** to identify risks to the integrity of the most important processes (for example financial management, tendering, recruitment and promotion, dismissal and discipline);
 - **new Human Resource Management strategies** (which link, for example, ethical performance with entry and advancement, and ethical 'under-performance' with disciplinary processes), merit based promotion and recruitment, antidiscrimination protections;
 - **training and development** in the content and rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of professional responsibility, and
 - **effective external and internal complaint and redress procedures.**
- It is now generally recognised that meaningful and enforceable Ethics codes, linked to systemic practices and procedures, based on legislation, and backed by management leadership and high-level political commitment, and ongoing 'professional ethics' training, are essential.
- **Oversight and management of ethics relating to:** Recruitment, employee remuneration, supplier selection, breach management, independent assessments.
 - **Compliance with laws, regulations, policies and procedure**
 - **Alignment with the HWSETA's purpose (mandate), strategy and conduct**

10. CONFIDENTIALITY

An employee and Board members must maintain loyalty and confidentiality when entrusted with confidential information. An employee should not disclose or abuse information to his/her personal advantage.

11. IMPARTIALITY

An employee and Board members will act with impartiality when purporting to give independent advice and must disclose any relevant interests.

12. RESPONSIBILITY

An employee and Board member will accept full responsibility for any work undertaken and will construct and deliver that which has been agreed to. An employee and Board member member will seek out responsibility and discharge it with integrity.

13. NON-DISCRIMINATION

An employee and Board member will not engage in discriminatory practices on any basis whatsoever i.e. race, creed, colour, gender, ethnic origin, age and disability.

14. CONFLICT OF INTEREST

Good business practice requires that employees, Board members and officials make fair and objective decisions in HWSETA's best interest. Such decisions can only be made if the individual is not unduly influenced by personal benefit or by benefits for relatives or other associates. Conflict of interest undermine effective decision - making. Notwithstanding anything else in this guideline, and irrespective of the source of the funds used, the following gifts or entertainment are strictly prohibited.

- Accepting of any cash or cash equivalent
- Receiving or accepting any gift or entertainment that would constitute a contravention of any law e.g. Prevention and Combating of Corrupt Activities Act, or HWSETA policy
- Receiving or accepting of anything that creates an obligation to reciprocate.

15. LINKED POLICIES AND PRACTICES

The above guideline must be read in conjunction with the following HWSETA policies and procedures:

1. Code of Conduct and Business Ethics policy
2. Board Code of Conduct as included in the HWSETA Constitution
3. Risk Management Policy and Fraud prevention Plan
4. Recruitment Selection and Placement Policy
5. Performance Management Development Policy
6. Remuneration Policy
7. Anti-Fraud and Anti-Corruption Policy
8. Delegation of Power
9. Supply Chain Management Policy and Procedure
10. Disciplinary and Grievance Policy

11. ICT policies

The Executive Committee is responsible for the administration, revision, interpretation, and application of this Guideline.

DESCRIPTION	
TITLE:	Ethics Guideline
POLICY NUMBER:	
COMPILED BY:	Corporate services
EFFECTIVE DATE:	
SCHEDULED REVIEW	As Required
APPROVED BY:	<i>M. Matenche</i>
VERSION NUMBER:	1

ANNEXURE TO HWSETA ETHICS GUIDELINE

HWSETA Values

- Service Excellence
- Transformation
- Transparency
- Integrity
- Respect
- Fairness
- Accountability