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The efficacy of ethics management in Rustenburg Local Municipality

by

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A research report submitted to the Faculty of Commerce, Law and Management, School of Governance, University of the Witwatersrand in partial fulfilment of the requirements for the degree of

Master of Management in Public Development and Management

Johannesburg, 2017

ABSTRACT

There is a general outcry among stakeholders that, despite the many efforts on the part of the South African government in the forms of laws and strategies to promote ethical behaviour and eradicate corruption, the situation in local government continues to deteriorate. Although a number of studies have been conducted on the problems of corruption and unethical conduct in municipalities, not much has been done to investigate the effectiveness of ethics management in local government.

Following a qualitative and quantitative paradigm, this study sought to investigate the state of ethics management at Rustenburg Local Municipality by assessing the presence and effectiveness of ethics management using the pillars of the integrity management framework. The study revealed that, although the municipality has a code of conduct and policies in place, these are not fully implemented and enforced, and there are no development processes and structures in place. In brief, ethics management at the municipality is non-existent.

The report presents a number of observations which include a call for the shift from the rule-based towards the value-based approach in the management of ethics. It argues that, in order to make the required impact, local government institutions must adopt a strategy that combines the rule-based and value-based approaches to the management of ethics. This would ensure that ethics are institutionalised and are no longer treated as taboos in the workplace.

Acknowledgements

I wish to thank my supervisor for his untiring support, encouragement and tenacity he has shown throughout this research.

I want to extend my sincere gratitude to my partner, Mpolai, for the understanding, patience and encouragement she displayed during the course of my studies. I would also like to single out my children Atlegang, who was always wondering why I was studying and Mansa and Amantle, who constantly sought my attention while I was busy with this research.

Special thanks to my brothers, Bushy and Thabiso, and my friends, Bouy and Mothusiemang, for their support and encouragement. Special thanks to Mr Makona for granting me permission to conduct the research at Rustenburg Local Municipality, and Mr. Baard, for his support during the data collection phase at the municipality.

DECLARATION

I declare that this research report is my own, unaided work. It is being submitted for the Degree of Master of Management in Public Development and Management in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

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LIST OF ACRONYMS

AU	African Union
AUCPCC	African Union Convention of Prevention and Combating Corruption
AGSA	Auditor-General South Africa
CMPD	Certificate in Management Programme Development
DPSA	Department of Public Service and Administration
EISA	Ethics Institute of South Africa
IDP	Integrated Development Plan
LGACS	Local Government Anti-Corruption Strategy
MPAC	Municipal Public Accounts Committee
NWPAC	North West Public Accounts Committee
OECD	Organisation for Economic Co-operation and Development
PMG	Parliamentary Monitoring Group
PSIMF	Public Service Integrity Management Framework
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SALGA	South African Local Government Association
SADC	Southern African Development Community
SAMWU	South African Municipal Workers Union
SCOPA	Standing Committee on Public Accounts
TAO	Totally Aligned Organisation
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
SDBIP	Service Delivery and Budget Implementation Plan

CHAPTER 1: INTRODUCTION AND BACKGROUND

This chapter introduces the nature and scope of the study. The structure and outline of the study is also outlined here as part of the chapter.

1.1 Introduction

The ethics and morality of public servants has been receiving substantive attention in the media in South Africa and, indeed, across the world over the past few years. According to Năstase (2014, p. 64), there has been an increase in integrity-boosting reforms which saw both developing and developed countries develop a number of legal and management frameworks to deal with incidents of corruption and unethical behaviour. Ekhator (2012, p. 91) argues that the public sector, by nature of its expectations, is required to maintain a higher ethical standard to reduce incidents and perceptions of corruption relative to the private sector. However, reports of incidents of corruption and unethical behaviour in the public sector continue to make headlines in the media in South Africa. The government of the Republic of South Africa (RSA) has acknowledged this through the preamble to the Public Sector Integrity Management Framework (PSIMF): “corruption is not declining despite efforts made” (RSA, 2014, p. 2).

Concerns about the level of corruption and unethical behaviour in South Africa are not only limited to the government. Speaking at the University of South Africa’s (UNISA’s) Open Discourse Series on the subject of South Africa’s ethics barometer held on the 23rd of April 2015, the renowned anti-apartheid activist and lawyer George Bizos said: “We must act in accordance with our ethical barometers to expose wrong doing, and seek accountability and play our part to help to make the lives of others in this country better.” (Barnard, 2015)

The system of government in South Africa is made up of three distinct spheres: national, provincial and local government. The local sphere of government is made up of different categories of municipalities: including metros (Category A), local municipalities (Category B) and districts (Category C). National and provincial government provide support and funding to local

government, while local government serves as the delivery arm of government, because it has the constitutional mandate of providing effective and efficient basic services that include water, sanitation and electricity (Maclean & Mle, 2011, p. 1365). Section 195 of the Constitution of the Republic of South Africa (1996) also enjoins local government, as part of public administration, to promote democratic values and principles such as high standards of professional ethics, impartiality, fairness, transparency and accountability when serving the public. Matsiliza (2013, p. 113) posits that the inception of these democratic values puts more responsibility on local government officials and political appointees to uphold democratic principles in a responsible and responsive manner.

By its nature, local government is a contested terrain by political parties, community organisations and the media. According to Adeyemi (2012, p. 81), the ethical conduct of practitioners in local government is of great concern to the public, hence the focus of the media on scandals at municipalities. The provision of basic services places local government at closer proximity to communities, in comparison to provincial and national spheres, and makes local government susceptible to corruption and unethical behaviour (Ababio & Vyas-Doorgapersad, 2010, p. 414). This view is confirmed by Maclean and Mle (2011, p. 1365), who note that local government is failing in its constitutional mandate to provide services because it is “characterised by a dearth of or total lack of ethical conduct, integrity and good governance on the part of both elected and appointed officials”. This state of affairs has resulted in growing concerns about the state of ethics in the public sector and, in particular, local government in South Africa (Ababio & Vyas-Doorgapersad, 2010; Manyaka & Sebola, 2013).

The proximity of local government to communities also puts officials and elected representatives under constant pressure to deliver services to communities, with limited resources. These challenges and pressures facing local government further expose municipal officials and politicians to a wide variety of ethical issues and dilemmas that constantly test their integrity (Matsiliza, 2013; Huberts & Six, 2012). As a result, local government is

characterised by widespread allegations of unethical conduct – Rustenburg Local Municipality, which is based in Bojanala Platinum District in the eastern part of North West province, is no exception.

Stories and allegations of unethical behaviour and corruption in Rustenburg are well-documented, including reports of a municipal councillor who was killed after submitting a dossier detailing corruption at the municipality to the Minister of Cooperative Governance and Traditional Affairs in 2012, and accusations of financial management levelled against the Mayor by the South African Municipal Workers Union (SAMWU) (Corruption Watch, 2012). Recently, the chairperson of the Provincial Legislature's Standing Committee on Public Accounts (SCOPA) released a statement to the effect that the 2014/2015 report by the office of the Auditor-General South Africa (AGSA) indicated that Rustenburg Local Municipality had incurred 'an unauthorized expenditure of R13 394 000 and unauthorized expenditure in respect of prior years of R550 629 000' (North West Provincial Legislature, 2016). Much of this unauthorised expenditure is attributed to poor compliance with procurement policies and other internal control mechanisms, and some to acts of corruption and unethical conduct. This research investigates how the Rustenburg Local Municipality utilises ethics management instruments, processes and structures to promote ethical conduct and reduce incidents such as the one reported by AGSA.

Although a number of studies have been conducted on ethics management in South Africa (Groenewald, 2011; Disoloane, 2012), the studies focused on the ethical code of conduct and hence do not provide a comprehensive perspective on all elements of ethics management in local government. This study investigates the management of ethics at Rustenburg Local Municipality by focusing on the presence and effectiveness of instruments, processes and structures of ethics management, such as codes of conduct, training, strategic planning processes and ethics officers or champions.

1.2 Problem statement

South Africa is ranked among countries that are perceived to have a serious corruption problem. According to a survey conducted by Transparency International (2015, p. 8), 83 per cent of respondents in South Africa feel that corruption is on the increase, while in Nigeria and Ghana the levels are 75 per cent and 76 per cent respectively. Respondents to the study also said that 38 per cent of government officials and 33 per cent of local government councillors are corrupt. This negative perception by citizens says a lot about the level of corruption and unethical behaviour in South Africa, especially the public sector and the trust that citizens have on the government. According to Beeri, Dayan, Vigoda-Gadot and Werner (2012, p. 59), 'unethical behaviour is one of the most dangerous ills of modern governance, with the potential to damage public trust in government and undermine the foundations of democracy.'

The recent surge in violent service-delivery protests in municipalities is evidence of communities' dissatisfaction with service-delivery failures, corruption and unethical behaviour (Matsiliza, 2013; Maclean & Mle, 2011). The increasing revelations of incidents of corruption and unethical behaviour by officials and politicians alike add to the negative perception of ethics in local government and the loss of trust by its citizens.

The roots of the negative perceptions of corruption in South Africa were confirmed by a study conducted by the Department of Public Service and Administration (DPSA). This report indicates that the public sector in South Africa is still faced with the following shortcomings in the fight against corruption and unethical conduct (RSA, 2014, p. 4):

- limited adherence to codes of conduct;
- non-adherence to supply chain management policy requirements;
- weak enforcement of disciplinary measures on matters of ethics, and
- ineffective implementation of the Protected Disclosures Act 26 of 2000.

In response to the challenges identified above, the Public Sector Integrity Management Framework (PSIMF) was adopted by the government as an

effort to promote ethical behaviour and curb corruption in the public sector. The framework is aimed at combining the efforts of all public-sector institutions to address the weaknesses in the fight against corruption.

Local government, as the sphere closest to communities and responsible for the provision of basic services, seems to be the hardest hit by incidents of corruption and unethical behaviour. Huberts and Six (2012, p. 151) argue that the fact that municipalities are often responsible for decision-making and service delivery (urban planning, building and construction, social services, and licensing) makes them susceptible to corruption.

The perception that local government is facing challenges with regard to ethics is also confirmed by a study of the perception of local government functionaries in relation to a code of conduct by Disolaone (2012, p. viii), who concludes that 'despite the existence of a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, the ethics in practice in general are still illusive.' The government's efforts to curb the tide of unethical behaviour and corruption through world-class administrative and legal frameworks, including the code of conduct (Maclean & Mle, 2011; Manyaka & Sebola, 2013), seem not to be making the intended impact, especially in local government. Although Theilig (2015, p. 2) posits that the failure to make the intended impact can be attributed to the fact that prosecutions for unethical behaviour and corruption are often very low, even though countries have comprehensive legislations in place, the underlying reasons for this failure require a deeper and more focused investigation at the organisational level. Hence the need to investigate the status of ethics management at Rustenburg Local Municipality.

The main problem to be theoretically researched is why incidents of unethical conduct and corruption continue to plague local government, despite efforts by government to eliminate these incidents through a plethora of legislation and guidelines. This research is done through a detailed investigation of the efficacy of ethics management at Rustenburg Local Municipality, which has also been plagued by allegations of unethical behaviour and corruption. Due to the vastness of ethics management as a knowledge area, the research will

focus on the presence and effectiveness of instruments, processes and structures employed by the municipality in the management of ethics and how these elements assist officials to manage the ethical dilemmas that confront them.

This study employed an integrated research method by using both the qualitative and quantitative methods to collect data. Through this integrated approach, the researcher collected quantitative data from an electronic survey instrument completed by targeted municipal employees of Rustenburg Local Municipality, followed by the gathering of qualitative data through interviews with selected employees. Data was also collected from secondary sources, such as the municipality's strategic planning documents and reports.

1.3 Research purpose

The purpose of the research is to explore the efficacy of ethics management in local government by looking at the state of ethics management at Rustenburg Local Municipality. The study focuses on how ethics management pillars such as instruments, processes and structures promote ethical behaviour, reduce corruption and, at the same time, assist employees to manage ethical dilemmas effectively.

1.4 Research questions

The main question of this research is: What is the state of ethics management at Rustenburg Local Municipality? To further support the main research question, the following sub-questions will also be explored:

- What instruments are there for ethics management and how effective are they?
- What processes are there to secure ethical practices and how effective are they?
- What structures are there for the management of ethics and how effective are they?

1.5 Chapter outline

The document has six chapters, which have the following sequence:

Chapter 1: Introduction and background

This chapter provides the introduction and context of the study. It also explains the problem statement, purpose of the research, research questions and significance of the study.

Chapter 2: Literature review

In Chapter 2, the researcher provides a theoretical review and an in-depth understanding of the concept of 'ethics' and its relationship to corruption. Furthermore, the theories of ethics and approaches to ethics management (including measures employed in the public sector to promote ethical behaviour and fight corruption) are also discussed.

Chapter 3: Research methodology

In this chapter, the researcher focuses on the methodology that was followed in conducting the research process. The chapter also looks at the research approach, research design, data collection, data analysis, validity, reliability and ethical considerations.

Chapter 4: Presentation and analysis results

In this chapter, the researcher presents the results of the data collected through the survey questionnaire, structured interviews and study of secondary sources. The research results are also analysed and the findings derived from the data are presented. The analysis and findings are presented through the interpretation of the literature.

Chapter 5: Conclusions and recommendations for further research

In this chapter, the conclusion and recommendations based on research findings are presented. The researcher also links the research findings and the research purpose and questions. Lastly, the researcher proposes areas for future research.

1.6 Conclusion

This discussion indicates that there are challenges in the public sector in relation to the implementation of ethical and anti-corruption measures that have led to an increase in incidents of unethical behaviour and corruption. This state of affairs creates a compelling argument for the investigation of the state of ethics in local government through the study of the effectiveness of ethics management at Rustenburg Local Municipality. The next chapter will deal with the literature review, where the researcher presents accessed academic and non-academic literature on the management of ethics and corruption, with specific focus on the local government sector.

CHAPTER 2: LITERATURE REVIEW

This chapter reviews the literature relevant to the research topic and provides a critical understanding of ethics management in the public sector and local government in particular.

2.1 Introduction

According to Bryman (2012, p. 8), a literature review is where existing research on the topic or phenomena of the study is examined in order to determine what is already known about it, in the form of research conducted and methods employed. The literature review starts by explaining and discussing the main concepts of the research, which incorporate ethical dilemmas, ethics, corruption and approaches to ethics management in the local government context. Ethical dilemmas are central to any study of ethics, as the purpose of ethics management is to guide employees or role players to solve dilemmas in an ethical manner. The discussion also examines the measures aimed at managing ethics and fighting corruption by drawing on examples from South Africa and institutions such as the Organisation for Economic Co-operation and Development (OECD). In the last part of the chapter, a brief summary of the literature review is presented to pave the way for the research. Most of the studies accessed in the area of ethics are limited to the public sector in general, as opposed to local government specifically, which is the target of this study. As a result, the study relies on materials that focus on ethics management in the public sector in general.

2.2 Ethical dilemmas

The manner in which officials deal with ethical dilemmas is dependent on the amount of guidance that the organisation provides to its employees and its approach to ethics management. A discussion of ethical dilemmas is therefore relevant in this study of ethics management in local government.

The choices that public-sector employees have to make with regards to what is wrong or what is right often lead to ethical dilemmas. According to Menyah (2010, p. 5), an ethical dilemma can be described ‘as a circumstance that

requires a choice between competing sets of principles in a given, usually undesirable or perplexing situation'. Brevis, Cronje, Smit and Vrba (2011, p. 467) also state that ethical dilemmas arise where one is faced with two competing situations in which the person finds it difficult to tell right from wrong because all alternatives will have negative impact or 'where the distinction between what is ethically right and wrong become blurred' (Rossouw & van Vuuren, 2010, p. 6). Kidder (1995) (as cited in Disoloane, 2012) states that ethical dilemmas are often conflicts between right and right, as opposed to moral temptation, which is conflict between right and wrong.

According to Fleming and McNamee (2005) (cited in Theletsane, 2014, p. 369), public service has the following unique characteristics that make it susceptible to ethical dilemmas:

I. services performed by the state are more urgent than those performed by private institutions;
II. services performed by the state are semi-monopolistic in character;
III. the conduct of public services takes place against relatively precise legal requirements;
IV. market price does not govern the supply of service, and
V. much of the state's business is conducted in the public eye.

The common source of an ethical dilemma is where an official has a personal interest in official decisions, which is often referred to as a conflict of interest (Fourie, Pauw, van der Linde, Visser & Woods, 2008, p. 347). An example of a conflict of interest is where a municipal official must decide on a bid in which a member of the family or relative is one of the bidders. Ethically, the official may not participate in the awarding of the bid, but in some instances officials participate on the pretext that they will not favour their relatives.

Menyah (2010, p. 7) argues that ethical dilemmas are what the public official actually does when confronted with conflict situations such as:

a) Will he keep silent when he finds that nepotism is practised?
b) Or maybe blow the whistle?

c) Should he support pressure group activities because he sympathises with their cause?
d) Can he actively participate in party politics?
e) Should he endeavour to promote public good and uphold the high standard of public office?

The conflict situations above require municipal functionaries to be clear about the content, purpose and basis of their decisions, and this can be achieved through appropriate guidance from the authorities. Although there is guidance in the form of a code of conduct and legislation that deal with unethical behaviour, little is known about how the existing legislative framework and code of conduct are implemented at the municipal level, and whether they are making the intended impact.

Gundu (2011, p. 16) argues that the domain of service delivery is dominated by ethical dilemmas that emanate from the relationship between public servants and the public, where officials often have to choose between serving the public or the government. In some instances, while adhering to the principle of using resources economically, efficiently and effectively, officials make decisions that will in the end harm the very public that is supposed to benefit from the government. As an example, a necessary decision not to restrict the supply of water during a drought might be perceived negatively by the public.

The interface between the political and administrative arms in municipalities is often a source of ethical dilemmas for appointed municipal officials. Mafunisa (2001, p. 337) posits that, since public administrators are accountable to both their superiors and the citizenry, they are often confronted with conflict situations where they have to choose between loyalty to superiors or to the citizenry and ultimately the constitution. This study was intended to establish how municipal employees ethically navigate this politically charged environment, where they often have to choose between loyalty to the administrative hierarchy and ethical values of fairness, equality and good governance.

Since local government is at the coalface of service delivery and practitioners are confronted with ethical dilemmas on a daily basis, the challenge is ‘to provide clarity on what is right and wrong and guidance on how to deal with dilemmas that arise from time to time’ (Rossouw & van Vuuren, 2010, p. 7). Most often, guidance provided to public sector employees is not sufficient and employees are left to navigate the challenges posed by ethical dilemmas by being creative and sometimes inconsistent. In assessing the efficacy of ethics management in Rustenburg Local Municipality, the study had to establish how the institution arms its employees to deal with ethical dilemmas.

2.3 Conceptualisation of ethics

Fourie et al. (2008, p. 338) define ethics as principles and rules that should guide the moral value of the behaviour of people, while Rossouw and van Vuuren (2010, p. 4) state that ‘ethics concerns itself with what is good and right in human interaction.’ With specific reference to public service, ethics entail a broad set of commonly shared norms, values and principles that public servants are expected to uphold (Gundu, 2011; Manyaka & Sebola, 2013). Manyaka and Sebola (2013) further argue that ethics are important in that they serve as checks and balances against the arbitrary abuse of discretionary power by public servants in the face of dilemmas. Ethics, therefore, serve as instruments and guides for public servants in their interactions with members of the public and fellow employees.

By their very nature, ethics involve the interaction between two or more people. According to Rossouw and van Vuuren (2010, p. 5), the human interaction in ethics involves ‘three central concepts of self, good, and other’ as depicted in Figure 1 below.

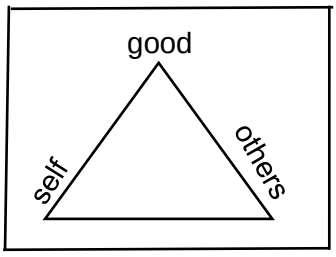

Figure 1: Three Ethics Concept Adapted from Rossouw and van Vuuren, 2010, p. 5)

The three concepts in Figure 1 are central to the definition of ethics and, as such, require that individuals must do 'good' to themselves and others in order for their behaviour or action to be classified as ethical. With reference to public service, ethics entails doing what is right and just in the conduct and behaviour of the public servants.

2.3.1 Definitions of concepts

A number of words or concepts are often used to denote ethics in ethics literature and ethics management, including 'integrity' and 'values'. A brief definition of these concepts is important in order to contextualise their uses in the discussion that follows.

2.3.1.1 Integrity and ethics

Hoseah (2014, p. 389) states that to have integrity is to have a coherent set of principles and values that are in line with moral filters. On the other hand, Rossouw and van Vuuren (2010, p. 8) state that 'integrity refers specifically to the moral character of a person or organisation'. Integrity is often characterised by moral principles and deeds, which are also the characteristics of ethics. The OECD (2009, p. 9) argues that its recent adoption of the term 'integrity' instead of 'ethics' is based on the modern approach to ethics management that combines rule-based with value-based approaches. According to Rossouw and van Vuuren (2010), the terms 'integrity' and 'ethics' are often used interchangeably. For example, institutions such as the OECD and the United Nations Convention against Corruption (UNCAC) have the Integrity Management Framework and the Ethics Infrastructure respectively, while South Africa has the Public Service Integrity Management Framework (PSIMF), as tools to promote ethical conduct. This paper also uses the terms 'ethics' and 'integrity' interchangeably, because the study's conceptual framework is based on the OECD's integrity management framework.

2.3.1.2 Values and ethics

Values represent general standards by which a person lives or conducts themselves. According to Simmonds and Vyas-Doorgapersad (2011, p. 70), 'values are social constructs that serve as a codified societal rulebook for

individuals, communities, organisations and nations to follow'. Values are, therefore, not universal and are different from ethics, although there is a tendency to use values and ethics interchangeably. Rossouw and van Vuuren (2010, p. 8) argue that the terms are not identical. Values are subjective and not all values are ethical. Amos (2004) (as cited in Ferreira, 2011, p. 99) states that values pertain to what is desirable or what should be regarded as ideal or best.

Public servants should be able to choose appropriate values that are in line with their mandate of providing public service. The values that they must uphold include justice, equity, fairness and individual rights (Simmonds & Vyas-Doorgapersad, 2011, p. 70). These values epitomise ethical behaviour, and organisations must make efforts to promote them and inculcate them into organisational practices.

2.3.1.3 Morals and ethics

According to LaMontagne (2012, p. 44), the subject of ethics and moral development can be attributed to philosophers such as Socrates, Plato and, later, Aristotle. LaMontagne (2012, p. 7) defines morals as: 'the ultimate rules governing right and wrong and are affected by society as well as by individual beliefs.' The relationship between ethics and morals is best described by Craythorne (2003) (cited in Maclean & Mle, 2011, p. 1366) when he states that 'ethics means a set of moral principles, while the word ethical relates to morals or to being morally correct'. Morals represent what is ethically right in the eyes of the community. Although morals and ethics are sometimes used interchangeably, morals are not necessarily universal, as what is regarded as moral in community might be shunned and treated as immoral in another community.

2.4 Theories of ethics

Principles and theories of ethics enable practitioners to better understand the origins of ethics and to develop standards to determine right from wrong behaviours or actions. Rossouw and van Vuuren (2010, p. 67) argue that ethical theories assist individuals to provide reasons for their actions and,

thereby, using these reasons, decide whether their actions are ethical or not. Knowledge of the theories of ethics is relevant to this study because public servants often base their reasons for particular decisions on rules, religion or moral duty and, thereby, knowingly or unknowingly, use either virtue or consequential theories of ethics. Although there are many theories of ethics, for the purposes of this study the three dominant theories of deontological, teleological and virtue theory will be briefly discussed below. Since the unit of study is a local municipality in South Africa, reference will also be made to Ubuntu as a theory of ethics.

2.4.1 Deontological theory of ethics

According to Sindane and Uys (2014, p. 39), deontological theory holds the view that one is inclined to do a good thing because one is morally obliged to do so. Deontology teaches that, for one's action to be judged as moral, the action must comply with founded moral principles; otherwise the action is immoral. According to Balogun and Oladipupo (2013, p. 33), this theory entails that 'certain actions are inherently wrong, and however well intended they may be, they lack the essential credibility for moral justification'. In terms of this theory, a decision-maker bases decisions purely on honesty, fairness, loyalty, accountability, and justice (Disoloane, 2012; Sindane & Uys, 2014).

One important characteristic of deontological theory is that it focuses on the duty that a person owes to the law. Proponents of this theory preach that one should obey the rules and other control measures in order for an action to be judged as ethical. The problem with this approach is that, in some instances, people are required to follow the law even if it is wrong or goes against their moral compass. The deontological theory is applicable to compliance-based approaches to ethics management, where ethics are mostly controlled from outside by rules and are not internalised by practitioners.

2.4.2 Teleological theory of ethics

Teleological theory is concerned with the consequences of an action and not with the action itself (Sindane & Uys, 2014, p. 397). According to Rossouw and van Vuuren (2010, p. 76), this theory claims that the morality of an action

is judged by its consequences. Rossouw and van Vuuren (2010) further state that teleological, or utilitarian theory as it is also called, was developed by John Steward Mills, who claimed that an action is good if it makes the majority of the people happy. The theory is based on the belief that the ultimate goal of all human beings is happiness and, as long as the majority of the people are happy as a result of an action, then the action is morally right. This theory seems to suggest that, even if a person kills or steals, this action should only be judged on the basis of whether it makes the majority of the people happy. Another example is of an employee who breaks the rules of an organisation regarding secrecy and confidentiality by exposing corruption; the exposure can be seen as doing good for the citizens at the expense of the organisation and its rules.

2.4.3 Virtue theory of ethics

Virtue ethics is concerned with the moral character of a person and not the actions performed by the person. The main proponent of this theory was Aristotle, who described the four great virtues or characters as courage, justice, prudence and temperance (Badaracco, 1997 (as cited by Meloni, 2011, p. 17)). Today, these virtues serve as driving principles of many public-sector organisations. The theory puts more weight on the person's character and reputation when making a judgement about their actions than the acts themselves or their consequences.

In contrast to the other two theories, in virtue theory, decisions are based on ingrained values rather than on consequences or duties (Gill, 2010 (as cited in Disoloane, 2012, p. 42)). This means that the theory works best in value- or integrity-based approaches to the management of ethics, as it focuses more on the character of the person. Since public servants are expected to be fair, truthful and honest in providing services to communities, this theory can be useful in encouraging them to be virtuous and thus ethical. Virtuous public servants will not need the rules and other controls to do the right thing; they will do good for the sake of goodness.

2.4.4 Ubuntu as a guiding principle for ethics

Ubuntu as a philosophy is derived from the Nguni word, '*muntu*'. With its origins in South Africa, Ubuntu is a philosophy, an ethic and a way of life of the African indigenous tribes. In Setswana, 'Ubuntu' means '*botho*'. According to Matolino (2011, p. 72), 'the ubuntu ethic is characterised by a call and duty imposed on the individual to have regard to community in whatever they do.'

As a philosophy, Ubuntu emphasises the commonality and interdependence of, and mutual provision for, members of the community (Tschaepe, 2013; Letseka, 2012). In this way, Ubuntu promotes and prioritises the community as opposed to the individual, in direct contrast to Western theories that promote individualism. According to Matolino (2011, p. 75), Ubuntu requires that an individual conducts him/herself in a morally worthy way and at the same time, contributes to the development of the community. Matolino (2011, p. 75) further argues that 'a moral person will never wilfully seek to behave in ways that undermine the wellbeing of her community.'

Prozesky (2013, p. 11) argues that Ubuntu should not be seen as promoting corruption because it represents a world of rich ethical values, which involves the promotion of 'the well-being of others through truthful and considerate behaviour, doing no harm and avoiding selfishness when promoting one's own legitimate interests'. In this regard, the fact that Ubuntu promotes communality and sharing should not viewed as an excuse for unethical conduct such as nepotism.

Although there is contestation regarding the relevance of Ubuntu as the basis for ethical behaviour in the public service, Theletsane (2014, p. 71) argues that the adoption and integration of Ubuntu philosophy in the public sector would go a long way in promoting ethical behaviour. Theletsane (2014) further posits that, to achieve this, there is a need to develop a public administration course that is based on the African values of Ubuntu. Sebola (2014, p. 297) is of the view that the rise in incidents of unethical behaviour in South Africa can be attributed to the failure to link administrative principles with Ubuntu.

The theories and principles of ethics are important in so far as they encourage good behaviour among employees. The critical factor for the study is how the municipal employees utilise their knowledge of ethics to make sound judgements that benefit the community and its organisations. According to Disoloane (2012, p. 87), 'throwing around charges about which theory is truly ethical and perfect; and which one should be followed or should guide municipal functionaries and councillors in making policy decisions is pointless'. The main concern should be that municipal employees promote the values espoused by the Constitution through the motivation of the relevant theory, be it consequential or Ubuntu.

2.5 Corruption as an ethical problem

Ethics and corruption sit at the opposite ends of the continuum and one cannot study ethics without looking at corruption. While ethics represent the ideal for government and private-sector institutions, corruption is a plague that good people and institutions want to eradicate. A number of authors also see corruption as one of the biggest challenges to ethics. According to Ekhator (2012, p. 92), corruption is the 'most pervasive unethical behaviour in the public sector because of its inherent negative manifestations'. Prozesky (2013, p. 11) argues that corruption is 'a lack of concern for the common good in the form of dishonesty', which in the main is an ethical problem that can only be understood in light of ethical or moral principles. In light of the view that corruption is an ethical problem, a brief definition of corruption and its manifestation in local government is provided below.

Although corruption is viewed as a universal problem, there are as many definitions of corruption as there are forms and differences (Heidenheimer & Johnston, 2009; Klitgaard, 1998; Pillay, 2016; Sebola, 2014). The *Oxford English Reference Dictionary* defines corruption as 'widespread moral deterioration' ("Corruption", 2002, p. 322). Doig (2014, p. 672), on the other hand, defines corruption as involving 'the acceptance of an offer or reward in favour of acting, or not acting, in favour of the giver'.

The official definition of corruption in South Africa is provided by the Prevention and Combating of Corrupt Activities Act 12 of 2004 as:

> *A situation where one person, for example (A), provides someone in a position of power (B) with something (called gratification) in order to use those powers, illegally and unfairly, to the advantage of B. As a result, at least two people are needed for the crime to take place and both will be guilty of the same crime – corruption.*

Another common feature in the literature of corruption is that, in a corrupt transaction, there is always the use or abuse of power by a person in a position of authority. In support of this view, Klitgaard (1998, p. 4) defines corruption through a formula:

> *C = M + D – A.*

The formula stands for: Corruption = Monopoly + Discretion – Accountability. This entails that corruption occurs where an individual, who has monopoly power over a service, has the discretion to decide who gets the service or goods and there is no accountability. This view is also supported by Kolstad (2012, p. 240), who argues that corruption is ethically wrong in that it is characterised by the 'violation of certain obligations attributed to agents'. Agents, in this case, are municipal employees who, as employees of the municipality, act as agents tasked with the provision of services to communities.

In terms of forms of corruption, the literature makes a distinction between different types of corruption which include but are not limited to: extortion, influence peddling, embezzlement, fraud, nepotism, bribery and the use of 'speed money' (Klitgaard, 1998; Fourie et al., 2008; Vichit-Vadakan, 2011).

Accordingly, corruption has the following attributes:

- violation of public trust;
- a conversion of public trust to private ends;
- a perversion of authority and commission of an unacceptable act;

- a failure to enforce laws, rules and regulations or apply sanctions to a given situation, and
- an intentional or unintentional misappropriation or wasteful use of public resources. ((McKinney, 2004) (as cited in Fourie et al., 2008, p. 344))

According to Prozesky (2013, p.11), the use of ethical words such as ‘dishonesty, integrity, virtue, moral principle and wrong’ in the different definitions of corruption shows that, whatever other problems corruption may bring (such as harm to economic growth), corruption is after all an ethical problem. Prozesky (2013) further argues that corruption ‘cannot be fully understood without analysing it in the light of ethical or moral principles’. As a result, this study also adopts the views that corruption is a manifestation of unethical behaviour and, therefore, corruption will thrive in an environment characterised by very weak ethical culture.

2.5.1 Corruption and unethical behaviour in local government

According to Klitgaard (1998, p. 1), although corruption affects all spheres of government, experiences around the world indicate that the local sphere of government is most susceptible to corruption. Municipalities in South Africa, as the part of public sector closest to communities, are afflicted by the scourge of corruption.

Pillay (2016, p. 118) makes a distinction between the following four major types of corruption prevalent in local government in South Africa:

- small-scale administrative or petty corruption;
- grand corruption;
- political corruption, and
- fraud.

Through a case study research on the manifestation of corruption in municipalities, Pillay (2016) posits that the high level of corruption in different municipalities in South Africa is reflected by endless scandals which are extensively covered in both print and digital media. Manyaka and Sebola (2013, p. 76) also agree that corruption and unethical conduct is rife in local

government, and that it is creating a serious problem that is leading to a situation where the public's confidence in government is declining.

2.5.2 2013/14 MFMA report of the office of the Auditor-General South Africa

The 2013/14 report of audit outcomes by AGSA paints a gloomy picture about the state of financial management and accountability in municipalities of the North West and the country in general. Most of the problems identified by AGSA have a direct bearing on the management of ethics in municipalities, as they point to poor controls and lack of consequences for the transgression of rules. According to the report:

> *Findings on compliance with legislation, SCM and unauthorised, irregular as well as fruitless and wasteful expenditure were due to weak control environments and a lack of actions taken against transgressors. Good governance and sound financial management will ensure that resources are used in an economical, effective, efficient and transparent manner for the benefit of citizens* (AGSA, 2014, p. 38).

Although AGSA does not explicitly define the problems at municipalities as corruption and unethical behaviour, the lack of financial controls and poor governance suggest otherwise.

The report recommends that municipalities deal with transgressions of legislation and conflicts of interest, which can be done through ethics management (AGSA, 2014). Although the audits conducted by AGSA do not go far enough into the area of ethics, because their scope does not include the audit of ethics or even of performance, 'adverse audit opinions on municipalities are also testimony to the absence of good governance, professionalism, ethics and integrity' (Kondlo & Maserumule, 2010 (cited in Maclean & Mle, 2011). The poor state of financial management and controls in municipalities should, therefore, not be treated as an isolated problem in the bigger issue of corruption and unethical behaviour. This research provides valuable information that sheds light on the status of ethics in Rustenburg Local Municipality, beyond the financial and control transgressions.

2.6 International and regional conventions on corruption

South Africa is a signatory to a number of international and regional conventions and treaties aimed at preventing and combating corruption and unethical behaviour. In general, the treaties and conventions signed by South Africa are aimed at promoting cooperation and setting standards among member states in the fight against corruption and unethical behaviour. The government subscribes to these bodies to 'ensure that its policies are benchmarked against international practice' (Mgijima, 2010, p. 4). These institutions also provide valuable information and support to member countries regarding strategies to fight corruption and promote ethical behaviour. As a result of these treaties, South Africa is able to benchmark its efforts to promote ethical behaviour with that of other member countries.

2.6.1 United Nations Convention against Corruption

The United Nations Convention against Corruption (UNCAC) came into force on 04 December 2005, following years of negotiations in the United Nations General Assembly about the need for an international instrument against corruption. According to UNCAC (2001, p. 7), the purpose of the convention is to:

a) promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
b) promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery, and
c) promote integrity, accountability and proper management of public affairs and public property.

As a signatory to the convention, South Africa has committed to establishing systems to prevent corruption, and promote accountability and integrity in the public sector. It is in the local sphere of government where the government should double the efforts to promote integrity, accountability and proper management of public property.

2.6.2 Southern African Development Community Protocol against Corruption

The Southern African Development Community (SADC) Protocol against Corruption was adopted by the SADC Heads of State and Government in August 2001, making it the first sub-regional anti-corruption treaty in Africa. The main aim of the protocol is to strengthen the development of measures to prevent, detect and punish corruption in both the public and private sectors of the member states.

According to Matsheza (2001, p. 7), the protocol provides a wide set of preventative mechanisms which include the following:

- development of a code of conduct for public officials;
- transparency in public procurement of goods and services;
- easy access to public information;
- protection of whistle-blowers;
- establishment of anti-corruption agencies;
- development of systems of accountability and controls;
- participation of the media and civil society, and
- use of public education and awareness as a way of introducing zero tolerance for corruption.

South Africa has complied with some of the mechanisms proposed by the protocol, by passing legislation to protect whistle-blowers and developing a code of conduct for the public service. As indicated in Chapter 1, the plethora of laws passed have not yielded the required results, as local government is still characterised by incidents of corruption and unethical behaviour.

2.6.3 African Union Convention on Preventing and Combating Corruption

The African Union Convention on Preventing and Combating Corruption (AUCPCC) was signed in Mozambique in 2003 as an instrument to fight political corruption in the region. The preamble of the convention acknowledges that corruption undermines the key values of public administration: accountability and transparency. The convention has been

ratified by 37 members of the African Union (AU) as a commitment to abide by its founding principles and to promote cooperation among the member states. Participation by South Africa in this convention should enable the country's municipalities to continuously share best practices with other African cities regarding measures to promote ethics.

2.6.4 African Charter on the Values and Principles of Public Administration

The African Charter on the Values and Principles of Public Administration (hereafter, the Charter) was adopted on 31 January, 2011 by the AU. It was born out of the need by the AU to professionalise the public service and to promote ethics and democracy in the public service. Although the principles of public administration are enshrined in the South African Constitution, endorsing the charter further serves as a commitment by the country to emphasise the importance of promoting ethical standards in the public sector.

According to the Parliamentary Monitoring Group (PMG) (2013), among others, the Charter covers the duties of the public service and administration, which include efficient service and modernisation, a code of conduct for public-service agents, professionalism and ethical behaviour, and the prevention and combating of corruption. Member states are required to develop mechanisms and systems to promote the objectives of the Charter in their respective countries. As indicated above, as a country, South Africa has already established systems and mechanisms to promote the charter, and the challenge remains implementation, especially at local government level.

2.7 Approaches to the management of ethics

There are many approaches, tools and systems that can be used to control, guide and manage ethical conduct in the public and private sectors. Traditional approaches emphasise rules and controls, while more modern approaches emphasise values and the centrality of employees in the management of ethics. For the purposes of this study, two main approaches – the compliance-integrity continuum and ethics management strategy – are discussed in order to map the ethics management approach at Rustenburg Local Municipality.

Assessing the status of ethics management at Rustenburg Local Municipality against these approaches provides valuable information about the presence and effectiveness of ethics management instruments, processes and structures at the municipality.

2.7.1 Compliance-integrity continuum

The compliance-integrity continuum sees ethics management as a continuum between a highly compliant- or rule-based approach and an integrity- or value-based approach. These approaches are also referred to as 'high road' and 'low road' approaches to ethics (Gilman & Lewis, 2005; Năstase, 2014; Pevkur, 2007), with the compliance approach as the low road and the values approach as the high road.

The OECD (2009) (cited in Năstase, 2014) describes the rule- or compliance-based approach to integrity management as emphasising the importance of external controls (Disoloane 2012, p. 60) to the behaviour of public servants. It prioritises formal and detailed rules and procedures as the means to reduce integrity violations and prevent corruption. According to Maesschalck (2004, p. 21), the compliance approach's emphasis on rules and strict procedures does not provide employees with room to make ethical choices. As a result, according to Disolaoane (2012, p. 60), public servants in a compliance ethics system seldom give their best as they only do what is expected of them. The emphasis is on avoiding mistakes and punishment, with little or no room for innovation on the part of employees. The PSIMF (which guides public-service ethics in South Africa) has strong features of this approach, which is viewed as an old and outdated approach to ethics management. Organisations practising this approach only rely on available rules and legislation with minimum resource allocations to the management of ethics.

The value- or integrity-based approach focuses on guidance and 'internal' control, or control exercised by public servants towards themselves. This approach is aimed at stimulating the understanding and daily application of values by employees and the improvement of ethical decision-making skills though interactive training sessions, workshops and inspiring codes of values. Năstase (2014, p. 77) argues that the 'aim of the high road approach is to

support public servants in dealing with discretions and it is about promoting and not stifling individuals' ethical agency'. Organisations such as the OECD, Transparency International and the United Nations Development Programme (UNDP) prefer the value-based approach to ethics management, due to its interactive nature and the involvement of employees in the development and implementation of ethics management systems and processes.

The two roads are seen as opposing sides of the continuum: the low road is seen as outdated, while the high road is seen as more suitable to the new public management model. In order to find a middle ground and bring synergy between the two opposing paths, Gilman and Lewis (2005) have proposed a third path: fusion. The three paths are depicted in the table below:

Table 1: Approaches to ethics management

Path	Main Characteristics
Low road	• Compliance- and rule-based • Employees are given orders • External control of behaviour
High road	• Relies on moral character and values • Individual is responsible for principles
Fusion	• High and low paths not independently effective • Combines compliance and ethical responsibility

Although there is a clear distinction between the high and low roads, as depicted in Table 1 above, organisations should combine the two approaches as each one has its own strong points; hence the introduction of the third road: fusion. The combination of the two approaches is also supported by the OECD (2009, p. 12), which encourages countries to 'judiciously combine both the rules-based and value-based approaches and ensure the coherence balance of their components within one integrity framework'.

An investigation of how the Rustenburg Local Municipality uses instruments, processes and structures of ethics management should reveal the ethics management approach adopted at the municipality, without diverting from the research purpose.

2.7.2 Ethics Management Strategy

The Ethics Institute of South Africa (EISA), which is dedicated to the promotion of ethical behaviour in the private and public sectors, sees the management of ethics as an integral part of the strategy of an organisation that values integrity (Rossouw & van Vuuren, 2010, p. 248). In order to manage ethics effectively, Rossouw and van Vuuren (2010, p. 250) state that the 'commitment to the management of ethics should be reflected in the vision, mission and identity of an organisation'. A distinction is made between four strategies for managing ethics in organisations: reactive, compliance, integrity and totally alignment strategies. These strategies can best be explained as a continuum from weakest to strongest, with reactive and compliance being weak strategies, while integrity and totally aligned strategies are strong strategies.

According to Rossouw and van Vuuren (2010, p. 46), an organisation with a reactive strategy towards ethics management is characterised by a knee-jerk approach to incidents or challenges posed by unethical behaviour. Ethics management, in this instance, is merely reactionary and there is no proactive plan or intention to prevent unethical behaviour, because of the reliance on the legislative prescriptions and code of conduct.

The compliance ethics management strategy is an improvement from the reactive strategy, but the approach is also rule-based, as ethics are managed through a strict implementation of the code of conduct and other organisational policies. Organisations practicing the compliance strategy instil ethics by disciplining or penalising employees who deviate from policies and the code of conduct. The main weakness of this approach is that employees 'comply for fear of punishment, rather than by embracing and entrenching the ethics values and standards' (Rossouw & van Vuuren, 2010, p. 60).

The next level of ethics management is the integrity strategy or mode, which entails a certain level of integration of ethics in the overall organisational strategy. This approach is value-based and, as such, is a step further from the rule-based compliance approach. According to Moon and Bonny (2011) (as cited in Rossouw & van Vuuren, 2010, p. 61), the management of ethics in this

approach goes beyond merely imposing the ethics standard in an organisation, by seeking to obtain the commitment of employees to a shared ethical value system.

In the Totally Aligned Organisation (TAO) strategy, the organisation takes the management of ethics so seriously that ethics form part of the organisation's mission, vision and goals, meaning that ethics are institutionalised. According to Rossouw and van Vuuren (2010, p. 249), the institutionalisation of ethics occurs when managers set specific ethics objectives and design strategies to achieve these ethics objectives. The management of ethics in this instance is characterised by open commitment to non-negotiable ethical standards in the interactions within and outside the organisation.

The focus of much of the literature (as assessed with regard to ethics management in the public sector in South Africa) has not been on the approaches mentioned above, and has only focused on the implementation of codes of conduct and relevant legislation. This study seeks to establish which ethics management strategy and approach is adopted by the Rustenburg Local municipality by focusing on the three pillars of instruments, processes and structures.

2.8 Measures to deal with unethical behaviour and corruption

The study of the literature on the management of ethics would not be complete without a brief discussion of efforts by governments aimed at preventing corruption and promoting ethical behaviour among municipal employees. These efforts include: legislation, statutory bodies, strategies, and regional and international bodies and treaties. Since the approach to ethics management in South Africa is dominated by laws and guidelines, as can be seen from the plethora of acts and regulations, it is prudent to begin with a brief discussion of the current legislative framework governing ethics in local government. Overall, this section provides the study with information on the tools or mechanisms available to assist municipalities to promote ethical behaviour and to assist employees to resolve ethical dilemmas ethically. As

indicated in Chapter 1, these measures are not yielding positive results in the fight against corruption and unethical behaviour.

2.8.1 South Africa's legislative and statutory framework

A variety of laws, policies and strategies have been developed in South Africa since the advent of democracy in order to curb the scourge of corruption in the public and private sectors (Disoloane, 2012; Manyaka & Sebola, 2013; Pillay, 2016). The first part of this section focuses on the legislation that is applicable for anti-corruption and ethics management in local government, and is followed by brief discussions on the King Commission on Corporate Governance and the PSIMF, which are both relevant and important to the study of ethics in the public sector in South Africa.

2.8.1.1 The Constitution of the Republic of South Africa, 1996

The Constitution, as the supreme law of the country, sets out the basic values and principles of public administration that must be observed by all public practitioners in South Africa. Section 195 (1)(a) requires that public administration must be governed by democratic values and that a high standard of professional ethics must be maintained. In keeping with the Constitution, public servants must display the highest standard of ethical behaviour when executing their duties.

According to Matsiliza (2013, p. 108), 'the South African Constitution mandates public officials to refrain from the abuse of public trust and conduct themselves in an ethical and respectable manner.' Matsiliza (2013) further posits that there is an expectation on the part of municipal officials and political office-bearers to contribute towards the creation of ethical culture when discharging public duties and to uphold the Constitution.

With regard to the corruption-prone function of supply chain management, section 217 of the Constitution requires state institutions to procure goods and services in a transparent, competitive and transparent manner. Unfortunately, as indicated in parts of this study, the public sector is littered with stories of corruption and unethical behaviour, which are in direct contrast to the values espoused in the Constitution. In order to tighten the fight against corruption

and promote ethical behaviour, the government has enacted a number of laws, some of which are briefly discussed below.

2.8.1.2 Municipal Systems Act 32 of 2000

The Municipal Systems Act 32 of 2000 is primarily concerned with the regulation of internal processes and systems, such as planning, performance management and human resource development, in municipalities. All the areas regulated by the act have a bearing on the management of ethics in an institution and, therefore, are of interest to this study. Chapter 7 of the act enjoins municipalities to promote basic principles and values of public administration as per section 195 of the Constitution.

Chapter 12, schedules 1 and 2, of the Municipal Systems Act is more specific to ethics as it outlines the code of conduct for municipal staff and councillors. The code of conduct regulates the behaviour of municipal employees and councillors on matters such as:

- private benefits;
- rewards, gifts and favours;
- declaration of benefits;
- protection of information, and
- sexual harassment.

Most municipalities in the country adopted the code of conduct as is from the Municipal Systems Act, without adapting it to their local conditions or improving it. The code of conduct, as an important tool to promote ethical behaviour in local government, requires a separate but brief discussion.

2.8.1.3 Code of conduct or ethics

Disoloane (2012, p. 43) argues that the development of a code of conduct or ethics is an indication that an organisation is thinking or doing something about ethics. With regard to local government in South Africa, a code of conduct for municipal staff has been developed as part of the Municipal Systems Act (as referred to above). As a result, most municipalities use a uniform or similar code of conduct. This code of conduct is similar to what Rossouw and van

Vuuren (2010, p. 237) call a ‘code of ethics, [which] is a document or agreement that sets the standard for ethical behaviour in an organisation’. According to Ekhator (2012); Gallego-Alvarez, Rodriguez-Dominguez and Garcia-Sanchez (2011), and the OECD (2013), apart from regulating or maintaining good ethical behaviour, a code of conduct also improves corporate reputation, and communicates and creates a common understanding of an organisation’s commitment to adhering to ethical behaviour.

The code of conduct of municipal staff guides employees with regard to permissible behaviour; among others, the code encourages employees to conduct themselves in line with the value statements of honesty, transparency, impartiality and integrity in executing their duties and in their interaction with members of the public and co-workers.

Codes of conduct do not always achieve their goals of promoting ethical behaviour; according to Ekahtor (2012), they may provide a false sense of security that the organisation is addressing ethics and that the codes represent the views or interest of those that drew them up. This latter criticism is relevant to local government in South Africa, in that the code of conduct was developed at national government level and municipalities are required to adopt and implement it. According to Disoloane (2012, p 271), the fact that municipalities do not have a separate code of conduct results in ethics not being taken seriously by municipal stakeholders.

2.8.1.3 Protected Disclosures Act 26 of 2000

The Protected Disclosures Act 26 of 2000 provides for mechanisms for disclosing corrupt activities and protecting whistle-blowers in the public and private sectors. The act can be regarded as a move on the part of the government to promote the concept of whistle-blowing. Through the act, employees are encouraged to report criminal acts and acts of injustice in the workplace without fear of dismissal or victimisation. The act also makes it a criminal offence for employers to victimise employees who report an act of corruption or any illegal act in line with the provision of the act.

According to Maclean and Mle (2011, p. 1378), in order to complement the Protected Disclosures Act, the Cabinet of the Republic of South Africa approved the establishment of the National Anti-Corruption Hotline in 2003. Maclean and Mle (2011, p. 1378) further argue that 'the purpose of the hotline was to prevent and combat corrupt practices by promoting or encouraging reporting on corruption.' The establishment of the National Anti-Corruption Hotline by government also saw a number of private and public institutions establishing hotlines to enable their stakeholders to report corruption and unethical behaviour, and thereby promote the safe and anonymous reporting of wrongdoing.

2.8.1.4 Local Government Anti-Corruption Strategy

The Local Government Anti-Corruption Strategy (LGACS) was developed in reaction to the observation that, although municipalities have anti-corruption and fraud policies, the policies were not effectively implemented (Department of Provincial and Local Government, 2008 (as cited in Ababio & Vyas-Doorgapersad, 2010)). Ababio and Vyas-Doorgapersad (2010, p. 424) further posit that the strategy emphasises 'creating a culture within municipalities which is intolerant to unethical conduct, fraud and corruption; strengthening community participation and relationships with key stakeholders'. According to the South African Local Government Association (SALGA) (2011), the strategy targeted the following deficiencies in ethics management at local government:

- nepotism in employment of staff;
- inadequate financial controls;
- procurement for building and allocating RDP (Reconstruction and Development Programme) houses;
- lack of transparent procurement processes, and
- abuse of municipal assets.

The strategy also encouraged municipalities to shy away from unethical behaviour and involve communities in the fight against corruption. Unfortunately, these efforts were not delivered on and, as a result, the government developed the PSIMF to strengthen the management of ethics at public institutions.

2.8.1.5 Public Sector Integrity Management Framework

The Public Sector Integrity Management Framework (PSIMF) was primarily developed because of gaps in the implementation of policy and measures aimed at fighting corruption and promoting ethical behaviour (RSA, 2014). The framework provides guidelines to public-sector practitioners to deal with conflicts of interest that arise in areas such as:

- acceptance of gifts;
- disclosure of financial interests;
- remuneration work outside the public service, and
- post-public employment.

Apart from promoting the coordination and integration of different public-sector stakeholders, the framework also requires all state entities (including municipalities) to employ ethics officers as part of measures to manage ethics at the institutional level. The intention of this study is to establish whether the Rustenburg Local Municipality has complied with this requirement.

2.8.1.6 Other relevant legislation

Table 2 below provides a summary of the legislation that is aimed at curbing corruption and improving ethical behaviour in the public sector. The first column consists of the list of legislation, while the aim or goal of the legislation is given in the second column.

Table 2: Other Legisla*tion r*elevant to Ethics and Corruption

Legislation	Goal
Promotion of Access to Information Act 2 of 2000	Procedures and mechanisms through which the public can access government information
Municipal Finance Management Act 56 of 2003	Constitutional requirement of public administration by enjoining senior municipal employees to manage municipal resources in an effective, efficient and economic manner
Prevention and Combating of Corrupt Activities Act 12 of 2004	Enhances ethical conduct and provides mechanisms for the prevention and combating of corrupt activities

A study of the legislative framework discussed above indicates that the government has been developing different pieces of legislation and guidelines to deal with the problems of unethical conduct and corruption without much success, as per the preamble of the PSIMF (RSA, 2014). In assessing the efficacy of the ethics management approach at play at Rustenburg Local Municipality, this study examines how the legislative framework is being implemented at the municipality.

2.8.2 Regulatory bodies

In order to ensure compliance with the legislation, the government of South Africa has established a number of institutions in terms of Chapter 9 of the Constitution to 'ensure that public administration activities are in line with the values and principles enshrined in the constitution' (Naidoo, 2012, p. 113). These organisations include the Public Protector and AGSA, and they are collectively called Chapter 9 institutions.

The Public Protector has been at the forefront of the war against corruption and unethical conduct across the three spheres of government. The Public Protector released reports with serious findings against the Nelson Mandela Bay Municipality and Kagisano-Molopo Local Municipality in January and November 2016, respectively. In both these reports, the investigations by the Public Protector found that the two municipalities had engaged in unethical conduct by violating the supply chain management regulations.

AGSA conducts annual audits of the finances of municipalities and other state entities. As part of its audits, AGSA is required to report incidents of fraud and corruption that are detected during the audits. As indicated in Chapter 1, these reports from AGSA often reveal serious challenges around financial management and controls, which can be attributed to corruption and unethical behaviour by municipalities.

2.9 King III Report on Corporate Governance in South Africa

The King Committee was established in 1992, under the chairpersonship of Professor King, with the sole purpose of advising the South African

government on corporate governance. The first and second reports of the King Committee were only applicable to the private sector, while the third report (known as King III), which became effective in 01 September 2009, applies to all entities, regardless of the manner and form of incorporation, including public and non-profit entities (Nevondwe, Odeku & Raligilia, 2014, p. 663). The public sector, including municipalities, was subsequently required to comply with the requirements of the King III Report.

King III requires public-sector organisations to not only report on finances and performance but also to introduce sustainability reporting, through which internal and external stakeholders are engaged to determine the status of the ethical characters of the organisations and to ascertain the expectations of stakeholders related to an organisation's ethical reputation (Khomba & Vermaak, 2012, p. 351). According to the King III Report, as part of ethics sustainability reporting, institutions in the public and private sector are required to assess their ethics performance and report the findings to internal and external stakeholders (Institute of Directors, 2009, p. 14). Although the applicability of the King III Report in public service is fairly new, the implementation of its recommendations by municipalities with regard to ethics management should provide valuable information for the study on whether municipalities report on ethics and other related matters.

2.10 Ethics training

Although the South African government has developed world-class legislative frameworks to promote and enforce ethical behaviours, training remains one of the most important mechanisms in the fight against corruption (Mollo, 2010 (as cited in Manyaka & Sebola, 2013, p. 81)). The OECD (2009, p. 47) also posits that 'training is one of the most often used and advertised instrument of integrity management'.

Disoloane (2012, p. 114) defines ethics training as 'those processes and experiences which are designed to impart knowledge, understanding and skills to people in order that they might share in the task of maintaining an organisation's ethos'. Disoloane (2012) further argues that training in ethics

will eliminate or, at the minimal, reduce corruption and unethical behaviour in local government if it is implemented correctly. Training can target different categories of employees, for example, basic ethics training could be part of the curriculum and cover policies, especially in sectors with high risks of unethical behaviour such as procurement (OECD, 2013, p. 43). If implemented correctly, training can provide employees with a common understanding of the required ethical behaviour and assist employees to deal with ethical dilemmas.

2.11 Conclusion

This chapter discussed ethics management literature in the public sector by looking at different theories and management approaches. The literature suggests that the knowledge of ethics theories on its own is not sufficient to promote ethical behaviour, unless it is supported by commitment and action from the role players. The literature also suggests that the public sector faces serious challenges relating to unethical conduct and corruption, and that local government is affected the most by this malaise. The studies conducted by Pillay (2016) and Disoloane (2012) confirm that municipalities are still characterised by high incidents of unethical conduct and corruption perpetrated by municipal officials and that, although there is a legislative framework and code of conduct, the management of ethics in municipalities remains inadequate. The literature further suggests that a comprehensive approach, which involves finding a balance between the current rule-based approach and the ideal value-based approach, is required to win the fight against unethical conduct and corruption in the public sector. The current focus, which is limited to the development of instruments such as a code of conduct and policies, does not make a real difference (OECD, 2009, p. 7).

The state of ethics in local government and the limited attention given to research on ethics in this important sphere of government by academics makes the case for an in-depth investigation into the efficacy of ethics management at Rustenburg Local Municipality. The chapter that follows discusses the research methodology that was employed to collect and analyse data in order to answer the research questions.

CHAPTER 3: RESEARCH METHODOLOGY

This chapter outlines the research approach and methodology that was employed in the collection and analysis of the data. The discussion also describes the instruments that were used to collect, present, analyse and interpret the data. The research paradigm and conceptual framework are also discussed.

3.1 Introduction

As indicated in Chapter 1, this study was conducted using a combination of qualitative and quantitative research methods. The research included the collection of primary data and the study of secondary literature on ethics and ethical dilemmas in Rustenburg Local Municipality and the public sector in general. The secondary data sources included the study of journal articles, newspapers, books, government reports, publications and research papers. Although there is limited academic research on ethics management in local government, the literature accessed was sufficient to lay the basis for and enable the researcher to develop a conceptual framework for the research. This was followed by the collection of data through a survey questionnaire and face-to-face interviews with middle and senior managers of Rustenburg Local Municipality. The collected data was analysed in order to produce the research findings and thereby answer the research questions.

3.2 Conceptual framework

According to Maxwell (2011, p. 39), a conceptual framework provides a conception or model of what is available in and around the area to be studied. The conceptual framework forms the parameters of the phenomena that will be researched in that it determines what will be included and excluded as part of the research.

Since the area of the study, ethics management, is a broad knowledge area that can be studied from a number of angles, for the purposes of this study, the three pillars of the integrity management framework of the OECD have been used to guide the length and depth of this study. According to the OECD

(2009, p. 21), an integrity management framework is a systemic and comprehensive approach to ethics management, 'which brings together instruments, processes, and structures for fostering integrity and preventing corruption in public organisations'. The three pillars of the integrity management framework (instruments, processes and structures) will be used to investigate the management of ethics at Rustenburg Local Municipality. Each of the three pillars has a number of core measures that are tangible elements of the ethics management framework. These three pillars of ethics management are identified and explained in Table 3 below:

Table 3: Pillars of the integrity management framework (adapted from Maesschalck, 2009, p. 22)

	Instruments	**Processes**	**Structures**
Core measures	Codes, rules, procedures, training, counselling and declarations	Integration of ethics in planning, change management processes, recruitment and selection, procurement and financial management reporting	Ethics officers Ethics committees Management teams Council committees

The first pillar of the framework consists of instruments, which encompass the organisational aspects of ethics management such as the code of conduct, rules, policies, training and declarations, as depicted in the second column of Table 3 above. According to the OECD (2009, p. 7), the main purpose of the instruments is 'to stimulate and enforce integrity and prevent corruption within a particular organisation'.

The second pillar of the integrity management framework is processes. According to the OECD (2009, p. 21), the presence of the ethics management instruments or structures will not serve any purpose if they are not institutionalised in the management process of an organisation. 'Processes' in this regard refer to 'development processes of planning, implementation, evaluation and adapting of aspects of an integrity management programme' (OECD, 2009, p. 7). In the context of this study, the investigation into the

development processes focused on how the municipality has integrated ethics management in its internal processes such as strategic planning, integrated development planning (IDP), performance management and other management functions such as human resources and financial management.

Another important area that is related to the management processes listed above is the institutional or organisational culture. According to Klitgaard (2008, p. 4), 'when corruption is systemic, the institutional culture grows sick.'" In this environment, both corruption and unethical behaviour become the norm and no one seems to care. Institutional culture is therefore central to ethics management processes, as it determines whether the ethics management instruments (such as a code of conduct, training and rules, and structures) are not only developed, but are also implemented and continuously evaluated.

The third and last pillar of the framework, structures, covers the presence and arrangement of structures or persons who play a role in ethics management at the municipality. The OECD (2009, p. 7) views 'structures' as being concerned with who is responsible for integrity or ethics management, including the coordination of all organisational initiatives related to ethics management. The focus of the study on structures was to establish actors or role players, including senior managers, who have been allocated the role of managing ethics.

The three pillars of the framework must not be treated as isolated and independent, but as interrelated and interdependent parts of an ethics management system. In this regard, the OECD (2009, p. 7) posits that instruments on their own are just intentions and 'they will only have an impact when they are brought to live and kept healthy through processes and structures.'

The research also investigates the prevalence of ethical dilemmas in the municipality and how officials are capacitated to deal with these dilemmas in an ethical manner. As indicated in Chapter 2, municipal officials are continuously confronted with ethical dilemmas in the workplace and often lack the necessary guidance to deal effectively with these dilemmas. In this context,

the study investigates the three elements above with regard to how they assist officials in dealing with ethical dilemmas.

In order to verify and complement the data collected through the survey and structured interviews, the researcher collected secondary data through a study of relevant municipal document such as:

- municipal strategic plans;
- annual reports;
- relevant policies, and
- skills development plans and reports.

The purpose of this step was to juxtapose the information received from the officials with the information from the municipal documents on the management of ethics in Rustenburg Local Municipality. The study of municipal documents has provided the study with valuable insight into the status of ethics in the municipality, as will be revealed when the study results are presented and analysed.

The researcher also visited the municipal offices and building to conduct physical observations to establish whether the municipality's code of ethics or any other ethics-related material was displayed. This was done as part of the data collection stage of the research, especially during the structured interviews, which were mostly held in offices of the interviewees.

The conceptual framework's pillars of instruments, processes and structures provided the researcher with sufficient insight into the state of ethics management at Rustenburg Local Municipality. By looking at the presence and effectiveness of each of the three pillars, the researcher was able to answer the research questions and, thus, achieve the purpose of the study. The use of both the survey and structured interviews also enabled the researcher to mitigate against the sensitive nature of the topic.

3.3 Research design

According to Bryman (2012, p. 45), research design refers to the different frameworks that are adopted for the collection and analysis of data in a

research project. This is often confused with the research method, which can either be quantitative or qualitative. Quantitative research uses measurable data to analyse a research problem, while qualitative research uses non-numerical data.

This research employed both the qualitative and quantitative methods in order to answer the research questions and, thereby, to understand the efficacy of ethics management at Rustenburg Local Municipality. This combined approach enabled the researcher to engage with the research data and compare the data collected and collated using both the quantitative and qualitative methods.

The quantitative research approach is primarily concerned with the collection and analysis of numerical data from a selected population sample in order to generalise the findings to the entire population (Maree & Pietersen, 2007, p. 145). The researcher used a web-based survey questionnaire in order to collect data from the sample population.

The qualitative method enabled the researcher to study people or systems through interaction and observation, in order to understand how they make meaning of phenomena such as ethics and its management (Nieuwenhuis, 2012, p. 85). The qualitative method was also useful in that it complemented the results of the quantitative method, the response rate to which was lower than anticipated. Spooney (2015, p. 65) states that the quantitative research method is not preferable for researching a sensitive topic such as ethics, as it deals with issues of the mind and not numbers; hence, the use of the mixed-method approach.

The researcher employed triangulation in order to compare and contrast the results of the two research methods. According to Bryman (2012, p. 65), triangulation occurs when a researcher conducts mixed-method research in order to confirm whether the results of quantitative and qualitative methods corroborate each other. Triangulation can be planned beforehand or can be applied during the research project. In this research, triangulation was planned

beforehand because there was a risk of low response by participants due to the sensitivity of the topic.

Lastly, the researcher used observation and the study of secondary documents from the municipality as part of the research. The secondary documents studied include municipal reports, plans and policies relevant to the management of ethics.

3.3.1 Survey questionnaire

A questionnaire was developed and distributed to senior and middle managers, including supervisors. In total, 67 questionnaires (see Appendix 5) were distributed through *SurveyMonkey* (www.surveymonkey.com) to the emails of the targeted participants. The questions in the questionnaire were designed to cover all areas of the theoretical framework. The survey questionnaire also complied with the general principles of a questionnaire in that it had different types of questions, including multiple-choice questions, ended-questions and Likert-type scale-ranked questions. The Likert-type scale is useful in a study that investigates the attitude of respondents to a phenomenon such as ethics management, since it provides a measure of the respondent's intensity of feelings and attitude (Maree & Pietersen, 2007; Bryman, 2012).

Targeted respondents were identified and contacted via email and informed about the research before the questionnaire was distributed. The questionnaire was also sent to the IT department of the municipality in order to confirm that participants would be able to complete it without technical problems. Although the IT department indicated that all participants would be able to complete the questionnaire online, a number of participants had to complete the questionnaire by hand because they could not access it using their computers.

3.3.2 Structured interviews

The qualitative research method was employed to enable the researcher to further explore the research topic through structured interviews (see Appendix 6). The interviews were intended to provide the study with a deeper

understanding of the topic, as the researcher was able to probe for more information throughout the interview sessions.

Semi-structured interviews were held with the acting municipal manager, directors of planning and public safety, representatives of unions, managers of human settlement and legal services, and audit executive. According to Disoloane (2012, p. 168), an ‘interview is a social relationship designed to exchange information between the participant and the researcher’. The interviews were used by the researcher to find information about the participants’ views and experiences of ethics management at the municipality.

Rustenburg Local Municipality was selected because, as already indicated, the municipality has been in the news for all the wrong reasons, with serious allegations of corruption and unethical behaviour levelled against politicians and officials. Since Rustenburg is one of the fastest growing towns in the province and the country, stakeholders are interested as to why the municipality is bedevilled by incidents of unethical behaviour. The investigation of the municipality’s approach to ethics management did not only reveal the extent of the ethics problem facing the municipality, but also provided lessons about how other similar institutions may improve their approaches to ethics management. Rustenburg Local Municipality was also selected because the researcher is familiar with its surroundings and has been a ratepayer in the municipality for the past 10 years.

3.4 Sampling

Neuman (2011, p. 219) defines ‘sampling’ as a process of selecting a set of cases from a larger population in order to use the set to generalise to the larger population. The selected case is called a ‘sample population’ or just a ‘sample’. The unit of analysis was made up of senior and middle managers of Rustenburg Local Municipality, who by the nature of their work, should be at the forefront of upholding ethical conduct and are susceptible to ethical dilemmas. According to the 2014/2015 Annual Report (2016, p. 111), Rustenburg Local Municipality has about 3 960 approved positions but, of this, only 1 754 positions have been filled. The municipality has 10 heads of

departments, including the municipal manager, and about 70 unit and section managers. The sample population of the study is therefore made up of the municipal manager, heads of departments, and the unit and section managers.

Since the adopted method of research is both quantitative and qualitative, a purposive sample was used to select the target population. The target population was selected because they:

- have been in local government for more than two years;
- have two or more subordinates;
- are responsible for a line function, and
- have delegated functions.

The survey questionnaire was sent to 67 officials, while 12 officials were targeted for semi-structured interviews. It was not possible to secure interviews with all 12 officials, as some were always busy, but the information received from the eight participants provided the researcher with sufficient data to make conclusions about the status of ethics management in Rustenburg Local Municipality.

The sample was correctly selected on the assumption that the population would be familiar with the concept of ethics, as will be demonstrated during the presentation and analysis of the study results. Spooney (2015, p. 20) argues that purposive sampling allows a researcher to select a person who is able to answer research questions and is familiar with the research content.

Although the researcher had planned to approach former senior managers of the Rustenburg Local Municipality, this could not be done, because the municipality has had a high turnover of municipal managers in the past two to three years. But, as indicated above, a sufficient number of senior managers were interviewed as part of the face-to-face interviews.

3.5 Data collection

As indicated above, data was collected through a survey questionnaire and face-to-face semi-structured interviews with middle and senior managers of Rustenburg Local Municipality. The data was collected at the respondents' workplace during working hours as this also provided the researcher with an opportunity to observe the conduct and practice of ethics at the municipality. For example, in the majority of the interviews, the participants were initially defensive and only opened up in the middle of the interview. This can be safely attributed to the sensitive nature of the research topic.

The survey data was collected through a questionnaire that used closed questions, the Likert-type scale and yes-or-no questions. Open-ended questions were also included in order to provide middle and senior managers with an opportunity to tell the interviewer about their experiences with ethics management in the workplace. Where respondents were required to give additional information, such as examples or to motivate their answers, adequate spaces were provided in the survey. The survey questionnaire was sent to targeted participants by email.

Since the study adopted a mixed research method, on the qualitative side, data was also collected by conducting semi-structured interviews with individual participants. The interview proceedings were recorded using notes and a digital voice recorder. In all cases, the researcher explained the purpose of recording the interview and obtained permission from the participants to record. One of the participants did not agree to the use of the voice recorder and the interview was not recorded. The respondent's right to pull out of the interview at any time and the issue of confidentiality were also emphasised at the beginning of each interview. Luckily, none of the participants pulled out during the interviews and the majority displayed trust towards the interviewer by opening up during the course of the interviews.

Secondary data was also collected through the study of available documents, such as municipal reports, strategic plans and policies, and through observation of the participants' place of work. The data collected from these

documents was useful in that it confirmed the findings of the survey and structured interviews.

3.6 Data analysis

The data analysis stage entails the measures employed by the researcher to manage collected data in such a way as to preserve it and ensure that it is not contaminated. Data analysis occurs after the researcher has collected both the primary and secondary data, and it involves the arrangement of the data in order to get sense of its relevance to the research purpose and to answering the research question. The following are some of the major considerations that are at play in data analysis.

3.6.1 Transcription

The starting point for data analysis is the preparation of data for transcription. Here, the researcher allocated time and space to go through the primary data, which had been recorded with a voice recorder and notes. Transcription was done by the researcher immediately after the interviews to secure the quality of the data and to collect as much information as possible through the recollection of the gestures and conduct of the respondents.

3.6.2 Thematic analysis

Through the use of thematic analysis, the researcher ‘extracts core themes that could be distinguished both between and within the transcripts’ (Bryman, 2012, p.13). Holland and Kawulich (2012) state that this approach is also useful when one wants to understand some phenomena or variables that are at play in the phenomena. For this study, the researcher used the main components of the study’s theoretical framework to group responses into themes. These themes assisted the researcher to systematically organise the research, in order to ensure that the research goal was achieved and the research questions were answered.

Although other themes (such as participants’ knowledge of ethics and the political environment at the municipality) were identified, these are discussed as part of the three elements of the theoretical framework.

3.7 Trustworthiness of the data

The trustworthiness of the data was preserved by the researcher in order to ensure that data was not corrupted or lost. This, according to Holland and Kawulich (2012, p. 243), can be done by keeping good records, maintaining data in its original form and being open about the biases one is bringing to the research.

The use of qualitative and quantitative methods in this research contributed enormously to the trustworthiness of the data, as can be deduced from the results, which corroborate each other.

3.8 Validity and reliability

All researchers strive to achieve validity and reliability in order to make the results of their studies scientifically acceptable. However, according to Neuman (2011, p. 188), 'perfect reliability and validity are virtually impossible to achieve'. This is because validity and reliability are more suited to quantitative research, which deals with numbers, than qualitative research, while this research used both methods. The different types of question used in the survey were meant to maintain the validity and reliability of the research.

3.8.1 Validity

Babbie and Mouton (2006, p. 123) define validity as 'the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration'. In other words, validity is used to measure the integrity of the research data.

The use of different types of question in the survey questionnaire strengthened the validity of the study. The researcher also maintained validity by encouraging respondents to be honest and truthful during the interviews. Furthermore, respondents were informed beforehand of the sensitivity of the topic and that permission was granted for the research.

Validity was also strengthened by the use of triangulation as a tool to validate and verify data from the two methods. According to Neuman (2011, p. 164),

triangulation is when an idea is examined from multiple points of view in order to improve its accuracy. Triangulation was applied through the use of the qualitative and quantitative methods, as indicated above.

During the data analysis, validity was further confirmed by comparing the results of the qualitative and quantitative study with information from municipal documents such as annual reports, policies and strategic plans.

3.8.2 Reliability

According to Bryman (2012, p. 46), reliability is primarily concerned with whether the results of a study are repeatable. Reliability means 'the degree to which an instrument measures a construct the same way each time it is used under the same condition with the same respondents' ((Keys, 1997) as cited in Botha, Mentz & Wagner, 2012, p. 80). Neuman (2011, p. 196), on the other hand, defines reliability as simply 'dependability and consistency'. The researcher was mindful of the fact that, due to the nature of the research, participants would bring along experiences and behaviours that could affect the reliability of the study. In order to mitigate against this, the researcher took these factors into consideration during the analysis. For example, during the structured interviews, participants were defensive and uneasy at the beginning of the interviews, but later on they opened up and relaxed.

Secondary data and literature review were also used to maintain the reliability of the study. By looking deeper into the secondary data sources, the findings from the primary data were compared and confirmed, especially when there were discrepancies, such as the reported existence of a confidential hotline to report ethical violations, which was later found to be non-existent.

3.9 Significance of the study

Since the purpose of research is to contribute knowledge, this study provides a deeper understanding of the efficacy of ethics management framework at local government level. Participants in the structured interviews said that they hoped the study would assist the municipality to improve the management of ethics. The results of the study may be useful in the development of measures

to improve the management of ethics in Rustenburg Local Municipality and other municipalities in North West province. Finally, the study also contributes to the strengthening of the existing ethics management programme and ethics strategy for local government.

3.10 Limitations of the study

The research is limited to the middle and senior managers of Rustenburg Local Municipality in Bojanala Platinum District of North West province. Although the study is aimed at contributing to the body of knowledge with regard to the management of ethics in local government, the results are not necessarily applicable to other municipalities in the district, North West province or South Africa.

Due to the sensitive nature of the topics, such as corruption and ethical behaviour, some respondents felt uncomfortable discussing how the organisation is managing ethics, but this did not distort the results of the study or limit its objectivity. This can be seen from the response rate of the survey questionnaire, where only 22 responses were received out of the 67 questionnaires distributed. However, this was mitigated by the number of face-to-face interviews that were conducted. The sensitivity of the topic was apparent when about 20 per cent of targeted respondents of the survey enquired by email as to whether permission was granted for the research, even after a letter permitting the study was sent to all of them.

3.11 Ethical considerations

The research was conducted in line with acceptable research ethical guidelines and principles. In line with Kawulich and Ogletree (2012, p. 62), the researcher was guided by the main ethical consideration for conducting research, which is to guard against causing harm to respondents during the course of the research.

The request for permission to conduct research was initially done in person and thereafter in writing, through the office of the Municipal Manager, where the purpose of the research and unit of study was communicated to the

municipality. Permission was ultimately granted through a letter, which was circulated to all targeted participants.

As with any ethical research, participants were informed of their rights to withdraw from the research at any time should the need arise. Fortunately, all the participants were patient throughout the interviews and all of them completed the interviews.

Furthermore, the following research ethics principles proposed by Diener and Crandall (1978) (as cited in Bryman, 2012, p. 135) were used as a guide through the research process:

- There will be no harm to participants;
- Participants will be required to consent to the research and will also be informed that their participation is voluntary;
- There will be no invasion of privacy and no need to access confidential information of the organisation, and
- Deception will be avoided at all cost by truthfully communicating the purpose of the research with the respondents.

Although the topic was sensitive, the researcher managed to acquire sufficient data from the participants in line with the research ethical guidelines to answer all the research questions. This was achieved by being truthful and open in addressing the concerns of participants, such as the participant who did not want to be recorded, and not identifying participants by names or designations.

3.12 Anonymity and confidentiality

The principles of confidentiality and anonymity were upheld throughout the research and this was communicated to the participants beforehand, in order to secure their trust and honesty. Respondents to the survey questionnaire were informed on the first page of the questionnaire that confidentiality would be adhered to and that the researcher would not be able to identify them as they were not required to write their names.

Participants in the structured interviews were also informed about the confidentiality principle. Although the researcher came into contact with all

respondents, due to the fact that interviews were used to collect data, the researcher ensured that respondents are not identifiable, as most of them requested.

As a rule, the respondents' names have not been used in the research report; instead, the researcher allocated participants letters of the alphabet (Participant A, B, C, D, E, F and G) in order to maintain anonymity.

3.13 Conclusion

The research methodology employed provided the researcher with relevant tools to collect primary and secondary data in the investigation of the status of ethics management at Rustenburg Local Municipality. Through the use of both qualitative and quantitative research methods, as described in this chapter, the researcher was able to collect sufficient data through a survey questionnaire and structured interviews. The data from the two instruments was further compared and contrasted with data from secondary sources as part of the process of verification and validation. This data from the primary and secondary sources provided the study with valuable insight into the status of ethics management at Rustenburg Local Municipality.

The research results emanating from the data collected through the research methodology are presented in the next chapter. This is followed by the research findings and analysis.

CHAPTER 4: PRESENTATION AND ANALYSIS OF RESULTS

The purpose of this chapter is to present the results of the study. The results from the survey, structured interviews and documentary sources are presented through a combination of descriptive text, tables and figures.

4.1 Introduction

The research data is presented in line with the conceptual framework that is reflected in Table 4 below: the three pillars of instruments, processes and structures of ethics management. A brief background of each of the instruments used is also presented, before the actual results are presented under each pillar of the theoretical framework.

Table 4: Conceptual framework (pillars of the Integrity Management Framework)

	Instruments	Processes	Structures
Core measures	Codes, rules, procedures, training, counselling and declarations	Integration of ethics in planning, change management processes, recruitment and selection, procurement and financial management, reporting	Ethics officers Ethics committees Management teams Council committees

4.2 Survey questionnaire

The surveys targeted all senior and middle managers at Rustenburg Local Municipality. The total number of senior and middle managers at the municipality was 80; 67 were targeted for the survey and the rest were targeted for the face-to-face interviews. A total of 67 questionnaires were sent to middle and senior managers by email. Only 22 participants responded and of these 20 answered all the questions, while two did not answer all the open-ended questions. The total responses to the survey questionnaire calculated against the number of questionnaires sent out is 32 per cent.

The first section of the survey question consisted of a mix of closed and open--ended questions. The questionnaire also used the Likert-type scale for the closed questions, where respondents had to indicate their level of agreement with a given statement by selecting from five possible options. These were followed by open-ended questions. In the last and final section of the survey, respondents had to supply their biographical information.

4.2.1 Biographical details of the survey respondents

The last section of the survey questionnaire requested respondents to indicate their demographic particulars. The demographic information requested from respondents included length of service at the municipality, gender, designation (in terms of level) and qualifications. This information provided the research with a profile of the respondents and also enabled the researcher to determine that the sample was representative.

The gender distribution of respondents is displayed in Table 5, below:

Table 5: Gender distribution of participants

Answer options	Response per cent
Female	32,0%
Male	68,0%

Table 6 below indicates that the majority of respondents (41,7 per cent) have worked for the municipality for 11 years or more, while 8,3 per cent have worked for the municipality for less than two years.

Table 6: Length of service of respondents

Answer options	Response per cent
0–2 years	8,3%
3–5 years	25,0%
6–10 years	25,0%
11 years and more	41,7%

With regards to qualifications, 66,7 per cent of respondents indicated that they have a degree, 25 per cent indicated that they have diplomas and the rest indicated that they have Grade 12 or below, as depicted in Table 7 below.

Table 7: Qualifications of respondents

Answer options	Response per cent
Grade 12 or lower	8,3%
Diploma	25,0%
Degree	66,7%

4.3 Structured interviews

Structured interviews were held with senior and middle managers at the municipality. Interviewees were asked nine main questions with a number of supporting and probing questions (as per the set of questions in Appendix 6). The interview questions were also arranged in line with the conceptual framework of the research: instruments, processes, structures and ethical dilemmas.

4.3.1 Biographical details of the participants of structured interviews

The researcher had initially planned to interview 12 officials, but due to the difficulty of securing appointments with some of the targeted officials, only eight were interviewed. The interviewees were made up of a fair balance of four senior and four middle managers, who provided valuable data for the study. Two of the middle managers interviewed were also senior members of the two unions at the municipality.

The interviews were held at the offices of the municipality during the months of February and March 2016. The following officials were interviewed:

- Acting Municipal Manager
- Director: Community Safety and Transport
- Chief Audit Executive
- Director: Planning
- Manager: Housing
- Manager: Legal Services
- Branch Chairperson: South African Municipal Workers Union (SAMWU)
- Branch Chairperson: Independent Municipal Allied Trade Union (IMATU).

Due to the sensitivity of the research topic and in keeping with the ethical requirement of not identifying participants, the researcher does not identify the interviewees through their names or with their designations when presenting and analysing data. Instead, the letters of the alphabet (A–H) are used to refer to each interviewee, to secure their anonymity.

4.4 Documentary sources

Secondary data was also collected through a study of the relevant municipal documents such as the Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP), annual reports, the report on the audit conducted by the Office of the Auditor-General, and a number of policies such as the gifts policy, and fraud and corruption policy. The collection of data by studying these sources enabled the researcher to compare and contrast the contents of the document with the results of the survey and structured interviews, with a specific focus on ethics and ethics management. As indicated in section 3.2, some of these documents are strategic and therefore provided insight into the importance that the municipality assigns to ethics management.

Some of the documents were collected from the relevant officials of the municipality during the data collection phase of the study, while the SDBIP and annual report were downloaded from the municipality's website. The authenticity of the documents downloaded from the website of the municipality was confirmed with relevant municipal officials.

4.5 Presentation of the results

As indicated above, the results are presented under the three pillars of the theoretical framework, which are instruments, processes and structures. In each case, the study first investigated whether the pillars were present and secondly assessed their effectiveness in the management of ethics in the municipality. The last section of the results deals with the presence of ethical dilemmas and how they are dealt with in the municipality.

4.5.1 Effectiveness of ethics management instruments

The study focuses mainly on the code of conduct, policies, training and the provision of advice or counselling to employees, as instruments for the management of ethics in the municipality. Firstly, the study sought to establish whether these tools were in place and, secondly, to determine their effectiveness in the management of ethics.

4.5.1.1 Employees' code of conduct/ethics

In order to establish whether the municipality has a code of conduct in place, respondents were asked to indicate whether they agreed, disagreed or did not know in relation to the statement reflected in the first column of Table 8 below. In response, 63,6 per cent of respodents agreed with the statement that the municipality has a written code of ethics, while 22,8 per cent disagreed with the statement and 13,6 per cent did not know if the municipality has a written code of ethics. Overall, more than 35 per cent of respondents did not know if the municipality has a written code of ethics.

Table 8: Existence of a code of conduct

Answer options	Agree	Disagree	Don't know
The municipality has a written standard of ethical behaviour that provides guidelines for my job (for example, a code of ethics/conduct, a policy statement on ethics or general guidelines on ethics)	63,6%	22,8%	13,6%

In response to the question "How familiar are you with the municipality's code of conduct?", 18,2 per cent percent of respondents indicated that they are very much familiar with the employees' code of conduct, while 22,7 per cent indicated that they are not at all familiar with the code of conduct. In addition, 59,1 per cent of the respondents indicated that they are somewhat familiar with the employees' code of conduct, as depicted in Figure 2.

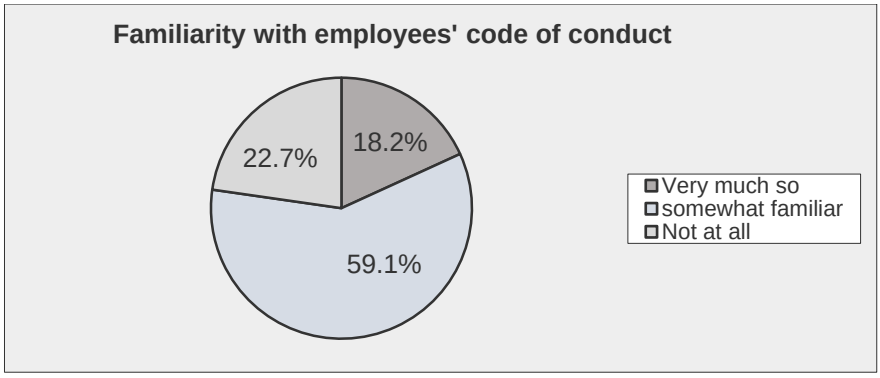

Figure 2: Familiarity with the employees' code of conduct

In contrast to the responses from the survey above, all eight participants in the structured interviews indicated that they are familiar with the code of conduct used in the municipality. Respondents also indicated that employees are taken through the code of conduct when they are orientated as new employees during induction. Participants B and D said that the code of conduct is derived from the Municipal Systems Act (interviews, February 23 & 25, 2016).

In order to assess the effectiveness of the employees' code of conduct, respondents were requested to indicate the extent to which the code achieves each of the statements below by selecting: not at all, very much or not sure.

a. To educate employees about the ethics standards expected of them;
b. To prevent ethics violations;
c. To ensure and strengthen public trust in government;
d. To detect unethical behaviour;
e. To discipline/prosecute violations of code;
f. To clarify employees' questions about ethics, and
g. To ensure fair and impartial treatment of the public and outside organisations in their dealings with the municipality.

The responses to the questions are contained in Figure 3, in the next page.

- 51 per cent of respondents indicated that the code of conduct is not at all effective in educating employees about the standards expected of them, while 35 per cent were not sure. Only 14 per cent of respondents selected that the code is very much effective.

- With regard to the code's effectiveness in preventing ethical violations, 50 per cent of the respondents indicated that the code is not at all effective, while 36 per cent were not sure and 14 per cent indicated that the code does prevent ethical violations.
- 43 per cent of respondents were not sure if the code assists in ensuring and strengthening public trust in government, while 36 per cent indicated that the code does not assist in this regard at all.
- In response to the statement on the effectiveness of the code in detecting unethical behaviour, 37 per cent indicated that the code is not at all effective, while 42 per cent were not sure and 21 per cent agreed that it is effective in detecting unethical behaviour.
- 36 per cent said that the code is not at all effective in disciplining or prosecuting its violations, while 50 per cent did not know and 14 per cent agreed that the code is very much effective in disciplining and prosecuting its violations.
- On the statement of the effectiveness of the code in clarifying employees' questions about ethics, 51 per cent were not sure, while 35 per cent selected that the code is not at all effective and 14 per cent agreed that the code is very much effective.
- With regard to the effectiveness of the code in ensuring fair and impartial treatment of the public and outside organisations in their dealings with the municipality, 50 per cent were not sure, while 29 per cent selected that the code is not at all effective and 21 per cent selected that the code is very much effective.

The overall responses to this question indicate that 42 per cent of respondents were not sure or did not want to commit on the effectiveness of the code of conduct, while 39 per cent indicated that the code is not at all effective in all the eight areas covered in the question. The high number of respondents indicating that they did not know is expected in a sensitive topic such as ethics, especially in an environment where opportunities are not created to discuss ethics as per responses to a question on processes below.

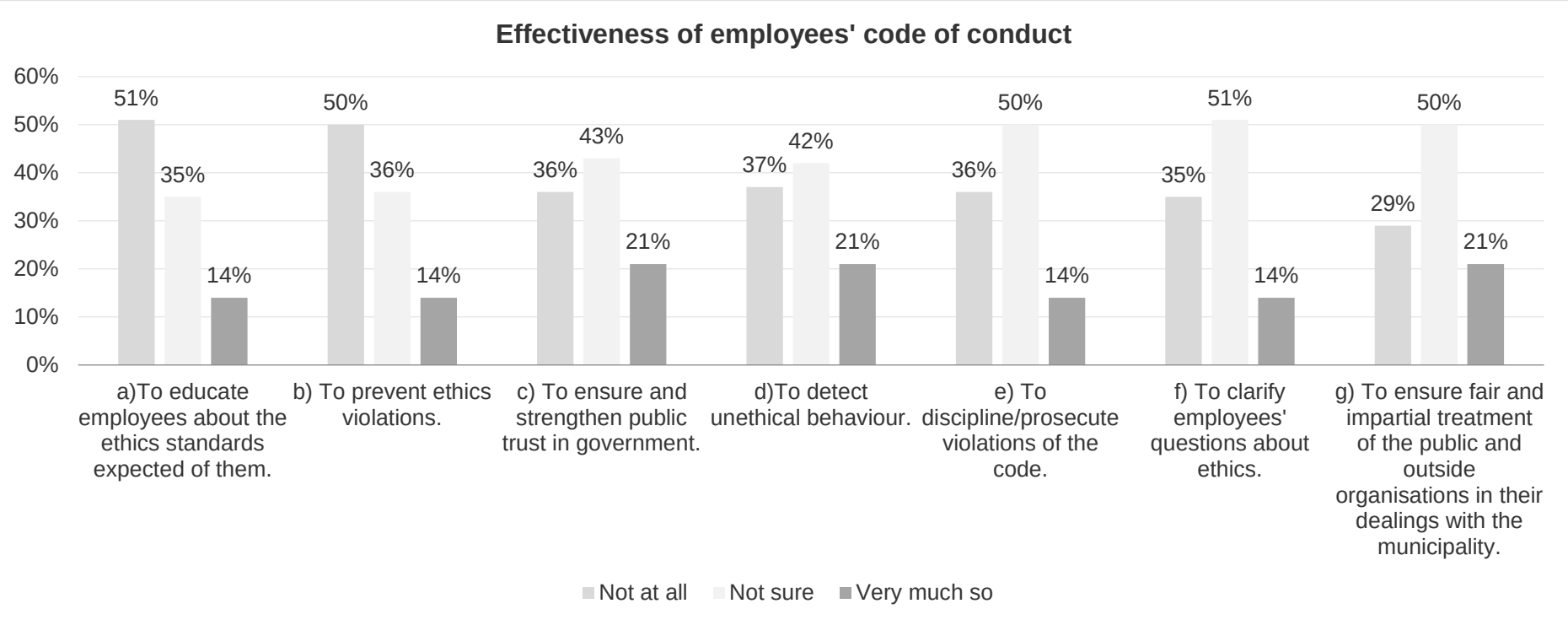

Figure 3: Effectiveness of employees' code of conduct

The majority of the participants in the structured interviews indicated that they were aware of the code of conduct, but there were differing responses on its effectiveness. According to participants B and D, knowledge of the code of conduct assists them to make ethical decision in the workplace (interviews, February 23 & 25, 2016). However, participants A, C, E, F and G said that the code is not effective because it is only used when new employees are inducted and, as a result, employees tend to forget about it (interviews, February & March, 2016). According to participant A (interview, February 18, 2016), the knowledge of a code is not helpful because local government is highly politicised. Participants B, D and E (interviews, February 23–26, 2016) indicated that they rely more on the code of conduct of their respective professions (such as planners, engineers and auditors) for guidance on ethics and this assists them in instilling good behaviour among their subordinates.

4.5.1.2 Training on ethics

As indicated in Chapter 2, training is one of the most effective measures in the fight against corruption and unethical conduct in the public sector. In order to establish whether the municipality provides training on ethics, respondents were requested to indicate if they agree, disagree or don't know with regard to the statement, as depicted in Table 9 below. Responses received indicate that 22,7 per cent of employees agreed with the statement, while 63,6 per cent disagreed and 13,6 per cent did not know whether the municipality does provide training on standards of ethical behaviour.

Table 9: Provision of training on ethics

Statement	Agree	Disagree	Don't know
The municipality provides training on standards of ethical behaviour.	22,7%	63,6%	13,6%

Respondents were also asked to indicate how often they have received training on ethics in the last two years. Responses to this question are depicted in Figure 4 below.



Figure 4: Training on ethics

As can be seen in from Figure 4 above, about 50 per cent of respondents indicated that they have not received training on ethics in the past two years, while 21 per cent indicated that they only received it once as part of the orientation as new employees. Interestingly, 28 per cent indicated that they have received training once per year. This is not a contradiction because, in a follow-up question about the nature of the training that was received, respondents indicated that training was received as part of a qualification, Certificate Programme in Management Development (CPMD), of which ethics is one of the modules. This qualification is offered externally with support from the National Treasury.

When asked how useful the training they received on ethics in the past two years was, 22 per cent of respondents indicated that the training was very useful in assisting them to make ethical decisions in the workplace, while 28 per cent indicated that the training was somewhat useful. The remainder of the respondents (50 per cent) indicated that the training was not useful. The responses here are consistent with the responses in *Table 9* above, which indicates that 50 per cent of respondents have not had any training on ethics in the past two years.

In the structured interviews, some of the interviewees cited the training provided as part of the CMPD, while participant D (interview, February 25, 2016) indicated that senior managers and councillors normally attend the ethics conference that is

organised by the EISA. The knowledge gained from these initiatives assists interviewees in appreciating the importance of ethics. According to participant C (interview, 24 February, 2016), his/her managers attended the CPMD course after realising that one of the modules offered is ethics. All the participants stated that there is no training specifically on ethics arranged by the municipality and, as a result, information on ethics is limited to senior and middle managers who get to attend the CMPD programme (interviews, February & March, 2016).

4.5.1.3 Ethics policies and rules

The municipality's rules and policies on ethics were also assessed as one of the instruments that are key to the management of ethics. As part of the structured interviews, participants were asked to indicate whether the municipality has policies and rules in place to promote ethical behaviour and fight corruption. All the participants answered in the affirmative and, when asked to identify these policies, listed the following policies:

- fraud policy;
- procurement policy;
- recruitment and selection policy;
- gifts policy;
- consequence management policy, and
- sexual harassment policy.

However, it was difficult to get most of these policies, except the fraud and consequence management policies, during the collection of secondary sources. For example, the fraud policy, which according to participant A and C makes provision for a fraud and corruption hotline (interviews, February 18 & 24, 2016), has been in a draft state since 2013 and, as a result, cannot be implemented. It is also important to note that the policy in its current form delegates the management of the hotline to the head of internal audit, which compromises the element of independence and anonymity. The consequence management policy has recently been adopted by council but has not yet been implemented.

There were generally divergent views among the interviewees with regard to the effectiveness of the policies dealing with ethics at the municipality. According to

participant E (interview, February 26, 2016), ‘ethics is merely implied and not explicitly referred to in most policies.’ Another participant, C (interview, February 24, 2016), indicated that the recruitment and selection policy is not adhered to because people are mostly appointed on the basis of their political affiliation and relationship to certain individuals in the municipality. Participant G (interview, March 15, 2016) stated that policies are present but they have not been implemented. Although participant H (interview, March 18, 2016) confirmed that there are no ethic-specific policies, he/she went on to state that ‘ethics are covered in all municipal policies such as recruitment and selection and leave policy; you cannot have an ethics policy and implement it without other related policies.’

4.5.1.4 Ethics policies and rules

Figure 5 below displays responses to the statement: “The municipality offers advice or information helpline where I can get advice about behaving ethically at work.” In response, 63,6 per cent of the respondents disagreed with the statement, while 13,6 per cent said that they agree and 22,7 per cent indicated that they did not know whether the municipality offers advice on behaving ethically.

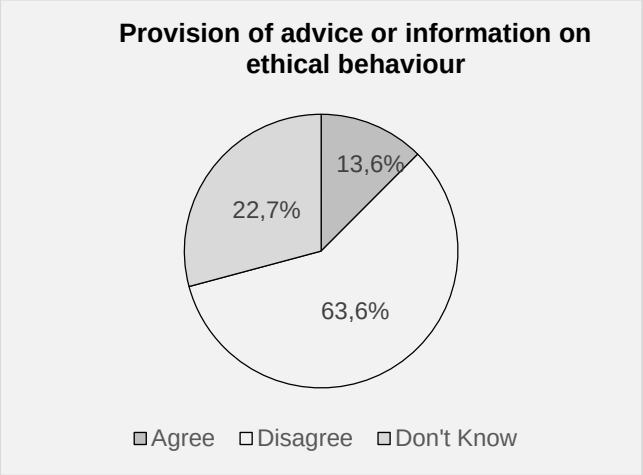

Figure 5: Advice or information about ethical behaviour

4.5.2 Effectiveness of ethics management processes

Under the effectiveness of the ethics process, the study focused on the integration of ethics management in the key municipal processes such as strategic planning and reporting, and the overall ethics culture in the municipality. As with the previous pillar,

data on the ethics management process was collected through the survey questionnaire, structured interviews and documentary sources.

Another area where there was consensus among the interviewees was that discussions on ethics are limited to individual departments and are often further limited to senior and middle managers. According to participant F (interview, March 10, 2016), discussions about ethics are a taboo because the municipality has not created opportunities for employees to openly discuss ethics. According to participant A (interview, February 18, 2016), the declarations of interests by senior employees and members of bid committees are evidence of the presence of ethics in the municipality. Participants B, C, D, G and H (interviews, February & March 2016) indicated that the municipality needs to do more to promote ethical behaviour among all employees.

In response to the question about whether the municipality actively promotes an environment of ethics and professionalism, participants C and E (interviews, February 24 & 26, 2016) indicated that, as departments, they from time to time inform employees in their departments about the risks of corruption and unethical behaviour. All participants (interviews, February and March, 2016) indicated that the municipality does not have a resource or formal programme in place to promote professionalism and ethical behaviour. Ethics awareness campaigns have never been held at the municipality, even though, according to participant C (interview, February 24, 2016), the anti-corruption strategy requires that the municipality hold these campaigns every year. According to participant E (interview, February 26, 2016), the union continuously engages its members about matters of ethics and professionalism during their meetings.

In Table 10 below, respondents had to indicate how often each of the ethical violations listed in the first column occurs in the municipality by selecting the appropriate cell ranging from ‘not at all’ to ‘very often’. As can be seen from the number of responses in columns 2 to 7 in Table 10 below, respondents indicated that the conducts that are common at the municipality in order of frequency are: abuse of the municipality’s resources, people being at work and not working, abuse of time, inconsistency in the application of rules/discipline, and jobs for family members and friends. Incidents of favouritism and lack of consequences for unethical behaviour are also common.

Table 10: Frequency of ethical violations

Answer options	Not at all	Not very often	Not sure	Some-what	Very often	Response count
Disrespectful treatment of the public	1	2	5	7	7	22
Acceptance of gifts by municipal employees to perform their duties	0	0	7	8	7	22
Abuse of the municipality's resources (e.g. cars, internet, stationery) for private use	0	0	5	5	12	22
People being at work but not working	1	0	5	6	10	22
Abuse of time (late-coming and absenteeism)	1	0	5	6	10	22
Cheating on claims/allowances	1	0	8	7	6	22
Doing private work during office hours	0	1	6	7	8	22
Inconsistency in the application of rules/discipline	0	0	7	5	10	22
No consequences for unethical behaviour	0	0	7	7	8	22
Favouritism	0	1	6	6	9	22
Jobs for family members and friends	0	0	6	6	10	22
Giving municipal contracts to members of family/friends	0	0	11	4	7	22
Accepting bribes/kickbacks from suppliers/contractors for awarding of contracts	0	0	10	6	6	22
Victimisation of employees who differ with management	0	1	8	4	9	22
Preferential treatment based on political party membership	0	0	8	3	11	22
Withholding of information	0	0	9	4	9	22

It is interesting to note that a large number of respondents indicated that they are not sure if some of the incidents, such as acceptance of bribes and kickbacks, and giving municipal contracts to friends and family, do occur. The trend by respondents to select the neutral response can also be attributed to the sensitive nature of the questions and the topic in general, as alluded to in the research methodology chapter.

Table 10 above also shows that only four respondents indicated that ethical violations are not at all frequent at the municipality, while only five respondents said that the violations do not happen very often.

4.5.2.1 Integration of ethics in municipal plans and processes

Here, interviewees were asked to indicate how ethics are integrated in municipal processes, such as planning and reporting, and general management practices, as reflected in the organisational culture.

All eight participants in the structured interviews indicated that ethics is not integrated in municipal plans and processes. Apart from individual departments that emphasise their specific profession’s ethics, in the main, ethics do not feature in municipal

processes. According to participant B (interview, February 23, 2016), ‘ethics is not even part of our key performance indicators or performance agreement; we just do ethics the way we were taught from our homes.’ As an example, ethics are emphasised in departments or units such as supply chain management, where members of the bid committees are required to sign confidentiality forms and declare their interests on a continuous basis. Participant A (interview, February 18, 2016) said that, from his perspective, ethics is an everyday thing and individuals are born with ethics, but he does not see this in the conduct of municipal officials.

Figure 6 below consists of responses to a question about whether opportunities for discussions on ethics are created in the municipality. In response, 69,2 per cent of respondents indicated that the municipality has not created opportunities for employees to discuss ethics in the past two years, while 23,1 per cent indicated that they do not know whether the municipality has created these opportunities. Only 7,7 per cent of respondents indicated that the municipality has created opportunities for discussions on ethics.

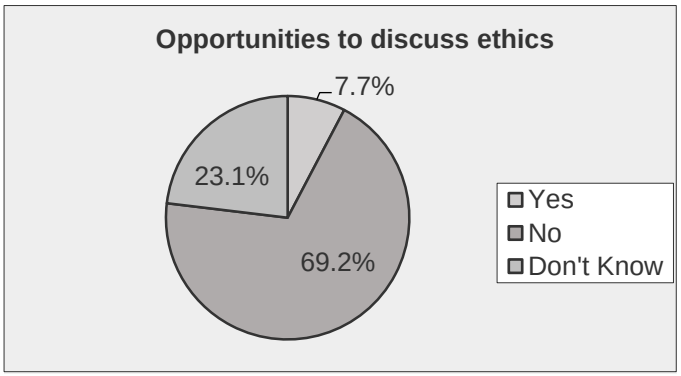

Figure 6: Opportunities to discuss ethics

In a followup question to the respondents who answered in the affirmative to the question about whether the municipality has created opportunities for employees to discuss ethics, respondents were asked to indicate opportunities where ethics were discussed. 30 per cent of responses indicated that ethics are normally discussed during the bid committee meetings and 40 per cent said ethics are discussed during the CPMD course. About 30 per cent said that issues of ethics are discussed in their departmental meetings.

As part of the primary data collected through the survey questionnaire and structured interviews, the researcher visited a number of offices at the municipality to observe whether there were ethics publications displayed on office walls or corridors or escalators. There were no visible displays of ethics publications such as the code of conduct in any offices at the municipality.

As depicted in Figure 7 below, 30,8 per cent of respondents answered 'yes' to the question "Do ethics form part of personnel development in the municipality?", while the same percentage (30,8 per cent) answered in the negative. The majority of respondents indicated that they did not know if ethics is part of personnel development in the municipality.

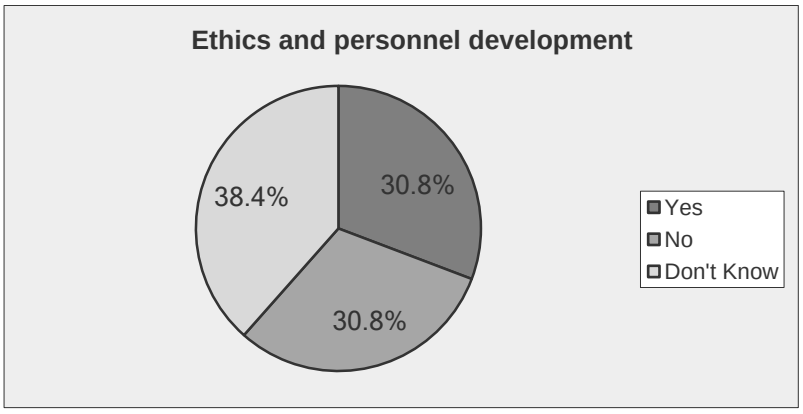

Figure 7: Ethics and personnel development

The municipality's integration of ethics in its planning was also assessed through the study of the 2015/2016 IDP and the 2015/2016 SDBIP. The IDP serves as the municipality's strategic document and is developed for a period of the term of council, which is often five years. As a strategic municipal document, the IDP consists of the municipality's priorities, objectives and targets, which should guide all development in the municipal area. The IDP document is reviewed every year and adopted by the council. For the purposes of this research, the IDP of the current year (2015/2016) was studied. One of the municipality's priorities in the IDP is to: 'uphold good governance and public participation principles' (Rustenburg Local Municipality, 2015, p. 70). For the municipality to achieve this objective, there should be strategies and projects supporting it. However, a study of the IDP revealed that there is no strategy or projects to assist the municipality to achieve the objective of good governance.

A study of the municipal SDBIP, which is the annual operational plan of the municipality that contains service delivery indicators and targets for one financial year, was also conducted. The 2015/16 SDBIP does make refer to ethics or good governance, as there are no indicators and targets to show that the municipality has projects or activities aimed at promoting ethical behaviour. According to participant B (interview, February 23, 2016), the municipality needs to develop targets and indicators on ethics so that they form part of the performance agreements of senior and middle managers.

4.5.2.2 Confidential reporting of ethical violations

Participants were asked to indicate whether they agreed, disagreed or didn't know with regard to the statement as depicted in Table 11 below. In response, 9 per cent of the respondents said they agreed with the statement, while 63,6 per cent disagreed and 27 per cent answered that they did not know.

Table 11: Anonymous reporting on ethics

Statement	Agree	Disagree	Don't know
The municipality provides employees with a means of reporting a misconduct anonymously, without giving their names or other information that could easily identify them.	9,1%	63,6%	27,3%

In another question, which is similar to the one in Table 11 above, respondents were asked if the municipality provides confidential procedures for reporting of ethical violations. As depicted in Figure 8 below, the majority (47,6 per cent) indicated that they don't know, while 33,3 per cent selected 'no' and only 19,1 per cent selected 'yes'. Here, also, the majority of the employees either didn't know whether there are confidential procedures for reporting ethical violations or they answered that these procedures are non-existent.

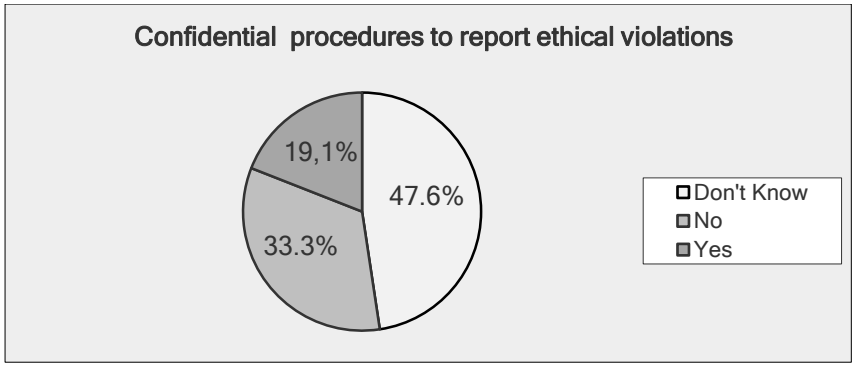

Figure 8: Confidential procedures to report ethical violations

Participants in the structured interviews were also asked to explain how employees go about reporting ethical violations committed by fellow employees. At first, participants B and D (interviews, February 23 & 25, 2016) indicated that there is a free hotline in place at the municipality, which is managed by the internal audit unit. But both interviewees later during course of the interviews confirmed that the hotline is actually not operational. All the participants (interviews, February & March, 2016) indicated that there is no standard procedure through which employees can report ethical violations. According to participants D, G and H (interviews, February 25 & March 15 & 18, 2016), employees are free to report any unethical conduct that they observe in the workplace to their managers or the municipal manager. However, participant H (interview, March 18, 2016) also stated that this practice is not effective because there is no guarantee that employees will not be victimised as there is no anonymity. Participant E (interview, February 26, 2016) also said that employees have not been reporting incidents of unethical behaviour, even though there is a strong perception that ethical violations are prevalent in the municipality.

In order to enquire about how the municipality deals with incidents of ethics violations, respondents to the survey questionnaire were requested to select from five options (ranging from ‘agree strongly’ to ‘disagree strongly’) in response to two statements describing how the municipality deals with the reporting of ethical violation. The two statements are:

- Employees are free to approach superiors with ethical matters or concerns.
- Employees can report unethical practices (for example, dishonesty, disrespectfulness, fraud, corruption, theft, harassment and abuse of resources) without fear of retaliation.

As can be seen from Figure 9 below, 29 per cent of respondents indicated that they somewhat agreed with the statement that employees are free to approach superiors with ethical matters, while the same percentage strongly disagreed with the same statement. Only 14 per cent of respondents agreed strongly with the statement.

With regard to the statement about employees being free to report ethical violations without fear of retaliation, 29 per cent strongly disagreed with the statement, while 24 per cent disagreed somewhat. Only about 15 per cent of respondents strongly agreed with the statement.



Figure 9: Dealing with ethical violations

The responses indicate that, although employees might feel free to approach their superiors about ethical matters, they are at the same time afraid to report unethical practices such fraud, corruption and dishonesty.

According to Figure 10 below, 52 per cent of respondents indicated that they are encouraged to report unethical behaviour by fellow employees to their supervisors, while 19 per cent report the unethical behaviour to the municipal manager. About 28 per cent of the respondents indicated that they are encouraged to do nothing about unethical behaviour by fellow employees.

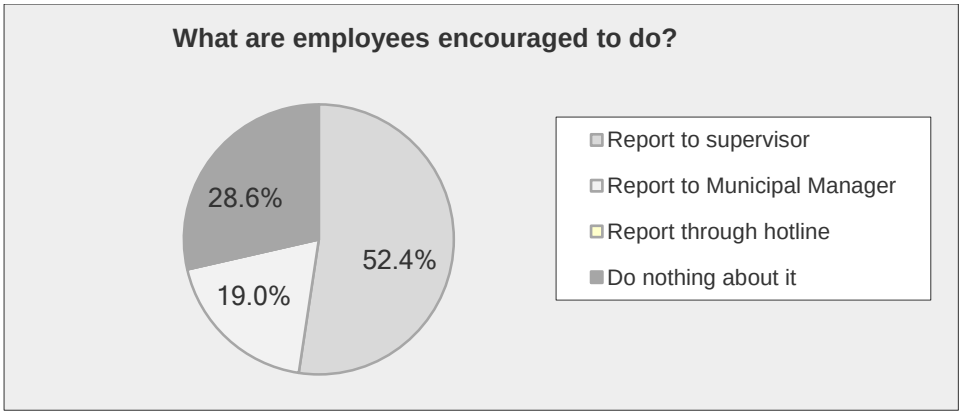

Figure 10: What are employees encouraged to do?

4.5.2.3 Reports on ethics by the municipality

Figure 11 below contains responses to the question about whether the reports produced by the municipality contain information on ethics. Here, 15,4 per cent of respondents selected ‘yes’, while 38,5 per cent selected ‘no’ and 46,1 per cent indicated that they did not know.

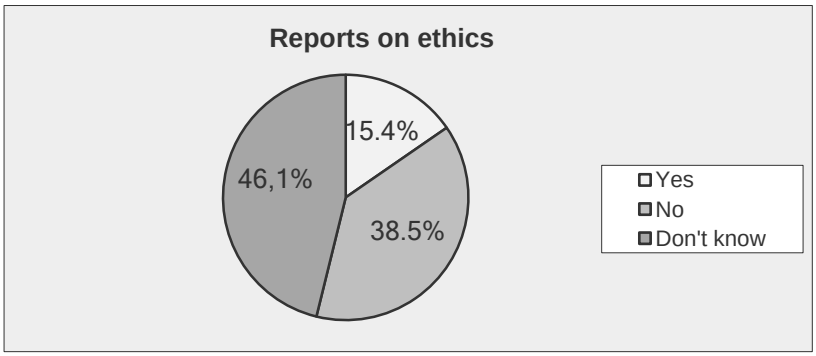

Figure 11: Reports on ethics

Respondents who had answered yes to the question about whether the municipality produce reports on ethics were requested to indicate the intended recipient of this report. 50 per cent of the respondents indicated that the report is submitted to others, while 40 per cent indicated that it is submitted to council, as reflected in Figure 12**Error! Reference source not found.** below. Only 10 per cent of respondents indicated that the report is submitted to the public.

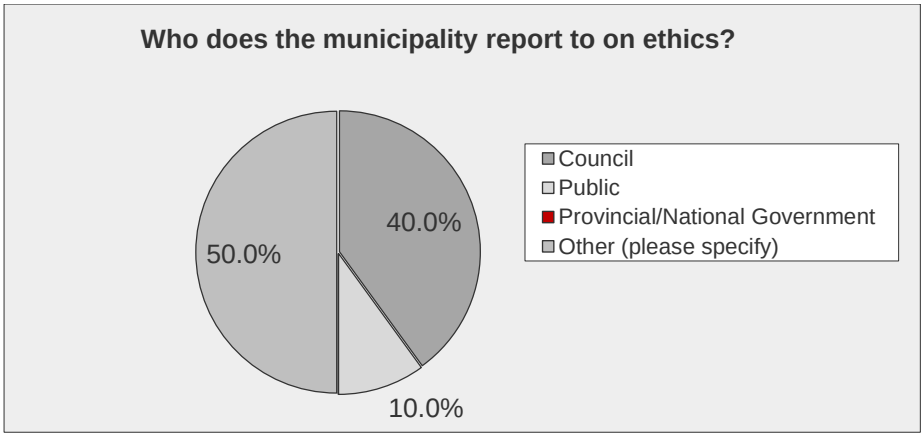

Figure 12: Who does the municipality report to on ethics?

When respondents who indicated 'Other' were asked to specify, none of them did, creating doubts as to the accuracy of their answers. It is interesting to note that none of the respondents indicated that the report on ethics is submitted to provincial or national government, which are the recipients of most municipal reports.

The 2014/2015 annual report of the municipality was also studied to establish whether there is any mention of ethics management. The annual report does not make any mention of ethics or corruption, except for a section that lists the municipality's policies on fraud and declarations of interest.

The 2013/14 report on the audit conducted by the Office of the Auditor-General South Africa (AGSA) reveals a number of weaknesses that have a bearing on ethics management and corruption. For example, the report indicates a number of problems in the area of disclosure, where people conducting business with the municipality did not disclose their relationships with municipal employees. The conflict of interest is a source of ethical dilemmas in many organisations and, as a result, is a grey area in ethics and good governance.

4.5.3 Effectiveness of ethics management structures

The questions in this section assessed whether the municipality has ethics management structures in place and, if so, whether the structures are effective. Among others, these structures include personnel, divisions or committees providing advice and information on ethics-related matters in the municipality.

In response to the question about whether the municipality has a division or person advising employees on ethics, 66,7 per cent of respondents answered ‘no’, as reflected in Figure 13 below. 33 per cent indicated that they do not know if there is a division or person responsible for the provision of advice on ethics issues to employees, while none of the respondents indicated that there is a division or person tasked with the responsibility of providing advice to employees on ethics-related matters.

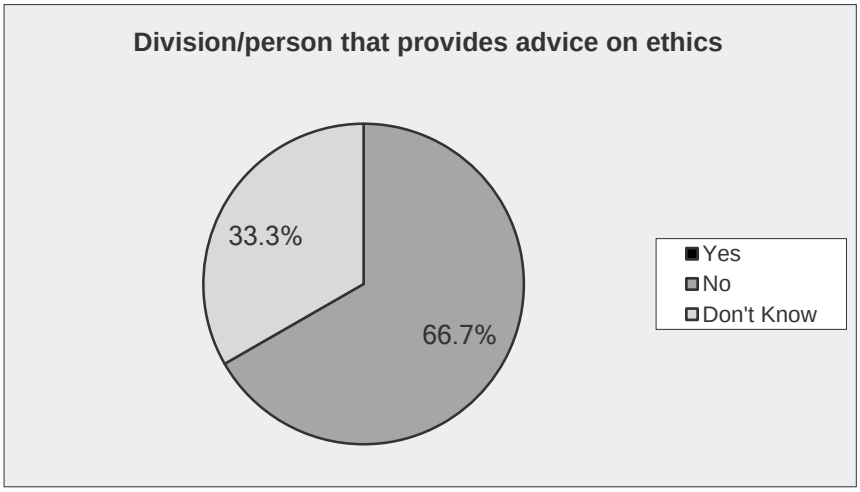

Figure 13: Division/person that provides advice on ethics

During the structured interviews, participants were asked whether the municipality has a division or personnel that is responsible for providing ethics-related advice to employees. In response, participant A (interview, February 18, 2016) indicated that the municipality has the Municipal Public Accounts Committee (MPAC) and internal audit unit, which are responsible for providing employees with advice and counselling on ethics. On the other hand, participant D (interview, February 25, 2016) stated that the municipality has chaplains and inspectors who advise employees on ethics. However, this information could not be verified by any of the municipal documents accessed or through subsequent interviews with other officials. According to participant H (interview, March 8, 2016), although the internal audit unit is tasked with the role of managing ethics, the arrangement is not viable because ‘internal audit must play an oversight role and cannot be a referee and player at the same time.’ Participants B, C, E and G (interviews, February & March, 2016) stated that there is no personnel or committee tasked with the provision of ethics advice to employees.

Another question enquired whether the municipality has a programme in place to support ethical behaviour. As depicted in Figure 14 below, about 53,8 per cent of respondents indicated that they did not know if the municipality has a programme to support ethical behaviour, while 38,5 per cent said there is no programme in place at the municipality. Only 7,7 per cent of respondents said that there is a programme in place at the municipality to support and promote ethical behaviour.

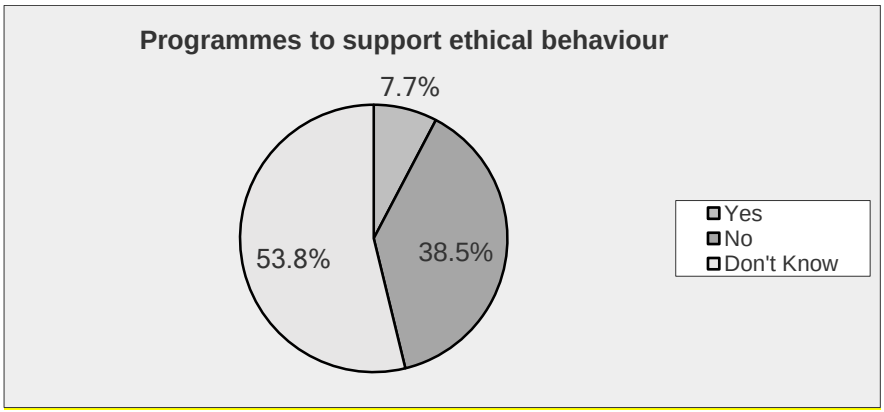

Figure 14: Programmes to support ethical behaviour

The majority of the participants in the structured interviews confirmed that the municipality does not have a programme to support ethics management, although participants C and E (interviews, February 24 and 26, 2016) said that the support is provided on an ad hoc basis by the office of the office of the municipal manager and MPAC.

Table 12 below consists of responses to a question which required respondents to say whether they agreed, disagreed or didn't know with regard to the statement: "The municipality offers advice or an information helpline where I can get advice about behaving ethically at work." In response, 9,1 per cent of respondents agreed with the statement, while 63,6 per cent disagreed and 27,3 per cent indicated that they did not know.

Table 12: Ethics advice and information helpline

Statement	Agree	Disagree	Don't know
The municipality offers advice or an information helpline where I can get advice about behaving ethically at work.	9,1%	63,6%	27,3%

Respondents were further requested to indicate whether they get advice on ethics from the supervisor, manager, human resource manager or other, as displayed in Figure 15 below. 20 per cent of respondents indicated that they get advice from their supervisors, while 35 per cent consult their managers and about 45 per cent of the respondents answered that they get advice from other sources. Only one respondent from the 45 per cent that selected other, indicated that he/she gets advice from Google.

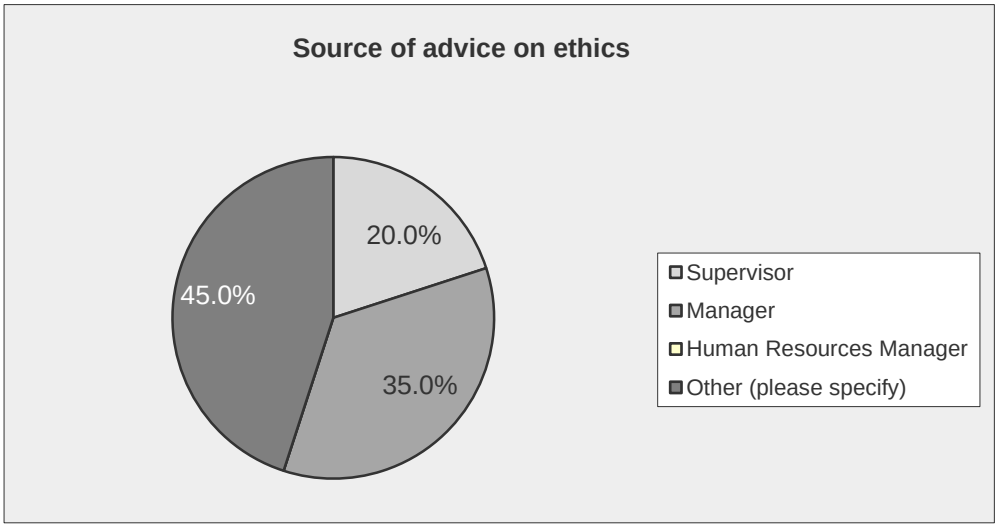

Figure 15: Source of advice on ethics

As depicted in Figure 16 below, when asked why they did not seek advice on ethics, 30 per cent of respondents indicated that they do not have questions, while 20 per cent answered that they did not know who to ask. A further 10 per cent indicated that they either had no confidence that they would get advice or believed that nothing would be done. About 20 per cent of respondents indicated that they do not seek advice because they are afraid that they would get into trouble. Another 10 per cent indicated that they have other reasons, but these reasons were not specified as requested.

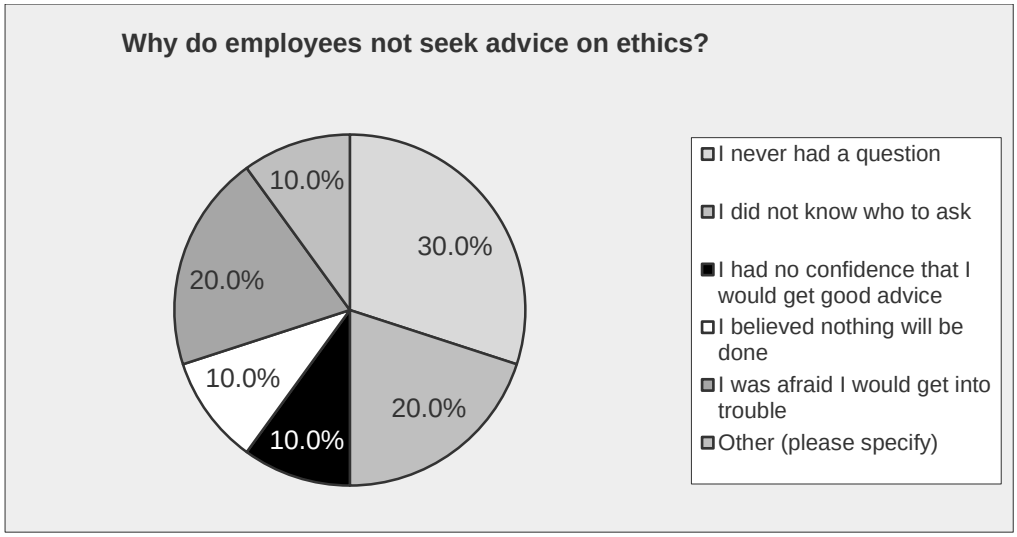

Figure 16: Why do employees not seek ethics advice?

4.5.4 Status of ethics management

The first question in this section requested respondents to indicate their views on the general status of ethics in the municipality. When asked to select a statement that best describes the status of ethics management in the municipality, as depicted in Table 13 below, all the respondents (100 per cent) inidicated that there are serious ethical problems at the municipality and that not much is being done about them. This question is central to the main research question, which seeks to establish the efficacy of ethics management at the municipality.

Table 13: Status of ethics management

Answer options	Response per cent
There are serious ethical problems in the municipality and not enough is being done about them.	100,0%
Although there are serious ethical problems in the municipality, they are being attended to.	0,0%
There are no serious ethical problems in the municipality.	0,0%

In response to the question about the status of ethics and ethics management in the municipality during the structured interviews, the interviewees indicated that ethics management is non-existent in the municipality. According to participant A (interview, February 18, 2016), the status of ethics can be described as non-existent because there is nothing in place. Participants C and E answered the question through a rating scale; participant C (interview, February 24, 2016) said that on a scale of 0 to 10

(where 0 indicates the lowest point and 10 the highest point) the municipality is at 0, while participant E (interview, February 26, 2016) put the municipality at 1 on a scale of 1 to 5 with regard to ethics management. Participants B and F (interviews, February 23 & March 10, 2016) raised the influence of politics in the municipality as the biggest threat to the fight against unethical behaviour. For example, participants raised the appointment of politically connected people as one of the biggest problems that affect morale and discipline in the municipality. Participant F (interview, March 10, 2016) also said that ethics need to be implemented by everybody in the municipality and went on to state that 'I don't think that we, as a municipality, have done enough in order to ensure that ethics becomes a way of life'.

4.5.5 Ethical dilemmas

The questions about ethical dilemmas were asked as open-ended questions for both the survey questionnaire and structured interviews. The main purpose of these questions was to establish whether senior and middle managers are confronted by ethical dilemmas in the workplace and how they deal with them.

Respondents were requested to describe a situation in which they had experienced an ethical dilemma in the workplace. In response, 90 per cent of respondents indicated that they have encountered an ethical dilemma in the workplace, while 10 per cent indicated that they never faced ethical dilemmas. Although divergent responses were received here, respondents indicated that ethical dilemmas emanated from the incidents listed in Table 14 below.

Table 14: Incidents giving employees ethical dilemmas

Areas of dilemmas	Responses
Inconsistency in discipline	3
Lack of consequences	4
Signing invoices for work that is not done	1
Employees performing political party work during working hours	2

As can be seen from Table 14 above, the majority of respondents (4) experience ethical dilemmas due to lack of consequences, while 3 experience ethical dilemmas as a result of employees performing political party work during working hours. None

of the respondents elaborated as to how the incidents listed on Table 14 above create ethical dilemmas.

The same question was put to interviewees during the structured interviews and all of them (100 per cent) indicated that they do face ethical dilemmas in the workplace. According to participant A (interview, February 18, 2016), ethical dilemmas are part of the daily frustration he/she faces in the workplace and that he/she considers legality and good governance in dealing with them. Participants C, D and H (interviews, February 24 & 25 & March 18, 2016), on the other hand, said that ethical dilemmas are compounded by the political environment prevalent at the municipality When asked if the municipality provides them with adequate information to manage ethical dilemmas, all participants indicated that they are not provided with any information or guidance. In response to this question, participant E (interview, February 26, 2016) said that officials must rely on good governance and organisational rules to deal with ethical dilemmas.

When participants in the structured interviews were asked to describe a major conflict that had created an ethical dilemma for them, participants A, B, C and F (interviews, February & March, 2016) indicated that the major conflict is their inability to discipline employees who are politically connected. Participant G (interview, March 15, 2016) indicated that the major conflict that he/she experiences is the failure by the authorities to deal with reported incidents of corruption. 50 per cent of the responses to the survey questionnaire indicated that the blurred lines between the administrative and political wings of the municipality is a source of conflict for them, while the other 50 per cent said that they do not have conflicts as they have never experienced ethical dilemmas.

In response to the question about whether employees have access to adequate information, all the surveyed respondents (100 per cent) indicated that they do not have access to information to help them deal with the dilemma. Respondents were also asked to indicate how they deal with ethical dilemmas and 90 per cent indicated that they resort to policies and regulations, while only 10 per cent said they do nothing.

4.5.6 Measures to promote ethical behaviour at the municipality

Responses to the open-ended question about what could be done to promote ethical behaviour in the municipality are depicted in **Error! Reference source not found.**

below. The majority of respondents (41 per cent) indicated that the introduction of training on ethics would go a long way in promoting ethics at the municipality. This was followed by 27 per cent who said that ethics awareness programmes would assist in promoting ethical behaviour at the municipality. About 18 per cent of respondents indicated that communication will promote ethical behaviour, while 9 per cent listed meetings as the solution. Only 5 per cent of respondents indicated internal control as the solution for promoting ethical behaviour in the municipality.



Figure 17: Measures to promote ethical behaviour

When asked what the municipality must do to ensure that ethics are taken seriously in the organisation, participants B and G (interviews, February 23 & March 15, 2016) said that this can be achieved by the introduction of a training programme for all employees on ethics, while participants C, D, E and H (interviews, February & March, 2016) emphasised the implementation of an ethics awareness programme. Participants A and G (interviews, February 18 & March 15, 2016) also indicated that the ethics awareness programme must target the highly politicised municipal environment, which they see as a threat to the improvement of the ethics culture in the municipality. On the same question, participant A and C (interviews, February 18 & 24, 2016) further said that the employment of people with the right skills, qualifications and attitudes would bring about improvements in the municipal environment. Participants A and G (interviews, February 18 & March 15, 2016) further stated that they doubt that ethics can be managed effectively in a highly politicised municipal

environment. There was, however, general consensus by participants that training and awareness would go a long way in promoting ethical behaviour in the municipality.

4.6 Analysis

The purpose of this section is to interpret the data that was collected and presented in above in order to develop essential meaning from the data and, in the process, answer research questions. This section also provides a description of the meaning that the researcher derived from the primary and secondary data that was collected as part of the study. The analysis is presented in line with the study's theoretical framework, which seeks to establish the presence and effectiveness of the instruments, processes and structures of ethics management at Rustenburg Local Municipality. The study focuses on rules, policies, the code of conduct and training as instruments of managing ethics, and on the integration of ethics in municipal strategic and management processes, which include the assessment of the institutionalisation of ethics in the culture of the organisation. With regard to the structures, the study assesses the presence and effectiveness of personnel or committees responsible for ethics management.

4.6.1 Background of respondents

The results presented in the previous chapter suggest that the majority of respondents have worked for the municipality for more than two years and, as such, they are familiar with the ethics management practices at the municipality. The results also reveal that the majority of the senior and middle managers are educated (66 per cent have degrees and 25 per cent have diplomas). Due to the respondents' levels of education, one can safely conclude that the results of the study are representative of the views of senior and middle managers, who are educated and have been exposed to ethics through the CMPD course. The positions held by these managers and their experience in the municipality makes them important players in the management of ethics. According to the OECD (2009, p. 63), 'supervisors not only shape ethical, but also unethical behaviour'. With their levels of education and experience, these managers may serve as role models for ethical behaviour in the municipality.

4.6.2 Effectiveness of instruments

The data presented indicates that the municipality relies on legislation, rules, policies and a code of conduct for the management of ethics. The responses from the survey also confirm that these instruments are not enforced and, therefore, they are not effective enough. Instruments such as policies and training are the basic building blocks for the management of ethics in any institution as 'they stimulate and enforce integrity and prevent corruption and other integrity violations' (OECD, 2009, p. 7). Accordingly, it is not enough for an organisation to simply have these policies, if these policies are not effective in promoting ethical behaviour.

Although the municipality utilises the generic staff code of conduct that is part of the Local Government: Municipal Systems Act 32 of 2000 (interviews with participants A and G, February 18 & March 15, 2016), the data presented in Chapter 4 indicates that, in the main, only senior managers are aware of the code and this awareness has not permeated to employees at lower levels. This is evident in that the majority of the interviewees (who are senior managers) indicated that they are aware of the code of conduct, while the number was less in the survey responses. When it comes to the effectiveness of the code, the majority of respondents indicated that the code is not effective enough. It is difficult to say whether employees have adequate knowledge about the contents of the code, because they are only exposed to it during inductions and not much is done to popularise the code among the employees beyond the inductions. According to Groenewald (2011, p. 11), 'the code should provide for a learning process that highlights the continual development of the members as well as the dynamic and changing working and community environment.' The limited communication of the code of conduct to employees in Rustenburg Local Municipality robs the institution of the opportunity to create a common understanding among the employees of the expected ethical behaviour or moral standards. A code of conduct is one instrument that can be used to inculcate ethical behaviour at the municipality. The results of the survey show that only 18 per cent of the surveyed respondents are very much familiar with the code of conduct, while the majority are somewhat familiar or not at all familiar with the code.

The survey results also show that more than 50 per cent of respondents feel that the code is not effective in educating employees about the ethics standards or in

preventing ethics violations. The effectiveness and awareness of the current code of conduct can also be improved by involving all stakeholders in its development or improvement. According to Ababio and Vyas-Doorgapersad (2010, p. 418), the process of producing a code 'must intentionally involve all members of the social group that it will include and represent'. The members of an organisation will not feel the impact of the code and might not even recognise it if they have not participated in its development.

One of the ways in which the code of conduct can be popularised among the workforce is through education. In this regard, the results show that the municipality has not implemented training on ethics in the past two years for its employees. Instead, some municipal employees have come into contact with training on ethics when they were doing a management development course as part of the CPMD qualification. This course is only attended by middle and senior managers and, as a result, the bulk of the municipality's workforce has not been trained on ethics. Although the training received by officials through the CMPD course is useful, it may be limited in that officials do not get an opportunity to experiment with ethics management in the workplace. According to the OECD (2009, p. 48), 'opportunities must be created for follow-up experiential learning on ethics, by introducing regular ethics discussion in management meetings'. Manyaka and Sebola (2013, p. 86) argue that the fight against corruption and unethical conduct is unlikely to be successful unless ethics training is prioritised and adequately resourced. This view is also shared by 41 per cent of the survey respondents who identified training as an effective instrument to promote ethical behaviour at the municipality.

With regard to the policy and rules aimed at promoting ethical behaviour and fighting corruption, the results show that the municipality is lacking, in that the policies are too fragmented and are not enforced. The policies are not fully implemented and, according to one of the respondents, the policies are not specific to the management of ethics. An example of the poor state of the policies is the fact that the fraud prevention policy has been in a draft state for more than two years and it cannot be implemented unless it is approved by council. Another policy that was identified during the interviews is the consequence management policy, which was developed by National Treasury for approval by the municipality. Although the consequence

management, and fraud and corruption policies are useful and relevant, they are feeding on the view that the South African government, and in this case the Rustenburg Local Municipality, has adopted a legalistic and rule-based approach by depending on rules and regulations to promote ethical behaviour and combat corruption, which is unfortunately not producing the desired results. This state of affairs is best summed up by Evans' (2012, p. 2) observation that 'public organisations spend a great deal of time, energy and resources on meeting compliance obligations rather than embedding integrity values in the hearts and minds of public servants.' The South African government's Public Sector Integrity Management Framework (2014) also confirms that the proliferation of laws have not assisted much in the fight against corruption and unethical behaviour. A better approach would be to adopt a value-based ethics management programme and educate employees about ethics instead of emphasising rules and regulations. In general, the Rustenburg Local Municipality has not developed institution-specific ethics policies to give effect to the plethora of anti-corruption and ethics management policies and regulations designed by national government, as discussed in Chapter 2.

The promotion of a value-based approach does not mean that rules and policies on ethics are not important. On the contrary, a well-written ethics framework 'forms the basic set of standards for behaviour in society or any sector' (Munzhedzi, 2016, p. 7) and, furthermore, provides guidance on acceptable and unacceptable behaviour. Although policies are important, an organisation's ethical culture can further be enhanced by changing behaviours. The challenge is to strengthen the ethical framework and familiarise employees with its requirements through continuous training in the form of workshops and innovative awareness programmes. As indicated by the results presented above, the municipality has not implemented training on ethics for all its employees.

Since the results show that the majority of participants in the interviews have a good knowledge of ethics, which is attributed to their attendance of the CPMD programme, this can be used as a good basis to improve ethics management in the municipality. Furthermore, this group can also be used to familiarise the rest of the workforce with the importance of ethics.

4.6.3 Effectiveness of processes

The literature review section confirms that the internal management of ethics and corruption remains a challenge in the public sector and local government in particular. The results presented also confirm that the situation in the Rustenburg Local Municipality is no different when it comes to the integration of ethics management in municipal processes such as strategic planning, reporting and personnel development. The challenge or shortcoming in ethics management at the municipality is confirmed by the respondents of both the survey and interviews, who overwhelmingly said that ethics management is non-existent. This is also evident in the finding that incidents of unethical conduct are high, but not much is being done about them.

The management of ethics is central to the functioning of management processes such as human resources, performance management, communication and financial control. According to Mle (2012, p. 22), ethics management processes involve inter alia: the allocation of functions, delegation of authority, creation of communication channels and behavioural relationships, which when not properly managed affect the effective provision of services. Mle (2012) further postulates that the modernisation of methods and procedures, as well as technological progress, is useless if the personnel who must apply the methods and procedures do not aspire to high moral standards. Responses to the question on the status of ethics management at the municipality show that, although all respondents to the survey indicated that there are serious ethical issues at the municipality, the same number of respondents said that not much is being done to improve the situation.

The results of the study have also found the municipality wanting in terms of integrating and institutionalising ethics in its internal processes, as there are no processes or programmes in place to institutionalise ethical behaviour among the workforce. Matsiliza (2013, p. 116) argues for the integration of ethics in management processes by stating that: ‘to maintain sustainable ethical culture, reviews and evaluation of the systems, performance rewards, policies and procedures must be conducted in conjunction with financial and human resource systems to promote the organizational integrity’.

The poor ethical culture in the municipality, as evidenced from the results of both the survey and structured interviews, is also a cause for concern. This vacuum in ethical culture was also referred to as a lack of Ubuntu by one of the participants in the structured interviews. Ubuntu as a management philosophy thrives when there is consensus, democracy and interdependence among members of an organisation (Msila, 2014, p. 1739). Msila (20014) further opines that the values embraced by Ubuntu are missing in many dysfunctional workplaces. Although the workplace at Rustenburg Local Municipality cannot be defined as dysfunctional, the absence of ethics management calls into question the commitment of its management and leadership to improving the ethics culture in the organisation. A study conducted by Groenewald (2016, p. 15) found that organisational culture improves in an environment where the leadership displays commitment to ethics, handles difficult times well, hires and fires the right people, and rewards those who are deserving. A different approach to ethics in the organisation should ensure that organisational systems of performance and rewards, and policies and procedures are conducted in an ethical manner within the requirements of the organisational financial and human resources policies. The organisational culture can also be enhanced by the adoption of Ubuntu as a management approach that embraces integrity and good governance.

It emerged from the results that the employees are not provided with opportunities to discuss ethics and that there are no programmes or efforts to promote ethics in the institution. As a result, some of the respondents were reluctant to participate in both the survey and the interviews. One can conclude that the topic of ethics and corruption is treated as taboo in the municipality, hence the reluctance to participate in the research by some officials. During the interviews, participants repeatedly asked the researcher not to quote them when the word ‘corruption’ cropped up in their answers. This can be attributed to the prevailing environment in the municipality, whereby ethics and corruption are not freely discussed.

As indicated in the previous chapter, municipal plans and reports are silent on the concept of ethics as there are no indicators or targets covering ethics and corruption. As a result, the municipality is unable to monitor and evaluate its ethics management efforts and is therefore unable to report and develop measures to reduce the high incidence of ethical violations, which were reported in the previous chapter. Although

there is an anti-corruption strategy in place, which could form the basis for integrating ethics and corruption in municipal plans, this is not done. There is, therefore, no integration of ethics in municipal processes at Rustenburg Local Municipality. Integrating ethics into organisational processes is not only a best practice, but it is also propagated by the King III report, which requires that:

> *The board should ensure that the company's ethical standards (code of ethics and related ethics policies) are integrated into the company's strategies and operations. This requires, among others, ethical leadership, management practices, structures and offices, education and training, communication and advice, and prevention and detection of misconduct for example, through whistle-blowing.* (IOD, 2009, p. 57)

Anello (2006, p. 21) also agrees with the views expressed by the King III Report on the role of ethical or moral leadership and management practices in promoting ethical behaviour, by stating that the most effective way of promoting ethics is through the moral leadership of the main actors. Anello (2006, p. 22) further argues that, if the members of the management team 'demonstrate in action that they are "walking the talk", it will convey a powerful message throughout the institution that all are expected to do the same'. The role of senior and middle managers in improving the ethical culture of the institution is therefore important.

When it comes to the reporting of ethical violations by other employees, it can be deduced from the results that there is no formal procedure or guideline for anonymous reporting. It is not surprising that some respondents felt that employees are free to report these violations to their managers and even to the municipal manager. This ad hoc management of reporting does not take into cognisance the need for confidentiality and anonymous reporting. Respondents indicated that, although there are incidents of unethical conducts at the municipality, they are discouraged from reporting the violations because of the fear of victimisation, since there are no formal and safe reporting mechanisms and there is a lack of guidance as to whom to report to. Since reporting ethical violations is sensitive and may affect the safety of employees, through retribution, an external ethics violation-reporting hotline should be considered. According to Lighthouse (2016, p. 7), a 'reporting hotline provides company employees with a means to report inappropriate actions anonymously and

confidentially, which can greatly reduce the fear of retribution that can result from whistleblowing'. Furthermore, the fact that these hotlines are often managed by experienced third parties gives employees a sense of security to report ethics violations with confidence.

According to Groenewald (2016, p. 16), fears of victimisation and a belief that nothing will be done about reported acts of unethical behaviour and corruption are the biggest deterrents to reporting on the part of employees. In the absence of safe and anonymous lines of reporting, employees will not feel comfortable reporting ethics violations, as the results presented above have demonstrated. The results of the structured interviews demonstrate the level of uncertainty and confusion regarding the available channels of reporting of unethical incidents; some participants indicated that these are reported to internal audit, while another said reporting is done through the office of the municipal manager and one participant said reports are channelled through supervisors. According to Miceli and Near (1985) (as cited in Hassan, Wright & Yuki, 2014, p. 339), 'Employee willingness to report ethical concerns is a critical element in establishing an ethical climate in public sector organizations.' Hassan, Wright and Yuki (2014, p. 340) further argue that, apart from discouraging misconduct, reporting also reflects confidence by employees in the organisation's leadership to take appropriate and corrective measures.

Reporting can be enhanced by addressing issues of the fear of victimisation among employees and familiarising them with the protection provided by Protected Disclosures Act 26 of 2000. According to Disoloane (2012, p. 107), 'the Act prevents the employer from subjecting an employee to occupational detriment upon having made a protected disclosure and it brings an end to escalating instances of retaliation to whistle blowing.' This can be done as part of an ethics awareness problem to encourage employees to report acts of unethical behaviour and corruption without fear of victimisation. The state of affairs has also led to a situation where employees do not know where to seek advice on ethics or, as depicted in *Figure 15*, do not bother to seek advice on ethics.

The absence of internal processes of ethics management also means that the municipality is not reporting on ethics to stakeholders and, as such, does not have mechanisms to monitor its ethics management processes. Reporting is important in

that it provides the municipality with the opportunity to account to its constituencies and authorities about how it is managing ethics within the organisation. This failure to account for its management of ethics also denies the stakeholders the constitutional role of playing oversight over the municipality's service delivery efforts. According to Klitgaard, Maclean-Abaroa and Parris (2000), the integrity of local politicians and public servants deserves extra vigilance, hence the importance of accounting through regular reports. In this regard, municipalities need to be transparent and open to scrutiny by other stakeholders such as communities and civil society organisations about their use of public resources.

4.6.4 Effectiveness of structures

The discussion above on the absence or ineffectiveness of instruments and processes of ethics management is directly linked to the finding that the municipality does not have some structure or personnel responsible for assisting employees on matters related to ethics management.

The most glaring shortcoming is the absence of an ethics officer, as required by the PSIMF. According to Disoloane (2012, p. 267), 'Appointing an ethics officer is one of the effective strategies to enhance ethical conduct of municipal functionaries.' As indicated by the responses received, the absence of an ethics officer makes it difficult for the municipality to develop, implement and communicate ethics-enhancing strategies and programmes. Workers are also not provided with adequate information on their roles and responsibilities when it comes to ethics management. Rossouw and van Vuuren (2010, p. 267) argue that an organisation should appoint an ethics champion or ethics officer, who has an instrumental role of being a catalyst for ethics management initiatives and exemplary conduct. The absence of an ethics officer means that the following roles that are proposed in the PSIMF (2014) are currently not being performed at the institution:

- promote integrity and ethical behaviour;
- advise employees on ethical matters;
- ensure organisational integrity of policies, procedures and practices;
- identify and report unethical behaviour and corrupt activities to the relevant structure, and

- develop and implement awareness programmes to educate officials on ethics, good governance and anti-corruption measures.

The roles of senior managers and line managers in managing ethics must also be clarified and formalised to avoid situations where there is confusion as to where employees should report incidents of unethical behaviour and seek advice when faced with ethical dilemmas, as reflected in responses from the survey and structured interviews. The senior management team can play an important role in institutionalising ethics management by ensuring that the ethics strategy is communicated widely throughout the organisation and is implemented. Davis, Jones and Thomas (2016, p. 436) posit that ethics institutionalisation can be achieved through a variety of formal methods such as codes of ethics, policy manuals, ethics committees and orientation programmes. Unfortunately, although the municipality has some of these methods in place, this study has shown that the code of ethics and policies are not optimally utilised in the municipality.

Apart from not allocating the responsibility of ethics management to specific individuals such as ethics officers and managers, the results presented in the previous chapter also indicate that the municipality does not have an ethics committee or any structure that has been allocated the responsibility of managing or playing an oversight role over ethics management. The absence of ethics management in the strategic documents of the municipality can be attributed to the absence of an oversight structure such as the ethics committee. According to Rossouw and van Vuuren (2010, p. 269), the ethics committee plays the primary role of providing strategic direction to the organisation's ethics initiatives and overseeing its implementation. Although the municipality has oversight structures, such as the Audit Committee and Municipal Public Accounts Committee (MPAC), the data collected indicates that these committees play no role in ethics-related matters.

The allocation of proper structures and dedicated personnel to the management of ethics must also be accompanied by the allocation of sufficient resources such as funding. According to Rossouw and van Vuuren (2010, p. 269), an organisation's commitment to ethics is defined by 'a strong overt display and resource allocation for creating an ethical organisation over time' The allocation of funds would also send a positive message to stakeholders that the institution is committed to the promotion of

a positive ethical culture. Furthermore, the allocation of funds would force the institution to develop a proper programme to support ethical behaviour in a systematic way and, thereby, make ethics everybody's responsibility. The OECD (2009, p. 15) argues that public sector organisations should invest in integrity management because integrity is essential in the attainment of policy goals. As depicted in Figure 14 above, there is currently no ethics management programme in place at the municipality and, as such, no investment in ethics management.

4.6.5 Ethical dilemmas

The results of the survey and interviews indicate that employees at the municipality are confronted with ethical dilemmas that are rooted in the prevalence of ethics violations and that they are not equipped to deal with them. The highly politicised environment at the municipality is a constant source of ethical dilemmas for employees. who are in a state of helplessness. According to the OECD (2009, p. 18), the challenge in the public service is to equip public servants not to treat ethical dilemmas as a nuisance that should be oppressed and ignored, but to guide them to identify the dilemmas and solve them. The absence of an effective ethics management programme at Rustenburg Local Municipality means that officials are left on their own to deal with the dilemmas and have no system to check the correctness of their actions. According to Disoloane (2012, p. 49), one of the best tools to provide guidance on ethical dilemmas is a code of conduct, which according to responses received is not helpful in the case of Rustenburg Local Municipality. As indicated above, training is another effective instrument that can be used to familiarise employees with the code of conduct and guide them to deal with ethical dilemmas.

4.7 Conclusion

In this chapter, data collected through the survey questionnaire and structured interviews with the senior and middle managers of Rustenburg Local Municipality was presented according to the theoretical framework. To complement the primary data, data from secondary sources such as reports and municipal plans was also presented. The researcher further analysed the chapter in order to answer the research questions regarding the presence and effectiveness of ethics management instruments, processes and structures in Rustenburg Local Municipality.

The discussion in this chapter indicates that the municipality is lacking in all three areas assessed as part of this study. Instruments of ethics management such as policies and training, and a code of conduct are either not present or are totally ineffective; for example, although there is a code of conduct in place, the study showed that the code is not effective. The study has also shown that the municipality has not institutionalised ethics in its organisational culture and there are no plans in place to do this. Finally, there are no structures for the management of ethics in the municipality, as indicated by the absence of ethics officers or committees charged with the responsibility of overseeing the management of ethics. This untenable state of ethics in the municipality has serious implications for the fight against unethical conduct and the perceived corruption of appointed officials and elected representatives. The conclusion and implications of this state of affairs, together with recommendations, are discussed in the next chapter.

CHAPTER 5: RESEARCH CONCLUSION AND SUMMARY

Following the presentation and analysis of the research results in the previous chapter, in this chapter, the research conclusion and summary are made, followed by suggestions for future research. The chapter also makes suggestions towards improving the management of ethics in local government.

5.1 Introduction

The research results discussed in the previous chapter indicate that senior and middle managers at Rustenburg Local Municipality are confronted by ethical dilemmas and there is little support or guidance provided to them by the municipality. There are also high incidents of ethics violations, as depicted in Table 10, but very little is being done to arrest these incidents through ethics management. The results further indicate that the municipality does not have effective instruments, processes and structures of ethics management. Although some features of the three pillars investigated in the research such as policies, regulations and a code of conduct are present, the research indicates that the instruments are not effective enough.

The research also indicates that ethics management processes and structures are non-existent in the municipality. Ethics is not integrated in municipal processes, as can be seen in the absence of ethics in municipal strategic plans and reports, and the absence of ethics officer/s. It is therefore not possible to talk about an integrated approach to ethics management when the municipality has only a few weak elements of ethics management, which have been the focus of this research. For example, the code of conduct is not enforced and employees are only made aware of it when they are newly appointed in the municipality. Based on the findings of the presence and effectiveness of ethics management instruments, processes and structures the following conclusions can be made about the status of ethics management and measures employed to promote ethical behaviour in Rustenburg local municipality.

5.2 Status of ethics management in Rustenburg Local Municipality

As indicated in section 4.5.4, in response to a question about the status of ethics management, all surveyed respondents selected the statement that said that there are serious ethics violations at the municipality and nothing is being done about them.

Participants in the structured interviews were also asked to define the status of ethics management at the municipality and they confirmed that there are ethical challenges at the municipality but there are no formal management efforts to deal with them. Judging from the responses by participants to interview questions, the municipality's management of ethics can at best be described as non-existent, as ethics are not employed even in the face of serious ethics violations, and there are no continuous efforts to communicate and educate employees about ethics. In terms of exposure to ethics, senior employees are the only group that is exposed to ethics and some of those interviewed indicated that they do emphasise ethical behaviour in their interactions with their subordinates. The study results demonstrate a failure on the part of the officials and political office-bearers, whose responsibility it is to 'contribute towards the creation of ethical culture when discharging public duties and uphold the rule of law' (Matsiliza, 2013, p. 108). Without an effective policy regime on ethics, an inspirational code of conduct and a training programme on ethics, it is not surprising that respondents felt that ethics management is absent at the municipality.

The responses to the question about the status of ethics management are comparable to the responses (discussed above) about the presence and effectiveness of instruments, processes and structures of ethics management at the municipality, which showed that ethics management instruments, processes and structures are either not available or are not effective. These responses sum up the study findings and, in the process, provide a direct answer to the main research question: "What is the status of ethics management at Rustenburg Local Municipality?"

The findings of the study on the status of ethics management at the municipality can best be assessed against the two approaches of the compliance-integrity continuum and the ethics strategy, discussed in Chapter 2. When placed in the compliance-integrity continuum, the municipality can be regarded as hovering below the compliance- or rule-based approach, as the rules and regulations are not fully developed, integrated or enforced. According to the OECD (2009) (as cited by Năstase, 2014), the compliance- or rule-based approach stresses external controls on the behaviour of public servants, and prefers rules and procedures to reduce ethical violations and prevent corruption. In the same manner, Rustenburg Local Municipality has a code of conduct and policies that were designed by national government, but

these are not enforced. As a result, it would not be correct to say that the municipality has adopted a compliance approach to ethics management, because there is little or no enforcement of these instruments. Without enforcement, the municipality is not able to derive any benefits from the code of conduct and policies; hence, the majority of the respondents to both the survey questionnaire and structured interviews said that nothing is being done about ethics violations at the municipality. This view is supported by the responses from the majority of participants, who indicated that they resort to rules instead of ethical choices when faced with ethical dilemmas.

It is also difficult to map the municipality's ethics management efforts or status to the EISA's ethics strategy concept, as there are few or no features of ethics strategy at the municipality. One can safely argue that no efforts are in place to institutionalise ethics and build a comprehensive ethics strategy at the municipality. Rossouw and van Vuuren (2010, p. 248) argue that the starting point for organisations to manage ethics in a concerted way is by formulating a vision for ethics. Without a vision for ethics, there can be no communication on ethics or commitment to conduct business in an ethical manner. A clear organisational vision on ethics management would ensure that ethics forms the crux of all organisational processes and plans.

5.3 Measures to promote ethical behavior

Among the measures suggested by the majority of respondents to improve the ethical culture in the institution, training, an ethics awareness programme and communication came on top. This view is consistent with the findings discussed throughout this chapter, which suggest that there has been no training on ethics during the previous two years at the municipality and employees have not been provided with opportunities to discuss ethics. Training and communication serve as effective tools to integrate ethics into the regular discourse in the institution due to their ability to 'stimulate employees to act with integrity in their day-to-day activities' (OECD, 2009, p. 49). The integration and institutionalisation of ethics would also address other ethical violations such as the appointments of unqualified personnel and the abuse of municipal resources, which were identified as prevalent at the municipality.

The research conclusions can be summarised as follows:

- ethics management is non-existent at Rustenburg Local Municipality;

- senior and middle managers have an understanding of the concept of ethics and its importance;
- there are possible ethical violations and corrupt activities at Rustenburg Local Municipality which include:
    - abuse of the municipality's resources for private use;
    - people being at work but not working;
    - abuse of time (late-coming and absenteeism);
    - inconsistency in the application of rules/discipline;
    - preferential treatment based on political party membership, and
    - withholding of information;
- officials view politics as the biggest threat to ethics management at the municipality;
- Rustenburg Local Municipality has not appointed an ethics officer;
- Rustenburg Local Municipality does not have an ethics committee, and
- municipal officials regard training and awareness as a solution for the poor state of ethics at Rustenburg Local Municipality.

In responding to the main and supporting research questions about the state of ethics management, and the presence and effectiveness of instruments, processes and structures of ethics management at Rustenburg Local Municipality, one can safely state that ethics management is non-existent at the municipality. The state of ethics management at the municipality is characterised by the presence of some instruments such as the code of conduct and policies, but these are not effective because there are no development processes and requisite structures in place. When judged against the compliance-integrity continuum, the municipality is hovering below the compliance level and, as such, there is much that needs to be done to move the institution to value-based ethics. The compliance-integrity continuum and ethics strategy mentioned above can be used to model the municipality’s ethics management programme.

5.4 Perspectives on the future

The purpose of research is to develop new knowledge in a particular area, in order to address the problems identified during the conceptualisation of the research. Since the study has identified weaknesses in the management of ethics at Rustenburg Local Municipality, the following are perspectives for the future aimed at improving the

management of ethics by developing effective instruments, strengthening them through a developmental process and putting the right structures in place.

5.4.1 Code of conduct

As indicated in the previous sections, the municipality utilises the code of conduct for employees that was developed by national government as part of the Municipal Systems Act 32 of 2000. No attempt has been made to adapt the code of conduct and, as the literature has confirmed, the code of conduct has not been fully internalised and is not effectively communicated. The adaptation of the code of conduct for both officials and councillors would go a long way in articulating a clear message on acceptable and unacceptable behaviours. The use of the code of conduct as a single source for guidance on ethics would also reduce the confusion that exists as to the roles and responsibilities, and lines of reporting at the municipality. An important consideration in this process should be the involvement of all stakeholders, especially employees, throughout the process so that they can own and internalise the contents of the code and, thereby, institutionalise ethics and improve the organisation's ethical culture.

5.4.2 Policies and regulations

Since the public sector in South Africa has an advanced legal framework aimed at promoting ethical behaviour and fighting corruption, public-sector institutions should take advantage of this and use it as the basis for their internal policies on ethics. Policies provide a coherent system for ethics management, as opposed to the ad hoc approach at Rustenburg Local Municipality. The policy framework should provide ethical guidelines to all organisational functions such as performance management, recruitment and selection, training, disciplinary procedures, and supply chain management, which the study has shown to be highly susceptible to ethics violations.

5.4.3 Establishment of ethics committees

If ethics are to be institutionalised and form part of the framework of the organisation, appropriate structures should be established to manage ethics at the operational and strategic levels. In this regard, Kumar (2014) argues that an organisation should consider establishing two committees at the board (or council, in the case of the municipality) and management levels. Kumar further advises that the council's ethics

committee should oversee the development and operation of the ethics management programme, while the committee at management level should be responsible for implementing and administering the day-to-day ethics projects such as communication, training and policies.

An alternative approach would be to delegate the oversight role of ethics management to the Audit Committee or MPAC and only establish a committee at management level, to avoid the proliferation of committees.

5.4.4 Establishment of a comprehensive ethics management programme

A well-structured ethics management programme would lead to an improvement in the ethical conduct of employees and reduce incidents of unethical conduct. An ethics management programme that has been developed through a transparent and inclusive process should, among others, have the following outputs:

- appoint an ethics officer;
- develop an ethics training programme for all employees;
- develop and implement an ethics awareness programme for all employees and stakeholders;
- conduct an ethics risk assessment;
- integrate ethics management in all municipal strategies and programmes, and
- report regularly on ethics to internal and external stakeholders.

The importance of ethics education cannot be overemphasised; this view is supported by Manyaka and Sebola (2013, p. 82) in their finding that ‘ethical training does not only facilitate awareness, it can also develop essential skills for ethical analysis and moral reasoning.’ Training is also important as a communication medium to rally staff around the ethics programme.

The OECD’s Integrity Management Framework as a model for ethics management is supported by many countries including South Africa. The framework should assist the institution to move from its current laissez-faire approach to ethics management to a more value-based approach. According to the OECD (2009, p. 27), the Integrity Management Framework assists public-sector organisations like the Rustenburg Local Municipality in performing the following functions:

- determine and define integrity;
- guide towards integrity;
- monitor integrity, and
- enforce integrity.

The adoption of the Integrity Management Framework would assist the Rustenburg Local Municipality to plan, implement and evaluate the management of ethics as part of its strategic management processes.

5.5 Conclusion

The purpose of this research was to determine the efficacy of ethics management at the Rustenburg Local Municipality by looking at the instruments, processes and structures of ethics management. As indicated in the section on the limitations of the study, the findings are only applicable to Rustenburg Local Municipality.

This study has confirmed that the municipality has some elements of ethics management in place such as policies and a code of conduct, and that staff members and councillors are required to sign declaration of interest forms. However, the study has also confirmed the presence of challenges such as the lack of a coordinated approach to the management of ethics, an ineffective legal framework, an unworkable code of conduct and the lack of an accountability mechanism. In essence, the study has indicated that there has been no attempt to institutionalise ethics in the organisation. As described in Chapter 5, institutionalising ethics requires the efforts of all stakeholders, such as council, senior and middle managers, and the general workforce. The available legislative framework that has been developed especially at national level should be used as the basis for instilling an ethical culture in the organisation. Furthermore, the need to comply with the requirements of the PSIMF and the King III (and now King IV) Report with regard to ethics management would propel public institutions such as Rustenburg Local Municipality to choose the ‘high road’ in promoting ethics in the public sector.

5.6 Suggestions for future research

The findings of the study can be enhanced through future research. Three areas for possible future research include:

First, there is a need for a comparative study into how municipalities are implementing the guidelines of the King III Report on ethics management. Although reference has been made during the discussion of the King III Report's requirements on ethics management, the limits of the study did not allow for a deeper enquiry on the municipality's compliance with the King III guidelines. A separate and more focused study is needed.

Secondly, the finding of the research that politics is perceived to hinder the promotion of ethical behaviour in municipalities requires further investigation, in order to establish the best route to implement ethics management within the politically charged municipal environment. The current study did not venture into the political nature of the environment at municipal level.

Thirdly, there is a need to establish the nature of the ethical dilemmas facing senior managers such as accounting officers and chief financial officers, including the chief audits executive, who operate in the politically charged municipalities. This study should provide greater insights into the ethical pressures that these officials confront and how they deal with these pressures.

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Appendix 1: Letter of Confirmation from University of the Witwatersrand

WITS SCHOOL OF GOVERNANCE
UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

28 January 2015

To whom it may concern

This letter serves to confirm that Neo Maape student number 335762
Is a registered for the Masters of Management at the Wits School of Governance, and is currently conducting a research for the fulfilment of the degree requirements.

Title of the research is: **THE EFFICACY OF ETHICS MANAGEMENT IN THE RUSTENBURG LOCAL MUNICIPALITY**
It will be greatly appreciated if your organisation could be of assistance while she will be collecting data as part of the degree requirements.

The project is purely for academic purposes.

Thank you for your cooperation

Should you require any additional information, please do not hesitate to contact me.

Yours, sincerely

WITS SCHOOL OF GOVERNANCE

Thandiwe Maditse

Assistant Research Administrator
Wits School of Governance

t 011 717 3505
f 011 717 3520
e thandiwe.maditse@wits.ac.za
w www.wsg.wits.ac.za

Appendix 2: Letter to Rustenburg Local Municipality requesting permission to conduct research

142 Santolina Avenue
Yellowwood Park
Rustenburg
0299

The Municipal Manager
Rustenburg Local Municipality

My name is Neo Maape and I am currently enrolled for a Masters of Management Public and Development Management at the University of the Witwatersrand.
As part of the requirements for the successful completion of the aforesaid degree, I have to complete a dissertation. The purpose of the research is to explore the efficacy of ethics management approach in Local Government.

I hereby request your permission to undertake this study at your municipality.
It is hoped that the information gathered through this research will contribute valuable information and insights that can help strengthen ethics management in at local government level and thereby ensure sustainable delivery of services.

Thank you very much for your kind understanding and cooperation in this regard.

+For any queries, I am contactable at the following details:

- Email: neafrik@gmail.com or
- Mobile number 072 4093726

.
Regards,

Neo Maape
Student: 335762

Appendix 3: Permission to conduct research at Rustenburg Local Municipality

RUSTENBURG LOCAL MUNICIPALITY

OFFICE OF THE MUNICIPAL MANAGER

P O Box 16, Rustenburg, 0300, North West Province, South Africa
Tel: (014) 590 3551 Fax: (014) 590 3552 Email:
munmani@rustenburg.gov.za

Our Ref: **22 February 2016**

PERMISSION TO CONDUCT RESEARCH

This serves to confirm that Mr. Neo Maape has been given permission to conduct research in the municipality. Mr. Maape's research topic is "The efficacy of ethics management in the Rustenburg Local Municipality".

The research involves collecting data from municipal employees through the use of interviews and survey questionnaire. The employees that will be involved are senior and middle managers (unit and section managers).

You are requested to give Mr. Maape the necessary cooperation as this research will also benefit the management of ethics in the municipality.

Yours Sincerely

Mr. S.V Makona
Acting Municipal Manager

Appendix 4: Letter to respondents

142 Santolina Avenue
Yellowwood Park
Rustenburg
0299

Prof, Dr, Mr, Mrs, Ms, Rev

_____

_____

_____

Dear Respondent

My name is Neo Maape and I am currently enrolled for a Masters of Management Public and Development Management at the University of the Witwatersrand. As part of the requirements for the successful completion of the aforesaid degree, I have to complete a dissertation. The purpose of the research is to explore the efficacy of ethics management approach in Local Government.

I request you to take not more than 30 minutes of your valuable time to complete this questionnaire. I hereby give you my assurance that your responses will not be used for any purpose other than the one stated above. Your personal details, will be treated with utmost confidentiality and your identity will not be disclosed to unauthorised parties under any circumstances. Should you feel that the space provided is too limited or the options provided are too limiting, please feel free to use additional paper and include options that you think are important.

It is hoped that the information gathered through this research will contribute valuable information and insights that can help strengthen ethics management in at local government level and thereby ensure sustainable delivery of services.

My sincere appreciation for taking your time to complete this questionnaire and should you need to contact me, please feel free to use the following details;

- Email: neafrik@gmail.com or
- Mobile number 0724093726

Regards,

Neo Maape

Student: 335762

Appendix 5: Survey questionnaire

SECTION 1

DEAR PARTICIPANT

You are receiving this email to get your responses to a survey on the effectiveness of ethics management in Rustenburg Local Municipality.

RESEARCH PURPOSE

This survey is aimed at studying the effectiveness of ethics management in Rustenburg Local Municipality by focusing on how the municipality uses the ethics management instruments, processes and structures to assist officials to deal with ethical dilemmas and promote ethical behaviour.

ANONYMITY

The questionnaire is anonymous and as such you are not required to write your name. The research report will be written at a group level and in this case it will not be possible for the researcher to identify you from your responses and no official from the municipality will have access to the survey responses.

DEFINITION

A code of ethics/code of conduct is a written set of ethical values and behaviour in an organisation that is acceptable to all and considered to be important. For the purpose of this survey, the term ethics code is used interchangeably with code of conduct. The survey focuses only on the **staff/employee** code of conduct/code of ethics.

GENERAL

- There is no right or wrong answers and your honest, anonymous opinion will be appreciated.
- Please read the statements carefully before indicating your choice in the appropriate block.
- Please indicate only ONE choice per statement by ticking the relevant box.
- Ensure that you complete ALL the statements in ALL the sections.
- Please ensure that you CLICK SUBMIT once you have completed all the survey sections.

THANK YOU SO MUCH FOR YOUR INVALUABLE CONTRIBUTION

SECTION 2

The questions in this section assess the effectiveness of the instruments that the municipality use in the management of ethics. These include, but is not limited to code of conduct/ethics, rules and training

***1. How familiar are with the municipality's code of conduct/ethics?**

- Very much so
- somewhat familiar
- Not at all

***2. The statements below relate to information and assistance that the municipality provide to support ethical behaviour. Please indicate whether you agree/disagree/don't know in relation to each of the statements**

	Agree	Disagree	Don't Know
The municipality has a written standard of ethical behaviour that provide guidelines for my job (for example a code of ethics/conduct. a policy statement on ethics or general guidelines on ethics)			
The municipality provide employees with a means of reporting a misconduct anonymously, without giving their names or other information that could easily identify them.			
The municipality offer advice or information helpline where I can get advice about behaving ethically at work			
The municipality provides training on standards of ethical behaviour			

***3. To what extend does the municipality's code of conduct/ethics achieves each of the following?**

	Not at all	Not sure	Very much so
To educate employees about the ethics standards expected of them.			
To prevent ethics violations.			
To ensure and strengthen public trust in government.			
To detect unethical behaviour.			
To discipline/prosecute violations of the code.			
To clarify employees' questions about ethics.			
To ensure fair and impartial treatment of the public and outside organisations in their dealings with the municipality.			

4. During the past 2 years, how often have you received training on ethics?** ***(Training include not only instructor-led training in a classroom setting, it also refers to opportunities to review written materials, watch videos and participate in computer-based training).

- Once as part of my new-employee orientation
- Once per year
- More than once per year
- Have not received training in the last 2 years

***5. In general, how useful was the training on ethics?**

	Not useful	Somewhat not useful	Not sure	Somewhat useful	Very useful
In making you aware of ethics issues in the workplace?					
In guiding your decisions and conduct in the workplace?					

SECTION 3

The questions in this section assess ethics management processes in the municipality, among others process refers to integration of ethics in strategic planning, organisational culture, etc.

***6. Does the municipality have programmes to support ethical behaviour?**

- Yes
- No
- Don't Know

***7. In the last 2 years, has the municipality created opportunities for employees to discuss ethics?**

- Yes
- No
- Don't Know

8. Indicate at least 2 opportunities where ethics were discussed in the workplace.

***9. Do ethics form part of personnel development in the municipality?**

- Yes
- No
- Don't Know

***10. Does the municipality produce report/s on ethics?**

- Yes
- No
- Don't know

11. If the municipality produces report/s on ethics, who does the municipality report to?

- Council
- Public
- Provincial/National Government
- Other (please specify)

***12. Are there procedures for employees to confidentially report ethical violations?**

- Don't Know
- No
- Yes

***13. Indicate whether you agree with the following statements with regard to how the municipality deal with unethical behaviour?**

	Agree strongly	Agree somewhat	Unsure	Disagree somewhat	disagree strongly
Employees are free to approach superiors with ethical matters or concerns.					
Employees can report unethical practices (e.g. dishonesty, disrespectfulness, fraud, corruption, theft, harassment, abuse of resources, etc.) without fear of retaliation.					

- ***14. When employees witness unethical behaviour by fellow employees, they are encouraged to:**
- Report to supervisor
- Report to Municipal Manager
- Report through hotline
- Do nothing about it
- **SECTION 4**

The questions in this section assess the municipality's ethics management structures, among others this include whether the municipality has personnel or division responsible for ethics management.

***15. Does the municipality has a division/person responsible for providing employees with advice on ethics issues?**

- Yes
- No
- Don't Know

16. If you have answered yes, above, what is the designation or name of the division that is responsible for providing advice on ethics to employees?

***17. In the last 2 years, have you sought ethics related advice in connection with your work? (Select yes/no)**

Yes

18. If you have sought ethics related advice in the last 2 years, and there is no division or person to provide advice on ethics, who did you consult?

- Supervisor
- Manager
- Human Resources Manager
- Other (please specify)

19. If you did not seek ethics related advice in the last two years, why not?

- I never had a question
- I did not know who to ask
- I had no confidence that I would get good advice
- I believed nothing will be done
- I was afraid I would get into trouble
- Other (please specify)

This question deals with ethics related conduct, that often occur in the workplace

***20. How often does each of these types of conducts occur in the municipality?**

	Not at all	Not very often	Not sure	Somewhat	Very often
Disrespectful treatment of the public	○	○	○	○	○
Acceptance of gifts by municipal employees to perform their duties	○	○	○	○	○
Abuse of the municipality's resources (e.g. cars, internet, stationery) for private use.	○	○	○	○	○
People being at work but not working.	○	◉	○	○	○
Abuse of time (late coming and absenteeism)	○	○	○	○	○
Cheating on claims/allowances	○	○	○	○	○
Doing private work during office hours	○	○	○	○	○
Inconsistency in the application of rules/discipline	○	○	○	○	○
No consequences for unethical behaviour	○	○	○	○	○
Favouritism	○	○	○	○	○
Jobs for family members and friends	○	○	○	○	○
Giving municipal contracts to members of family/friends	○	○	○	○	○
Acceptance of bribes/kickbacks from supplier/contractors for awarding of contracts	○	○	○	○	○
Victimisation of employees who differ with management	○	○	○	○	○
Preferential treatment based on political party membership	○	○	○	○	○
Withholding of information	○	○	○	○	○

***21. Which statement best describes the status of ethics management in the municipality.**

○ There are serious ethical problems in the municipality and not enough is being done about them.

○ Although there are serious ethical problems in the municipality, they are being attended to.

○ There are no serious ethical problems in the municipality

SECTION 5

22. Describe a situation at work in which you were faced with an ethical dilemma. (An ethical dilemma may be defined as a situation where two or more competing values are important and in conflict, but only one is definitely right)

*23. What do you feel was the major conflict for you that created this ethical dilemma?

*24. Did you have access to adequate information to make your decision? (This may relate to support structures such as personnel or information desk)

*25. What could be done to promote ethical behaviour at the municipality?

26. How do you feel about the questions? Was something left out?

SECTION 6

Please tell us about yourself. Please select one response for each question that most closely describes you. The items will be used at the aggregate level and will not be used to identify respondents.

***27. What is your gender? (Select Female/Male)**

***28. How long have you been working for the municipality?**

- 0-2 years
- 3-5 years
- 6-10 years
- 11 years and more

***29. What is your job level?**

- senior Management (level 0-1)
- Middle Management (level 2-4)
- Other (please specify)

***30. What qualifications do you have?**

- Grade 12 or lower
- Diploma
- Degree

THANK YOU FOR COMPLETING THE SURVEY

Appendix 6: Interview guide questions

The questions below were asked during the interview. Probes for each of the sections will be used as time and answers allow.

Section 1: Instruments

1. Are you familiar with the municipality's code of conduct/ethics?

- Has the municipality developed its own code of ethics? (Indicate the source of the code and maybe when it was revised?
- Does knowledge of this code affect the decisions you make while at work? If yes, how?
- Would you say the same with regard to employees?
- Apart from the code of ethics, which other policies does the municipality have to promote ethical behaviour?

2. Have you had training on ethics in the municipality in the last two years

Section 2: Processes

3. How is ethics integrated in municipal processes such as planning, reporting and personnel development?
4. Is an environment of ethics and Professionalism actively promoted in the municipality?
5. How do employees report ethical violations?

- Are there procedures, hotline, etc. or what are they encouraged to do?)

6. Is there a person or division in the municipality that deals with ethics?

Section 4: ethical dilemma

7. Share your thoughts on the meaning of the words "ethical dilemma". (An ethical dilemma may be defined as a situation where two or more competing values are important and in conflict, but one is definitely right.)

- Have you personally experienced an ethical dilemma?
- Think of a time at work when you faced an ethical dilemma.
- What were some of the issues involved?
- Were other people aware of what was going on?
- How did you decide what you were going to do?

8. How would you describe the status of ethics and ethics management in the municipality?
9. What could be done to ensure that ethics are taken serious in the municipality?