

## Hannalie Hand - Remunerative work

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**From:** Newsflash Newsflash  
**To:** Division - BPD; Division - CCC; Division - CCRD; Division - ECIC; Di...  
**Date:** 10/3/2012 2:22 PM  
**Subject:** Remunerative work  
**Attachments:** image2012-09-03-125528.pdf; image2012-09-03-125549\_1.pdf; image2012-09-03-125613\_1.pdf

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Dear colleagues

Please take note of the following:

1. Section 30(1) of the Public Service Act (PSA) states: "No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department."
2. To ensure adherence to the provisions of this legislation, all officials must obtain approval for any remunerative work that they wish to be engaged with.
3. If the remunerative work is pre-existing, approval must still be obtained.
4. This is all applicable to both SMS and non-SMS officials.
5. Non-SMS officials with interests in dormant companies must still disclose such interests.
6. The Corporate Governance Directorate will provide guidance and assistance in cases of uncertainty. Please contact us at: [ethics@thedti.gov.za](mailto:ethics@thedti.gov.za)
7. The attached circular from the Director-General is prescriptive in this regard. Please familiarise yourself with the contents thereof and retain it for reference.

Issued by Internal Communication



**the dti**

Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

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## CORPORATE GOVERNANCE CIRCULAR NO. 1 OF 2012

Enquiries: Portia Mpolaise  
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**TO : ALL DTI EMPLOYEES**

**SUBJECT : OBTAINING APPROVAL FOR UNDERTAKING REMUNERATIVE WORK OUTSIDE PUBLIC SERVICE**

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1. Section 30(1) of the Public Service Act (PSA) states: "No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department."
2. Furthermore, Public Service Regulations Chapter 2 (Code of Conduct), paragraph C5.5 also states that an employee "does not, without approval, undertake remunerative work outside her or his official duties or use office equipment for such work."
3. This regulatory prescript is applicable to all employees, and is not to be confused with disclosure of financial interests, which is a legal requirement for all Senior Management Service (SMS) members but is also applicable to all employees.
4. The recent audit that was conducted by the Auditor-General identified numerous instances where both SMS and non-SMS members of the dti were linked to companies that had conducted business with other government entities, without themselves having obtained approval to conduct such remunerative work as required by legislation.
5. To ensure adherence to the provisions of legislation, all employees (including SMS members) are required to obtain approval for any remunerative work anticipated or currently undertaken outside the dti.
6. Financial interests such as shares held in listed / non-listed companies that do not amount to the conducting of remunerative work must still be declared. The Companies and Intellectual Property Commission (CIPC) database will be checked to ensure that the financial interests of officials have been declared and are not in conflict with their official duties.
7. It must also be noted that in terms of PSBC Resolution 2003, if an official fails to comply with, or contravenes an act, regulation or legal obligation, such official is guilty of

misconduct. Thus failure to obtain the requisite approval or to make the necessary disclosure after the grace period has expired will be subjected to disciplinary action.

8. Whether during the process of requesting approval for conducting remunerative work or declaring of financial interest, if there is a clear potential for conflict between the business interest and the employee's official duties, then approval cannot be granted.
9. Given that the dti is the custodian of business empowerment through its various divisions, the image and reputation of the department may be unduly tarnished by an appearance of its officials "partaking of the fruit of its own labour" by registering companies and / or benefitting from empowerment schemes that fall under the scope of the dti.
10. To avoid this, employees are discouraged from conducting remunerative work or having business interests of such a nature.
11. Employees should note that this directive is not introducing any new measure, as the above-mentioned requirements are the existing codes for the public service, and this is being reinforced as part of the "zero tolerance" approach of the dti towards corruption.
12. The Corporate Governance Directorate will ensure that officials obtain clarity and assistance regarding conflicts of interest, disclosure of financial interests and conducting remunerative work outside public service.
13. All queries may be directed to the ethics helpdesk: [ethics@thedti.gov.za](mailto:ethics@thedti.gov.za) or to the following officials: Portia Mpolaise (ext. 41818, [PMpolaise@thedti.gov.za](mailto:PMpolaise@thedti.gov.za)) / Dimakatso Moji (ext. 41728, [DMoji@thedti.gov.za](mailto:DMoji@thedti.gov.za)).



Lionel October  
Director-General  
Department of Trade and Industry  
Republic of South Africa

Date:

30/08/12



**Annexure B: Financial Disclosure Form for Non-SMS**

I, the undersigned (full name and surname) \_\_\_\_\_

Residential address (where you live) \_\_\_\_\_

\_\_\_\_\_

Postal address (where you receive your post) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Position held (your job title and rank) \_\_\_\_\_

Name of division where you are employed \_\_\_\_\_

Tel. \_\_\_\_\_ Fax \_\_\_\_\_

hereby certify that the following information is complete and correct to the best of my knowledge:

**1. Shares and other financial interests**

(a. Shares are equity or units of ownership in a trading company, such as the MTN Asonge or Sasol Inzalo share schemes.

b. Financial interests generally refer to any stake or ownership that you may possess in a business for which you may have invested your own money and in return for which you may receive cash, dividends, or a share of the profit that it generates, even if you are not involved in its business operations.)

Number of shares / Extent of financial interests	Nature	Nominal/Par value	Name of company/entity
<i>Example: 100</i>	<i>Ordinary shares</i>	<i>R25 each</i>	<i>Sasol</i>

**2. Directorships and partnerships**

(a. Directorship includes the position of director, or by whatever name the position is designated, but which has the effect of you serving on a board or committee of a business entity, whether private or public, and for which appointment you may or may not receive a sitting fee. Even if you hold such position but receive no payment or reward, it is best to still disclose it as there may be potential conflicts of interest that are non-financial in nature.

b. Partnership is a legal relationship arising out of a contract between two or more persons with the object of making and sharing profits.)

Name of corporate entity or partnership	Type of business	Amount of remuneration
<i>Example: Trading (Pty)Ltd/Trading cc</i>	<i>Partnership/cc/ Company</i>	<i>RXXX</i>

**3. Remunerative work outside the public service (Approval must be obtained)**

(Remunerative work outside the public service includes rendering a service for which one is compensated or from which one benefits in any way, whether in cash, in kind, or in the form of hospitality – in other words, any form of remuneration obtained by providing service outside the scope of work.) Refer to the policy on remunerated work outside the public service, available on the dtf's intranet.

Employer	Type of work	Amount of remuneration
<i>Example: Trading restaurant</i>	<i>Sales</i>	<i>R50 p/h</i>

Have you obtained approval? Yes/No \_\_\_\_\_ If yes, please attach proof.

#### 4. Consultancies and retainerships

*(Consultancy and retainership include giving professional advice or a professional opinion to any person free of charge or at a certain fee.)*

Name of client	Nature	Type of business activity	Value of any benefits received
<i>Example: the dti</i>	<i>Public entity</i>	<i>Risk management</i>	<i>R500 p/h</i>

#### 5. Sponsorships

*(Sponsorship includes the value of any form of direct or indirect financial sponsorship or assistance from any person.)*

Source of assistance/sponsorship	Description of assistance/sponsorship	Value of assistance/sponsorship
<i>Example: The Fulbright Scholarship</i>	<i>Sponsorship to further study a masters degree in Risk Management</i>	<i>\$100 000</i>

#### 6. Gifts and hospitality from a source other than a family member

*(Gifts must include a description and the value and source of a gift with a value in excess of R350; they also include a description and the value of gifts from a single source that cumulatively exceed the value of R350 in the relevant 12-month period; and hospitality intended as a gift in kind.)*

Source	Description	Value
<i>Example: The American Embassy</i>	<i>Pen and pencil set</i>	<i>R250</i>

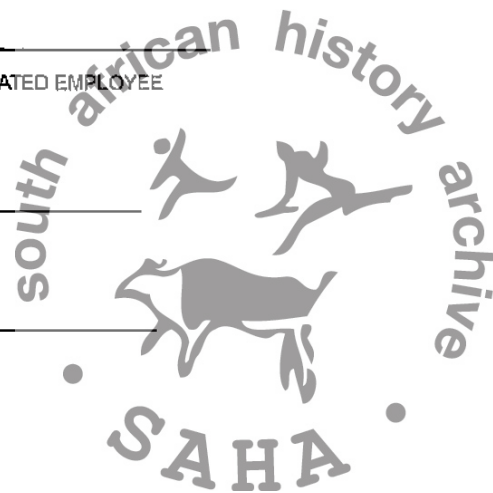
7. Land and property (owned by a public official)

Description	Extent	Area	Value
Example: 2 Bedroom town-house	1000 m2	Waterkloof	R500 000

\_\_\_\_\_  
SIGNATURE OF DESIGNATED EMPLOYEE

DATE: \_\_\_\_\_

PLACE: \_\_\_\_\_



**OATH/AFFIRMATION**

3. I certify that before administering the oath/affirmation I asked the deponent the following questions and wrote down her/his answers in his/her presence:

(i) Do you know and understand the contents of the declaration?

Answer \_\_\_\_\_

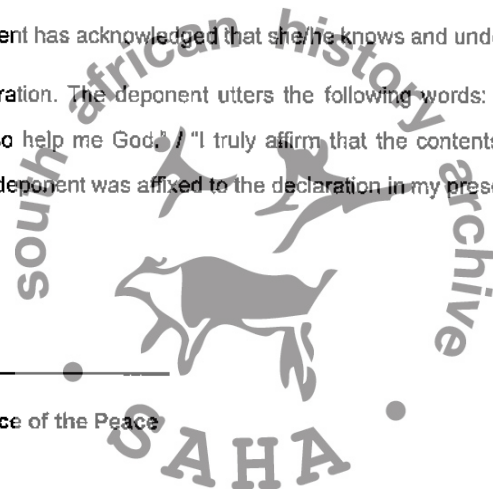
(ii) Do you have any objection to taking the prescribed oath or affirmation?

Answer \_\_\_\_\_

(ii) Do you consider the prescribed oath or affirmation to be binding on your conscience?

Answer \_\_\_\_\_

4. I certify that the deponent has acknowledged that she/he knows and understands the contents of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true, so help me God." / "I truly affirm that the contents of the declaration are true." The signature/mark of the deponent was affixed to the declaration in my presence.



\_\_\_\_\_

**Commissioner of Oath/Justice of the Peace**

Full first names and surname: \_\_\_\_\_

(Block letters)

Designation (rank) \_\_\_\_\_ *Ex Officio* Republic of South Africa

Street address of institution \_\_\_\_\_

Date \_\_\_\_\_ Place \_\_\_\_\_

Name of Executing Authority \_\_\_\_\_ Portfolio \_\_\_\_\_

Signature of Executing Authority \_\_\_\_\_ Date \_\_\_\_\_



**Annexure C: Application to Undertake Remunerated Work Outside the Public Service**

Background information	
Name of applicant	
Directorate	
Position	
Annual package	
Details of intended additional work	
Please describe the nature of the work you are applying for permission to undertake.	
Name and address of proposed employer	
Number of hours per week the proposed work will involve	
Remuneration to be earned	
Motivation by applicant	
Please give reasons why you wish to undertake the proposed work.	
When do you plan to do the work?	
What facilities/ equipment do you intend using?	

<p>Do you see any potential conflict of interest between your duties within the public service, and the proposed additional work?</p>	
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**4 Declaration by applicant**

I..... hereby apply for permission to undertake additional remunerated work outside the scope of my employment with the public service. I understand and acknowledge that:

- My responsibilities and commitments arising out of my employment with the public service take precedence over those of any other employment.
- The additional work must be performed outside of my prescribed hours with the public service.
- No property, equipment, premises or any resources of the State may be used for the additional work.
- The additional work should not hamper the performance of my official duties.
- If granted, approval will be for twelve (12) months from the date of application, and may be withdrawn at any stage.

Signed..... Date.....

**5 Recommendation from supervisor**

<p>Please comment on the performance record of the applicant.</p>	
<p>Please comment on the attendance record of the applicant, including sick leave record.</p>	
<p>Do you anticipate any conflict of interest between the proposed work and the applicant's duties? If yes, please elaborate.</p>	

Clearance: Do you support this application?			
	Yes/No	Reason/Comment	Signature
Director (line function)			
Head: Corporate Governance			
Chief Director			

Approved/Not approved:.....

Name: ..... (Divisional head)

Signature:.....

Date:.....

