

**AN INVESTIGATION INTO THE IMPACT OF POOR ETHICAL BEHAVIOUR ON THE  
ACHIEVEMENT OF OBJECTIVES IN PROVINCIAL DEPARTMENTS**

By

**OGOPOLENG NICHOLAS MOTSHWANE**

**Student Number: 2004191397**

A thesis is submitted in fulfilment of the requirements for the

**Magister Degree**

in

**Governance and Political Transformation**

from the

Programme in Governance and Political Transformation

at the

University of the Free State Bloemfontein

November 2018

**SUPERVISOR: Dr Tania Coetzee**

## TABLE OF CONTENTS

<b>ABSTRACT.....</b>	<b>iii</b>
<b>DECLARATION.....</b>	<b>iv</b>
<b>ACKNOWLEDGEMENTS.....</b>	<b>v</b>
<b>TABLE OF CONTENTS.....</b>	<b>vi</b>
<b>LIST OF ACRONYMS AND ABBREVIATIONS.....</b>	<b>vii</b>

## **ABSTRACT**

The public sector is characterised by its own value system. Values, such as accountability, transparency, efficiency, equity, have to be taken into account by all those engaged in this sector. On the other hand, values are an integral part of ethics; thus, necessitating those engaged in the public sector to be well versed in ethics.

In this dissertation, the researcher argues that the theoretical principles of ethics should form the basis of all activities in human resource management in the public sector. The emphasis on human resource management is deliberate as only human beings are capable of ethical or unethical behaviour. Human resources managers in the public sector should be adequately trained in ethics in order for them to train their subordinates; thereby curbing unethical behaviour.

Theories are helpful in predicting and explaining phenomena, such as why people behave the way they do. Principles, on the other hand, serve as the fundamental basis for reasoning or action. Both the teleological and deontological theories of ethics are discussed in this dissertation.

The promotion of ethics is fundamental to the endeavour to curb unethical behaviour, such as corruption, fraud, maladministration, and theft. Different ways to promote ethics in human resource management are suggested in this study.

## DECLARATION

I, Ogopoleng Nicholas Motshwane, hereby declare that *AN INVESTIGATION INTO THE IMPACT OF POOR ETHICAL BEHAVIOUR ON THE ACHIEVEMENT OF THE OBJECTIVES IN PROVINCIAL DEPARTMENTS* is my own original work and has not been submitted by me or any other individual at this or any university. I also declare that all the sources that have used quoted have been indicated and acknowledged by means of complete references. I hereby cede copyright of this product in favour of the University of the Free State.

---

OGOPOLENG NICHOLAS MOTSHWANE

STUDENT NUMBER: 2004191397

NOVEMBER 2018

## ACKNOWLEDGEMENTS

Our Father who art in heaven, thank you Lord, I love you Lord for providing me with enough strength and courage to work on this dissertation. Now you comfort me. Even when I disappoint, you keep on doing great things for me.

To my family at large, Morogong and Motshwane's family thank you for the support you have shown.

To my mother Kelaegile Maria Morogong, my sisters Seitebaleng and Kesentseng, my uncle Thebeng, I love you so much, thanks for being there when I needed you most and thanks for the advice and promise not to disappoint you but to make you proud.

I also thank Department of Education Free State Province for financial assistance, officials at Department of the Premier Free State Province.

My Language editor Me. Margaret Linstrom I thank you for doing a great job.

To my colleagues at the Department of Justice, Magistrate's office: Bloemfontein as well as my close friends.

My partner, Vuyani Mtshambela, I thank you for understanding when I was busy with my research. I love you more.

Lastly my research supervisor, programme director Dr Tania Coetzee, for her professional and academic guidance, thank you for everything and believing in me until I completed this dissertation. God bless.....

# TABLE OF CONTENT

<b>CHAPTER 1</b> .....	1
<b>RESEARCH PROPOSAL</b> .....	1
<b>1. ACTUALITY/MOTIVATION OF THE STUDY</b> .....	1
<b>2. PROBLEM STATEMENT</b> .....	6
<b>3. AIMS AND OBJECTIVES OF THE STUDY</b> .....	10
<b>4. RESEARCH METHODOLOGY</b> .....	12
<b>5. RESEARCH DESIGN/LAYOUT</b> .....	14
5.1 Research design .....	14
5.2 Research layout .....	15
<b>CHAPTER 2</b> .....	17
<b>DEFINITIONS AND EXPLANATIONS OF TERMS</b> .....	17
<b>2.1. INTRODUCTION</b> .....	17
<b>2.2. DEFINITIONS AND EXPLANATIONS OF TERMS</b> .....	17
2.2.1. Ethics .....	18
2.2.2. Public Sector .....	18
2.2.3. Professionalism .....	23
2.2.4. Corruption .....	25
• Poor Remuneration.....	28
Greed.....	29
• Nepotism.....	29
<b>2.2.5. Principles, norms and values</b> .....	30
• Principles.....	30
• Norms.....	30
• Values.....	31
<b>2.3. ETHICAL THEORIES AND PRINCIPLES</b> .....	33
2.3.1 Teleological theory of ethics .....	33
2.3.2 Deontological theory of ethics .....	35
2.3.3 Theory of ethics .....	37
<b>2.4. NATURE AND SCOPE OF ETHICS</b> .....	37

2.4.1. Ethics: Theoretical and philosophical perspectives .....	37
2.4.1.1 Ethics as Science.....	38
2.4.1.2 Shared Values.....	39
2.4.1.3 Ethical Philosophy of Life.....	39
2.4.1.4 Practical Values of Ethics.....	40
<b>2.5. CONCLUSION .....</b>	<b>41</b>
<b>CHAPTER 3 .....</b>	<b>43</b>
<b>MEASURES AND MECHANISMS TO ENSURE ETHICAL CONDUCT IN SOUTH AFRICA .....</b>	<b>43</b>
<b>3.1. INTRODUCTION .....</b>	<b>43</b>
<b>3.2. MEASURES AND MECHANISMS TO ENSURE ETHICAL CONDUCT .....</b>	<b>44</b>
3.2.1. Legislation and the judiciary .....	44
3.2.2. Public Service Commission .....	45
3.2.3. Training and guidance .....	46
3.2.4. Media .....	47
3.2.5 Public Protector .....	48
3.2.6. Public participation .....	49
3.2.7. Auditor-General .....	50
3.2.8. An ethical code of conduct .....	51
<b>3.3. POSSIBLE CAUSES OF UNETHICAL CONDUCT .....</b>	<b>52</b>
3.3.1. Deficient control and accountability .....	54
3.3.2. Complex legislation .....	55
3.3.3. Inadequate procedures and manuals .....	56
3.3.4. Deficient management and organisation .....	56
3.3.5. Psychological factors .....	57
<b>3.4. ETHICAL CONSIDERATIONS IN COMMUNICATION: A MACRO PERSPECTIVE .....</b>	<b>57</b>
3.4.1. The unique ethical context of government communication .....	58
3.4.2. Government communication: development challenges .....	60

<b>3.5. ETHICAL CONSIDERATION IN COMMUNICATION: A MICRO PERSPECTIVE</b>	61
3.5.1. Examples of unethical communication	62
3.5.2. Barriers to effective managerial communication	64
<b>3.6. CONCLUSION</b>	65
<b>CHAPTER 4</b>	66
<b>GUIDELINES AND CODES OF CONDUCT THAT UNDERPIN ETHICS IN PROVINCIAL GOVERNMENT</b>	66
<b>4.1. INTRODUCTION</b>	66
<b>4.2. IMPACT OF THE CONSTITUTION AND LEGAL FRAMEWORKS ON ETHICS</b>	67
<b>4.3. THE STATUTORY AND POLITICAL FRAMEWORK</b>	69
<b>4.4. SKILLS DEVELOPMENT ACT, 1998 (ACT 97 OF 1996)</b>	70
<b>4.5. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT 108 OF 1996)</b>	72
4.5.1. Founding provisions	75
<b>4.6. EMPLOYMENT EQUITY ACT AND AFFIRMATIVE ACTION</b>	76
<b>4.7. WHITE PAPER ON TRANSFORMING PUBLIC SERVICE DELIVERY (Batho Pele)</b>	78
4.7.1. Consultation about services	80
4.7.2. Service complying with specific standards	80
4.7.3. Access to services	80
4.7.4. Courtesy in the delivery of services	80
4.7.5. Information regarding the delivery of services	81
4.7.6. Openness and transparency regarding service delivery	81
4.7.7. Redress	81
4.7.8. Value for money (in other words, services being equal to what is paid for them)	81
<b>4.8. CODE OF CONDUCT</b>	82
4.8.1. Advantages of Codes of Conduct	83
4.8.2. Disadvantages of Codes of Conduct	84
<b>4.9. PROVINCIAL INITIATIVES</b>	85



<b>4.10. INTERNAL FACTORS .....</b>	<b>88</b>
<b>4.11. ADMINISTRATIVE PROCESS .....</b>	<b>90</b>
<b>4.12. HONESTY AS AN ETHICAL GUIDELINE .....</b>	<b>92</b>
4.12.1. Honesty and dishonesty.....	92
4.12.2. Honesty and professional ethics .....	93
<b>4.13. CONCLUSION .....</b>	<b>94</b>
<b>CHAPTER 5 .....</b>	<b>97</b>
<b>THE CASE STUDY: A FREE STATE PROVINCIAL GOVERNMENT DEPARTMENT</b>	<b>97</b>
<b>5.1. INTRODUCTION .....</b>	<b>97</b>
<b>5.2. ETHICAL ASPECTS IN RESEARCH .....</b>	<b>99</b>
<b>5.3. DATA ANALYSIS .....</b>	<b>100</b>
<b>5.4. THE INTERVIEW AS COLLECTION OF DATA .....</b>	<b>101</b>
5.4.1. Data collection method using open-ended questions .....	102
<b>5.5. ANSWERS TO THE INTERVIEW QUESTIONS AND INTERPRETATIONS ...</b>	<b>105</b>
<b>5.6. FOCUS GROUP INTERVIEW .....</b>	<b>127</b>
5.6.1. Checklist for the group interview .....	127
<b>5.7. ANSWERS TO FOCUS GROUP INTERVIEW .....</b>	<b>127</b>
<b>5.8. CONCLUSION .....</b>	<b>135</b>
<b>CHAPTER 6 .....</b>	<b>137</b>
<b>FINDINGS, RECOMMENDATIONS AND CONCLUSION .....</b>	<b>137</b>
<b>6.1. INTRODUCTION .....</b>	<b>137</b>
6.1.1. Overview of the study .....	137
6.1.2. The problem .....	138
6.1.2.1 Theories of Ethics.....	139
6.1.2.2 Values.....	139
6.1.2.3 Promotion of Ethics.....	141
<b>6.2. FINDINGS .....</b>	<b>141</b>
<b>6.3. RECOMMENDATIONS .....</b>	<b>144</b>
<b>6.4. CONCLUSION .....</b>	<b>149</b>
<b>6.5. FUTURE AND FURTHER STUDIES .....</b>	<b>150</b>

**ANNEXURE 1** ..... 152  
**ANNEXURE 2** ..... 153  
**REFERENCES** .....155

**Annexure 1:** Permission letter to conduct research at the Department of the Premier’s Office

**Annexure 2:** Permission granted to conduct research at the Department of the Premier’s Office

## **LIST OF ACRONYMS AND ABBREVIATION**

ACCA – Association of Certified Chartered Accountants

ANC – African National Congress

DPSA – Department of Public Service Administration

e.g. – For example

i.e. – that is

IDASA – Institute of Democracy in South Africa

PANSALB – Pan South African Language Board

RSA – Republic of South Africa

SAQA – South African Qualification Authority

SETA – Sector Education and Training Authority

UNDESA – United Nations Department of Economic and Social Affairs.

# CHAPTER 1

## RESEARCH PROPOSAL

### 1. ACTUALITY/MOTIVATION OF THE STUDY

A preliminary literature review by the researcher on the subject of ethics did not yield much information on the actual cause of unethical behaviour and transgression by government employees. It is the intention of the researcher to investigate the absence of good ethical behaviour and/or the impact of unethical behaviour on the achievement of objectives in a provincial government department. There are specific policies in place to promote good ethics, such as the Batho Pele Principles and the Treasury Regulations. However, there still are newspaper reports that are indicative of poor implementation or poor management of ethical behaviour. The interest of the researcher was aroused by the reports on unethical behaviour and he wanted to know what caused this behaviour or what the reasons were for this. An effort will be made in this study to analyse in detail some of the issues that are referred to in passing in daily newspapers. Babbie and Mouton (2001:8) state,

[W]e need knowledge of our fellow human beings, the forces that impact on society, the factors that influence our career and many more. We will refer to this motive as the pragmatic interest that underlies knowledge production and utilisation in everyday life. It also explains why we are not too concerned about the truthfulness of every claim made in everyday life. We do not immediately question claims made in everyday conversation or in the media (although we might be sceptical about the latter). Our natural attitude is to believe that the source is not very reliable.

Referring to the challenges in governance in local government, Van Wyk (2004:413) says the following:

The new challenges of governing appear to be increasingly complex, including the fast paced economic and social changes, the growing complexity of policy issues, the need for a simpler and more transparent political process,

the multiplication of controls, too many procedures that impede changes, low morale of public servants, low administrative productivity, growing financial constraints, and citizen's lack of confidence in the provincial government.

The preliminary literature review revealed the importance of ethical behaviour in South African government institutions. It does however seem as if the issue has gone relatively unattended.

Moreover, research indicates that the objectives of public management and service delivery are less bound by ethical considerations (Institute of Democracy in South Africa 1996:1). That is why a variety of aspects, including the failure to improve mechanisms of control that could enhance the South African government's requisite ethical and professional conduct, will form the crux of this research. The researcher intends to indicate that familiar ethical quandaries, such as corruption, greed, cover-ups, favourism, failing to speak up when unethical practices occur, poor quality of work and conflict of interest, are key aspects that withhold the much-coveted professionalism in governance institutions.

South Africa has been described as a country with a so-called "Rainbow Nation" that should embrace diversity. Fox (2010:122) states, "If everyone can embrace the concept of Ubuntu, which has become known the world over being typical of African, and especially South African culture, peace and stability will reign". Ubuntu has been described as an expression of human dignity, African humanism, helpfulness, trust, respect, sharing, caring, unselfishness, and community spirit. Ubuntu is derived from the belief that everyone is a human being through others; thus, "I am because you are".

Campbell and Kitson (2008:1) had the following to say about ethical or moral behaviour:

...people, with very few exceptions, are moral entities. In other words, their actions are governed by the rules, explicit or implicit, that can be subjected to ethical appraisal. People might praise them for being courageous, charitable, just, sensitive or magnanimous, or we condemn their foolishness, envy or deviousness.

People might neither praise nor blame, but wonder instead, whether they really knew what they were doing or were, perhaps, coerced or pressured, or in some or other way are not fully responsible for what they seem to have done. Organisations are run by adults, rational human beings with a full panoply of moral rights, duties, virtues and voices.

It is not sufficient to refer to the principles of Ubuntu as evidence that the South African government's value system is not improving (Clapper, De Jager and Fourie 2002:27). In the provincial government sphere, ethical conflict, conflict of interest, and taking poor decisions under duress are issues not effectively addressed. Richter and Burke (2007:5) state that when "[w]e move beyond the ethical options faced by individuals to consider specifically administrative ethics, we encounter an added dimension; that of the responsibility of the public official to multiple sources of authority of legitimacy". Operating within any organisation imposes upon individuals certain loyalties and obligations, which may sometime come into conflict with their personal ethical preferences. Loyalties to one's superior, one's agency, one's professional standards, the Constitution, and the less clearly defined public interest all may compete for an administrator's attention. In the last few decades, ethics has become an equally prominent concept for setting the parameters of a professional public service. A reason for the growth in the importance of ethics has been the concern over waste, inefficiency and a lack of transparency.

Geuras and Garafolo (2011:5) elaborate on the challenges facing public managers:

Clearly, public managers have their hands full. Their environment is complex and complicated, involving multiple constituencies, responsibilities and challenges.

Their skill, competency and commitment are tested daily as they try to respond to those constituencies, fulfil their responsibilities, and meet challenges they face. Nonetheless, there is another set of challenges and other skills that are equally implicated in effective public management; the dilemmas that all public managers confront and the skills they need to resolve them in an effective manner.

Leaders, whether political, managerial or administrative, face the challenge of effectively implementing public policy and improving service delivery in the South African public service. Public perception of a lack of service delivery to communities is on the increase; this is evidenced by the upsurge in public protests, especially concerning government service delivery. Reasons for this mediocre or lack of delivery range from attitudes of public servants to skills shortages, while the role of leadership has received meagre attention or analysis. Efforts directed at converting the public service into a postbureaucratic organisation and introducing managerialism have not taken root (Luthuli 2009:460).

Fourie (2009:118) is of the opinion that the managerial environment requires a clear set of operating principles. This environment should have set objectives and a workable ethical framework to ensure the protection of the public interest and a clear understanding of the respective clients.

Public media reporting on provincial government have increased in intensity and volume. These reports disclose allegations of corruption, maladministration, indifference, and incompetence. There is no denying that something is seriously wrong. Government can no longer whitewash these problems simply as the media seeking a sensational story. If corruption is not dealt with decisively, it has the potential to distort the economy and derail democracy (*The Star* 2012:13).

The public sector is the carrier of the duties and obligations to provide South Africans with their legal and moral rights, such as water, roads, schools, and hospitals. The state is not only the provider of such services, but should do it in an ethical and professional way. One should also expect from the government that they train their employees accordingly.

In other words, the private and public sector has an obligation to the public to display good ethical behaviour (UCAN 2009:10).

The government (or state) with its ministries, departments, services, central/provincial/local administrations, parastatal businesses and other institutions are responsible to provide services to the communities.

Ethics is rarely a matter of concern in the ideological debate on the role of the state, but ethics is a natural concern in the discussion on the actual role of politicians and the state administration. No matter how big and what role the state is playing (or supposed to be playing), both politicians and civil servants have discretionary powers; they make decisions that affect many people. Therefore, these decisions ought to be based on good ethical principles. For instance, the people (a nation's citizens) will normally expect the country's politicians and public servants to serve them in the public interest, and to serve them in a rational and effective way. The citizens will not want them to pursue narrow private, personal, or group interests (UNDESA 2000:10).

The United Nations Department of Economic and Social Affairs (UNDESA) (2000:1) elaborates on the importance of ethical behaviour in public institutions, as follows:

...ethics is gaining prominence in the discourse about governance today. There is a perception that standards in public life are in decline. This raises questions about the cost of misconduct on the part of those who have been entrusted with guarding public interests and resources. These costs are losses in trust and confidence in public institutions and losses in precious resources, which were meant to support the economic and social development of nations and people. There is a move worldwide to restore a measure of trust and integrity in public institutions and officials, to safeguard the public service, emphasising quality service, performance and professionalism.

Given this overall context, the government of South Africa should consider ethics in the public sector as an important issue.



The integrity of public servants has a direct bearing, not only on their performance, but also on the public perception of government's credibility. A glance at the newspapers and at television news shows that ethics and anticorruption issues continue to figure on the public agenda (UNDESA 2000:1).

## **2. PROBLEM STATEMENT**

The significance of ethics in the public sector has been widely proclaimed in the past decade (e.g. Denhardt 1988:99) and pertinent questions asked regarding ethics in the public sector (the government). A survey among Americans indicated that the public was well aware of ethics, and that they associated ethics with standards, rules of conduct, right or wrong, value, and honesty (Hill 1980: 293). One could assume that the South African public is aware of ethics, associating it with aspects such as corruption, nepotism, dishonesty, and maladministration in government departments, including provincial departments.

In South Africa, although all the past and present constitutions had ethical undertones in the preambles, ethics in the history of the government been sparsely accentuated. The emphasis has always been on certain normative guidelines operative in government. These guidelines included political supremacy, efficiency, accountability, and social equity (Hanekom and Thornhill 1983:121-125).

This state of affairs emphasises the need for research in the field of ethics, particularly regarding ethics in the South African context. This study is based on the negative issues surrounding bad ethical behaviour, as reflected in newspaper articles or audit reports. Numerous questions arise concerning the perceptions and attitudes of those engaged in the public service in the light of what has been said above. For the purpose of this research, however, the endeavour is to investigate and describe the underlying principles of ethics and how they should be applied in the provincial government.

To summarise, this research is worth undertaking for the following reasons:

- The majority of literature on ethics in the public sector or government in South Africa only touches on ethical dilemmas encountered by public officials, unethical behaviour and its causes, and how to prevent unethical behaviour (Van der Waldt and Helmbold 1995:157).
- Ethics appears to be a concept undergoing revival and it surrounded by much controversy and speculation. There seems to be genuine concern that the world at large is becoming less aware of the importance of ethical considerations.
- In 1997, Rushworth M. Kidder, an authority on ethics and the President of Global Ethics, stated, “We are raising an entire generation of people without their own built-in sense of ethics” (Lloyd and Kidder 1997:175).
- Many people do not recognise the significance of ethics and how it influences their daily decisions.

To reiterate, South Africa is experiencing a series of developing problems ranging from chronic poverty, to unemployment and under-employment. These problems are aggravated by corruption in the public sector or the government. Public service corruption in South Africa is “a crime that is striking at the root of the entire welfare of the community and of future generations” (Mafunisa 2000:36).

There are worrying levels of public concern and doubt about the ethical standards of the new democratic government in South Africa. According to IDASA (1996:1), there may be no more important challenges in building a new democracy than instilling among citizens a sense of trust, confidence and credibility in the government and elected representatives’ mechanisms to rebuild the lost credibility. Thus, this research will attempt to answer the question as to how the government, as a public sector employer, will ensure that credibility in terms of ethical standards and professionalism is maintained. Statistics will also indicate that professionals in government were never exposed to accountability and public monitoring in their workplace, other than a theoretical approach of ethics in tertiary institutions.

Moreover, there is the so-called “gravy train” perception in South Africa, which means that certain people (in this instance, government officials) receive excessive or unjustified money or advantages with little or no effort. This is an ethical issue to be addressed as it has permeated the South African public opinion.

There is also the general opinion that internal control measures (Association of Certified Chartered Accountants 1990:211) should be applied in the public service to address this perception. This study will however emphasise the moral responsibility of public sector officials, as opposed to imposing control measures. This might be a more cost-effective exercise.

According to Gildenhuis (1991:12), moral responsibility or moral acceptability in government implies the following:

- The extent to which people identify themselves with the aims and values of public policy and moral obligations.
- The extent to which people identify with institutions, organisations and structures in the belief that these serve their interests, aspirations and rights.
- The extent to which people identify themselves with the personnel of institutions in the belief that they may be trusted to see to their interests.

The researcher will be cautious in expressing the degree to which corruption, maladministration, wastage of funds, and lack of professionalism is prevalent in government. Instead, the moral shortcomings of public officials and public sector employees will be investigated.

The most common method to deal with the ethical responsibility of public officials has been the promulgation of codes, policies, and other guidance standards. Accordingly, there has been a proliferation of scholars and practitioners attempting to address the issue of ethics within public administration through ethical recommendations, suggestions, and various guidance principles. Goss (1996:573) states,

Within the last two decades or so there has been an outpouring of written works on the subject of ethics, particularly the ethics of those in government service. Numerous writers have identified ethical problems in government, called for moral reform and enactment of ethics laws and codes, posited what are or should be the components of a bureaucratic and or democratic ethos for public administration, and identified one or more ideals or elements of such a moral guide... hypothesised about a grand theory of administrative ethics and the duties of bureaucrats, explored subject specific dilemmas in government policies, urged the teaching of ethics within the school of public administration of public affairs, and suggested an ethical guide for practitioners.

According to Kroukamp (2006:208-209), corruption in the South African public sector has been unauthorised, irregular and wasteful expenditure, entrepreneurial politics, inadequate controls, inefficiency, lenient penalties by presiding officers of misconduct inquiries, low conviction rates by courts, mistrust of government by the citizens, and the wastage of public resources. Some secondary factors that contribute to corrupt acts are low salaries, global economic pressures, socio-economic imbalances, and the lack of effective leadership by senior officials (Mahlaba in Kroukamp, 2006:209).

Moreover, the public service, particularly the provincial government sphere in South Africa, is characterised by widespread allegations of unethical conduct. This has generated widespread concern among public managers and public officials; consequently, a search for remedies has begun. Examples of unethical behaviour include public officials going to work late and leaving early almost daily and using government vehicles for private errands. The point of argument that will be presented in this study is that despite South African provincial government having a code of conduct, the ethical conduct of public managers and public officials is not improving. The question arises: Does the challenge lie in the preventive system or is the poor implementation of the code of conduct in provincial government responsible for this dilemma?

Hence, the key research question is 'How is the code of conduct received by public managers and public officials in a provincial state department?'

This question is based on a theoretical assumption that the effect of a code of conduct can improve the ethical behaviour of the people bound by the code (Brien 1998; Zikhali 2005:163).

Although the issues are universal in scope, the researcher will endeavour to find answers to the following questions:

- Which relevant programme could translate ethical values into a system of workable, manageable, and enforceable standards in a regulatory environment?
- Can ethics be taught to employees and, if so, how would such training be undertaken?
- What mechanisms could be used to enforce codes of conduct?
- What is the role of education and training in ethics for public managers and public officials in government institution?
- What are the mechanisms that underpin ethical conduct in South African provincial government?

Moreover, the researcher opines that the absence of ethics in governance is the source of the problems engulfing provincial government in South Africa. The central question for this research could be “Will ethical behaviour improve the image of provincial government?” According to Maree (2007:26), “...in quantitative research, it is acceptable to simply turn a research question into a research or statistical (null) hypothesis, or educated informed guesses. With or without research or an alternative hypothesis, qualitative research problems are phrased as research statements or questions. But never as hypotheses”.

### **3. AIMS AND OBJECTIVES OF THE STUDY**

Section 33(1) of the Constitution of the Republic of South Africa, 1998 (Act 108 of 1996) states that “everyone has the right to administrative action that is lawful, reasonable and procedurally fair”. Subsection (c) of section 33(3) of the Constitution provides for national

legislation and efficient administration for the country. In Chapter 10, the values and principles of public administration require and include that “the following be observed:

- (a) A high standard of professional ethics must be promoted and maintained.
- (b) Efficient, economic, and effective use of resources must be promoted.
- (c) Public administration must be accountable.”

Changes in the legislation of South Africa requires and compels provincial government and its entities, as the public sector, to use corporate governance principles with a view to improve their efficiency, effectiveness and reputation. The main aim of this study is to find solutions and seek answers to the challenges that arise from the lack of ethics in provincial governments. The study will endeavour to determine what mechanisms can be used to ensure that there is credibility in provincial government. The research will also attempt to demonstrate the importance of ethics in a provincial state department as a mechanism by which service delivery can be improved. Consequently, these departments can have public confidence in their implementation plans of creating a better life for all.

A further aim of this study is to examine the reception of a code of conduct by public managers and public officials. This can be achieved by:

- Analysing and defining ethics and a code of conduct as variables influencing the accountability, responsibility, and professionalism of public managers and public officials in a provincial government department;
- Investigating the role of cultural aspects, including religion and language, in enhancing the ethical conduct of public managers and public officials in the provincial government;
- Evaluating the mechanisms that underpin ethical conduct in the South African public service; and
- Recommending possible solutions for provincial governments to enhance the use and reception of a code of conduct.

In line with the above-mentioned aim, the other objectives of the study are as follows:

- To determine the importance of moral ethical consensus in government institutions as a mechanism to consistently maintain professionalism.
- To encourage the removal of inhibiting factors in as far as ethics and professional conduct is concerned.

Furthermore, the researcher will endeavour to demonstrate that a commitment to social and moral norms and values is not only a basis for the well-being of society, but also for a moral-ethical culture, which the public service should emulate in order to deliver services effectively and efficiently. Moreover, the study will focus on exposing varying beliefs about ethics and corruption, beliefs that appear to influence directly or indirectly the practice of professionalism in government institutions. Additionally, the tenets of democracy will be used as part of other guidelines for ethical conduct; this will form a valuable aspect of the rationale for the study.

The aforementioned objectives can be summarised in the following main objectives:

- To indicate, with practical examples, the dangers of the failure to act ethically in government.
- To suggest a variety of ways, which could lead to the development of ethically sensitive government employees.
- To establish and explain the extent to which ethical considerations and good governance could enhance the behaviour of government employees in their workplace.

The focus of this study will be to seek means and methods to be employed by the provincial government to promote ethics and professionalism in service delivery.

#### **4. RESEARCH METHODOLOGY**

The researcher intends to use scientific principles to respond to a variety of questions asked on this research.

The researcher must be clear what methodology is to be used and how it will be used. If the research is to be successful, there are certain general questions about the methodology that should be answered. According to Robson (1993:4), a case study approach has considerable ability to generate answers to questions “why”, “what”, and “how”. The researcher will therefore use face-to-face interviews, policy documents, government legislation, journals, internet articles, dissertations, and books. The study will be descriptive and qualitative using the aforementioned materials and sources.

Babbie and Mouton (2001:23) assert that regarding methodology, phenomenology or the interpretative tradition has been associated with the qualitative approach.

In attempting to answer the research questions, literature will be reviewed on all the available and relevant texts on ethics and governance in government institutions in South Africa. Mosili (2010:7) points out that study on the functionality of government appear to follow the critical research approach; it is against this background that the researcher proposes that this study be conducted within the qualitative paradigm.

In the following the critical-qualitative research approach, the researcher will attempt to understand the citizenry and their view from the perspective of governance institutions. By utilising a qualitative approach, an attempt will be made to understand the overall operation of ethics in government institutions. Data will be collected by conducting structured interviews with all the participants in the study.

When the researcher is present, asking the questions and helping the respondent, as in face-to-face interviews, the research instrument is known as a structured interview (O’Leary and Miller 2003:253). Delpont and Roestenburg (2011:171) state that the structured interview involves the use of an interview schedule and an explicit set of instructions, whereby people are asked to respond to an identical set of stimuli. Structured interview questionnaires give the respondents an opportunity to relate their own experiences and frustrations.



The researcher intends to interview government officials at the Department of the Premier in the Free State Provincial Government. The key respondents will be chosen to provide information as they occupy key positions. The respondents include:

- Five officials in senior management service in the provincial government.
- Five officials in middle management.
- Five officials in lower level positions.

The research will be conducted over a period of six months. During this time, the researcher will complete the interviews.

As a method of qualitative research data collection, a focus group is an interview on a topics or questions with a group of people who have knowledge of the topic (Krueger 2008; Stewart, Shamdasani and Rook 2006). As the data obtained from a focus group is socially constructed within the interaction of the group, a constructivist perspective underlies this data collection procedure. The composition of a focus group depends on the topic to be discussed. As with individual interviewing, purposeful sampling includes people who know the most about the topic. Fifteen respondents from the Department of the Premier in the Free State Government will participate in the focus research interviews.

## **5. RESEARCH DESIGN/LAYOUT**

### **5.1 Research design**

According to Babbie and Mouton (2001:74-75), a research design is a plan or blueprint of how the researcher intends to conduct the research. The research design attempts to answer different types of research problems, employing different combinations of methods and procedures. A research design focuses on the product and the logic of the research. It answers questions such as, “What kind of study is being planned and what kind of results are aimed at? What kind of evidence is required to address the research question adequately?”

Mouton and Marais (2011:33) state that the aim of a research design is to plan and structure a given research project in such a manner that the eventual validity of the research findings is maximised. Yin (1994:19) defines research design as “an action plan for getting from here to there and the result is some set of conclusions [answers] about the questions”.

This study will consist of six chapters. It will be structured as follows:

## **5.2 Research layout**

### **Chapter 1: ACTUALITY AND MOTIVATION OF THE RESEARCH**

This chapter covers the actuality and motivation of the study, the problem statement, the aims and objectives of the study, the research methodology and the research design. It also provides background on the study.

### **Chapter 2: DEFINITIONS AND EXPLANATIONS OF TERMS**

Chapter 2 entails a clarification and theoretical framework of concepts and keywords of the study. Issues affecting ethics and professionalism in the provincial government will be discussed.

### **Chapter 3: MEASURES AND MECHANISMS TO ENSURE ETHICAL CONDUCT IN SOUTH AFRICA**

In this chapter, the measures and mechanisms to ensure and promote ethical conduct in South Africa will be identified and researched. The role of the Public Protector and the Auditor-General will be emphasised.

### **Chapter 4: GUIDELINES AND A CODE OF CONDUCT THAT UNDERPIN ETHICS IN A PROVINCIAL DEPARTMENT**

In Chapter 4, the guidelines and code of conduct that underpin ethics in a provincial state department will be investigated. The origin of ethics, the legislative framework for ethics, as well as challenges accompanied by reforms in provincial governments will be addressed.

## **Chapter 5: THE CASE STUDY: DEPARTMENT OF THE PREMIER, FREE STATE PROVINCIAL GOVERNMENT**

Chapter 5 will outline the results of the empirical research.

## **Chapter 6: FINDINGS, RECOMMENDATIONS AND CONCLUSION**

In this chapter, the findings of the research will be scrutinised and summarised, thereby leading to the conclusions. Calhout *et al.* [1995:32] state that the final step in the research process is to draw conclusions based on the results of the analysis.

## CHAPTER 2

### DEFINITIONS AND EXPLANATIONS OF TERMS

#### 2.1. INTRODUCTION

Although most concepts used in this dissertation are explained and defined as, they appear in the different chapters, it is necessary to define some of the terms regarded as key concepts. Concepts such as ethics, public sector, professionalism, corruption, principles, norms and values are explained. Concepts are discussed to facilitate better understanding of the research. Each of these concepts will have to be taken into consideration before being defined into the specific focus that the research topic defines.

The scope of human conduct that can be judged covers the whole range of adult experience. In the context of public administration, and more specifically a provincial department, the range of adult experiences covered, exclude the activities of children whose conduct is not based on prior experience. Ethics deal with what constitutes the primary criteria by which actions are to be evaluated as morally right or wrong (Gildenhuys 2004:120).

The issue that will receive particular attention in this chapter is ethics in provincial departments. It is an issue of particular importance in the South African public sector. The latter statement is because, since the inception in 1994 of the new political dispensation in South Africa, the public service was earmarked for major changes. The changes envisaged were for the restructuring of the public service, as well as the application of affirmative action. In view of the aforementioned changes, the role and impact of ethics is assessed in the context of the objectives in provincial departments (Gildenhuys 2004:121).

Regarding ethics in public institutions, Section 96(1) states that public officials must act in accordance with a code of ethics prescribed by national legislation.

Section 195 of the Constitution states that public administration must be conducted with the democratic values and principles enshrined in the Constitution, as stated below:

- A high standard of professional ethics must be promoted.
- The efficient, economic and effective use of resources must be promoted.
- Public administration must be development-oriented.
- Services must be provided impartially, fairly, equitably and without bias.
- The people's need must be responded to, and the public must be encouraged to participate in policymaking.
- Public administration must be accountable.
- Transparency must be fostered by providing the public with timely, accessible, and accurate information.
- Sound human resource management and career development practices, designed to maximise human potential, and must be cultivated.
- The public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past in order to achieve broad representation.

## **2.2. DEFINITIONS AND EXPLANATIONS OF TERMS**

The following section will define and explain the terms related to ethics. Defining all concepts will enable the researcher to elaborate on the terms:

### **2.2.1. Ethics**

In its simplest form, ethics can be defined as the study of what is good or right for human beings. According to Esterhuyse (in Gildenhuis 1991:8), the terms "ethical" and "moral" are used interchangeably. These terms are related to the fact that we judge certain forms of human behaviour or decisions as right or wrong, good or bad, acceptable or unacceptable. To make these kinds of judgements, we need criteria. We call these moral norms.

The term ethics in its different forms could mean either inner disposition or morality. Ethics can be defined as the science of a moral system of a particular school of thought, the rules of conduct recognised in certain departments of human life, and the science of human duty. Moreover, ethics is described as a set of principles of morals. This implies that ethics has to do with the application of moral values to the behaviour and action of people; the 'that which should be done' parameter of human behaviour. It pertains to the morality and attitude with which an action is taken. Ethics can further be defined as the process by which people clarify right and wrong and act on what people take to be right. Commitment to the public interest is a function of the institutional role of government managers and of the public service (Gildenhuis 2004:116). Baofu (2011:4) defines morality as follows:

...a descriptive meaning that refers to a code of conduct or set of beliefs distinguishing between right and wrong behaviours. Morality is normative in meaning in that it refers to an ideal code of beliefs and conduct, which would be preferred by the sane moral person under specific conditions. Morality is synonymous with ethics. Ethics is the systematic philosophical study of the moral domain. The study of morality and immorality have some distinctions in terms of certain dualities, and the three most often cited ones concern good vs. bad, good vs. evil and right vs. wrong.

Hanekom (1993:58) defines ethics as that which deals with the character, conduct and morals of the human being. It deals with ethically good or bad and morally right or wrong conduct. It evaluates conduct against some supposedly absolute criterion and attaches negative or positive values to it. In order to advance the public good, both elected and appointed functionaries are required to take actions, which are considered good, right and positive.

Starling (1993:168) defines ethics as "...the systematic study of values", whereas Lawton (1998:16-17) describes the term as a set of principles that provide a framework for conduct; it represents the kind of action that is good and acceptable.

Moreover, ethics is defined as “that branch of philosophy dealing with values that relate to human conduct with respect to the rightness or wrongness of specific actions and to goodness or badness of the motives and ends of such actions” (Mafunisa 2000:192). For the purpose of this study, a more suitable definition of ethics is provided by Jennings and Wattam (1994), which states, “...ethical judgement is the exercise of a capacity to discriminate among available courses of action on the basis of interpretation of shared values embedded in an ongoing institutional practice and in a broader form of communal life”.

This definition shows clearly that what constitutes ethical behaviour can vary from person to person. Ethics are relative and not absolute; ethical behaviour is in the eye of the beholder. It usually refers to behaviour that conforms to generally accepted social norms. If public managers therefore communicate in a manner that is contrary to these accepted social norms, their communication will be regarded as unethical.

According to Gortner (2001:46-47), three levels of norms or social rules can be identified. First, there are norms of law, which are the body of rules emanating from a political system, which create the rules. Second, there are norms arising from customary rules, which relate to what others traditionally expect one to do. Third, there are those moral rules, which are obeyed because people believe it is good to do so, regardless of what others may think (Gortner 2001:47). All three types of norms are involved in interactions between public institutions and those whom they may serve.

Cloete (1991:57-74) categorises the guidelines emanating from community norms and values into three broad groupings. These guidelines need to be adhered to by the government (national, provincial and local) in order to promote the general welfare of the community:

- Guidelines emanating from the body politic (e.g. the tenets of democracy, the supremacy of the Constitution, and authority of Parliament as the lawmaker);
- Guidelines arising from community norms and values (e.g. effectiveness, optimal utilisation of scarce resources, efficiency, religion, thoroughness and probity); and

- Guidelines proceeding from legal rules (e.g. equality, privacy, and just administrative action).

According to Chapter 10 of the Constitution, public administration is governed by the following principles and values:

- A high standard of professional ethics must be promoted.
- The efficient, economic and effective use of resources must be promoted.
- Public administration must be development-oriented.
- Services must be provided impartially, fairly, equitably and without bias.
- The people's needs must be responded to, and the public must be encouraged to participate in policymaking.
- Public administration must be accountable.
- Transparency must be fostered by providing the public with timely, accessible, and accurate information.
- Sound human resource management and career development practices, designed to maximise human potential, and must be cultivated.
- Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past in order to achieve broad representation.

The above values, as stated in the Constitution, form the basis. These values play an important role for employees in government institutions. Norms and values establish a moral-ethical culture within a society; without these qualities, personal relationships and communication are virtually impossible (Esterhuysen 1991:35). These norms and values also provide the basis for sensitivity regarding responsibility, accountability, preference, and decisions. One can argue that these values and norms determine how public managers and public officials should serve the interests and welfare of society and the citizens (Esterhuysen 1991:37).



### **2.2.2. Public Sector**

According to Fox and Meyer (1995:107), public sector refers to "...that portion of an economy whose activities (economic and non-economic) are under the control and direction of the state". The public sector is characterised by its service motive and activities in this sector take place in a political milieu. This sector includes government institutions, as well as functionaries employed in these institutions at all levels of government. The role of the public sector is central in the maintenance and funding of services in a society (Helander 2003:290). The clamour for better and smaller governments has led many countries to implement significant public sector reforms. They consist of deliberate changes to the structures and processes of public organisations with the objective of making them run better. Managerial changes have resulted in the use of market mechanisms (Peters 2001; Pollitt and Bouckaert 2004: 8).

### **2.2.3. Professionalism**

Professionalism and ethics are important requirements in any work situation. These requirements are viewed as the cornerstone of public officials' conduct. In South Africa, two important policies emphasise the importance of professional ethical conduct in the public service. They are the Constitution of the Republic of South Africa 108 of 1996 and the White Paper on the Transformation of the Public Service (Baai 1999:372).

The transformation of the public service has marked a new wave of performance and public financial management. Government institutions are required to subscribe to statutory performance measures including efficiency, effectiveness and professional ethics; thus, ensuring an outcomes-based governance approach to service delivery (Mphele and Qwabe 2006:7).

Professionalism refers to the skills and knowledge demonstrated by an individual who has high regard for the principles and values of society.

The individual continuously upholds high standards in the performance of his/her duties as expected by the community or organisation he/she serves.

Public servants need to display professional competence, as it will assist in preventing immoral and unethical behaviour (Mphele and Qwabe 2006:7).

Chapter 10 of the Constitution prescribes basic values and principles that govern public administration. The principles include (RSA 1996):

- A high standard of professional ethics that need to be promoted and maintained;
- The efficient, economic and effective use of resources;
- To be accountable; and
- To foster transparency by making information accessible in an accurate and timely manner.

The following advantages and disadvantages can be identified in the public service (Visser and Erasmus 2002:314-315):

#### Advantages

- Professionalism creates an *esprit de corp*.
- Professionalism promotes communication (the terminology of professional groups are better understood by all group members).
- Continuous development of knowledge and skills at conferences.
- Mobility of specific managerial and administrative personnel will be promoted.
- Membership of a profession provides status to members.
- Professionalism promotes group of standards and members live up to them to the benefit of clients.

#### Disadvantages

- Mobility promoted by membership may lead to changes in employers.
- Divergence of training for various professions, such as the accounting and medical profession, could lead to poor coordination and communication.
- Professionalism leads to specialisation with members ignoring the welfare of the community.
- Professional training leads to better performance, according to professional standards, but poor general performance.

- Professionalism may result in discriminatory action towards non-members.

In addition, Gildenhuis (2004:116) listed professionalism requirements, which include:

- A corpus of special knowledge developed in a specific occupational field, obtained through research and practical experience;
- Advanced education, training and the acquisition of specific skills as a prerequisite for entering the specific occupation or work;
- Ethical rules to monitor and govern the conduct of persons doing research and occupying the specific profession;
- High levels of morality and integrity;
- A sound and acceptable public image;
- Active support by professional institutions for the development of a profession;
- An *esprit de corps* and a feeling of solidarity and pride among researchers, academics and practitioners involved in a specific profession;
- A high degree of dexterity, skilfulness, and proficiency in the field of occupation; and
- Entry requirements, possibilities for career advancement, good compensation, and sound conditions of service.

Professionalism has certain characteristics, including:

- Formal academic education and/or technical training at an acknowledged educational institution such as a university, a technikon or college;
- Mastering an ethos (cultural tradition), which is a salient of distinctive attitude and intelligence and proficiency in the subject of the specific professional occupation;
- The distinctive characteristics of the profession are complied with; and
- Members become more skilled through the practical application of what has been learnt through the theoretical study, research and application (Gildenhuis 2004:117).

Mafunisa (2000:81) elaborates on what professionalism requires of public officials:

...to fulfil their roles as efficiently as possible, and to do so with competence and precision. Professionalism refers to being competent, efficient, masterly and qualified. Professionalism promotes the development of positive work as it ensures that people, who meet the relevant educational and training requirements, and share similar work values, are appointed and promoted to specific positions. The fact that superordinate public officials are accountable for the management of public service activities promotes the development of ethical behaviour as they ensure professionalism and excellence. The activities to be mastered by superordinate public officials are administrative, functional, auxiliary and managerial.

#### **2.2.4. Corruption**

According to Section 1 of the Prevention of Corruption Act 1992 (Act 94 of 1992), corruption is an offence, and accordingly:

- Any person shall be deemed guilty of the corruption offence whenever such person corruptly accepts, obtains, or agrees to accept any gift as an inducement or reward for himself/herself or any person, the result of such an action leading to favour or disfavour being shown to the party offering the inducement; and
- Any person who corruptly gives or accepts any gift from a party as an inducement or reward for rendering services on behalf and in favour of the designated party shall be deemed guilty of a corruptible offence.

Corruption therefore refers to any conduct or behaviour in relation to persons entrusted with responsibilities in public office, which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves or for others (Department of Public Service and Administration 2002; Vyas Doorgapersad 2007:286).

The concept corruption has many meanings and can include administrative misdemeanours such as bribery, theft, kickbacks, patronage, nepotism, and countless forms of dishonesty and violence (Gildenhuis 1991:45).

Bhengu (2006:93) further clarifies the meaning of corruption as follows:

Corruption is derived from the Latin word *corruptus*, which means corrupt. Corruption invokes ranges of images of evil. A closer examination of this concept indicates that it designates that which destroys holiness. Holiness rises beyond the world of virtue and goodness of life, yet it is founded squarely on the ethical, and if it lacks this foundation, it is open to illusion and abuse of power and privilege. Corruption and bribery deals are normally agreed to in secret. Normally, only two parties are involved in the discussion, and they have a stake in making the deal work. It is thus very difficult to obtain relevant intelligence to deal with the problem. Information is difficult to obtain until someone spills the beans or the perpetrator starts spending the ill-gotten gains and someone starts to question the source of income.

Moreover, it is said that corruption could be the misdeed of a network or syndicate; it is also difficult to prosecute in South Africa. According to Gildenhuis (2004:83), "Corruption is a wrongdoing by those in a special position of trust. Public officials commonly apply the term corruption to self-benefiting conduct."

Ever since the dawn of civilisation, it has been recognised that anyone put into a position of exercising communal, collective or public power and who commands public obedience could be tempted to use public office for personal gain. Corruption is a many-faceted phenomenon. It can be viewed from different angles; for example, from a social religious angle, or from a political or economic perspective, or from the perspective of criminal, civil, or administrative law. There are a number of general offences committed by public officials in the course of their employment that can be treated as corruption. They include theft, embezzlement, fraud, and other criminal acts.

In essence, corruption is not only about being caught with one's fingers in the till, but also about the abuse of power or the lack of moral integrity in the decision-making process.

Craythorne (2006:310) defines corruption as follows:

Corruption is the most infallible symptom of Constitutional liberty. Indeed corruption is not an invention of modern times.

There is a tendency to think about corruption in legal terms, as denoting an absence of honesty, coupled with acts of dishonesty like bribes or stealing public property. To corrupt is to taint, destroy purity of, prevent, debase, spoil, bribe or lose purity. The word morality refers to the degree of conformity of an idea, a practice, to moral principles, and right moral conduct.

Gildenhuis (1991:44) categorised the definitions of corruption into three main groups, namely:

- Public-office-centred definitions, which explain corruption as deviations from the normal benefits attached to a person's office or status. Misuse of public resources and bribery, such as accepting money for job applications. In this case, a public functionary is regarded corrupt in accepting money or other benefits for doing something that he/ is duty bound to do.
- Market-centred definitions, which explain corruption as an unlawful phenomenon to gain influence over public officials.

A central feature of the definitions of corruption is that there are always two parties involved, namely the corrupter and the corrupted, as defined in Prevention of Corruption Act 94 of 1992, both will be deemed guilty of an offence (Gildenhuis 1991:45).

Bailey (in Richter *et al.* 1990:58) categorised corruption into "clearly wrong" and "conditionally wrong". "Clearly wrong" is categorised as behaviours and actions, which are widely viewed as being so unethical that few people would attempt to justify them on moral grounds. Lying could be categorised under "conditionally wrong" (Bailey in Richter *et al.* 1990:58).

A person might ask, "Under what conditions would lying be regarded as unethical? Alternatively, under what conditions is lying ethically permissible?" Public managers should be wary of such corrupt tendencies to avoid questionable actions.

At present, the media often report on corruption in the public service, to the point that the public feel that corruption is overwhelming the public service. So what can a person do to

deal with this problem? In short, everyone must ensure that all their decisions and consequent behaviour could measure up to the guiding principles of a code of ethics.

According to Baai (1999:376-377), there are four strategies that can be used to overcome corruption in the public service:

- Departments should identify their core values and indicate how these values are related to their everyday working practices.
- Leadership, communication channels, and an organisational vision should be developed in order to support and nurture these values.
- Strategies, structures, systems, policies, procedures, skills and resources should be tailored to support these ethical values.
- A culture of shared responsibility should be established; those who display this responsibility should be rewarded, while those who do not should be punished.

Public managers hold the keys to public employment and are therefore in the delicate position that they can be corrupted by members of the public in the sense of being bribed for such employment. Members of the public, who aspire to work in the public sector but lack the necessary qualifications and experiences, may use devious means such as bribery to secure public employment.

Certain factors and conditions, of which the following are examples, may be conducive to corruption in the public sector:

□ **Poor remuneration**

According to Beadwell and Holden (1994:547), adequate reward and motivation derive from such concepts as equity, fairness, and comparability.

Employees' perception of how fairly they are being treated by their institutions depends on their perceived equity of rewards and their comparable worth.

If public employers perceive that equity, the dictum of a fair day's work for a fair day's pay, does not prevail they will become demotivated and seek to restore equilibrium through

other means, such as exerting less effort in their work. If they perceive themselves as being compensated less than their counterparts are in the private sector, they may resort to accepting bribes to supplement their salaries. A corruption syndrome may develop because of poor remuneration (Beadwell and Holden 1994:547).

#### □ **Greed**

Greed can be defined as a strong desire for personal gain, often in a selfish or unfair way (Dictionary of Contemporary English 2007:458). Greed could seriously undermine efficiency and effectiveness in public human resource management, resulting in public managers abusing their authority for personal gain.

The following factors could exacerbate this form of self-enrichment (Hilliard 1994:217):

- Firstly, over-emphasis of results, which could lead to the use of unethical methods;
- Secondly, impatient ambitions for promotion and other rewards such as monetary and recognition; and
- Thirdly, unguarded trust resulting in insufficient supervision thereby providing public officials with many opportunities to engage in corruptible deeds.

#### □ **Nepotism**

The Dictionary of Contemporary English (1993:697) defines nepotism in the narrow sense as "...the practice of giving one's relatives' unfair advantages when one has power, especially by giving them jobs". In this sense, the dishonest, unethical conduct among managers is confined to bestowing favours relating to employment on relatives. In a wider sense, nepotism refers to any appointment that is made outside of the normally accepted rules and regulations pertaining to appointments.

This would include, according to Bekker (1991:55), appointing any person from outside the public service to a position that is advantageous to himself/herself. Bekker (1991:5) further states that such appointments place existing personnel in an unfair position and could result in their rights to promotion being prejudiced.



Langseth (2007:13) emphasises that nepotism does not relate directly to the self-interests of an official, but to the interests of someone near him or her, such as a family member, or a member of the same religious group.

In the transformation phase of the public service, managers could be exposed to many influences, which could lead to malpractices such as nepotism. A clear understanding of the government's personnel policy should form a basis for honest action in this regard.

### **2.2.5. Principles, norms and values**

To understand the nature of ethics in the public sector, it is necessary to differentiate between the concepts of principles, norms, and values. In everyday language, these three concepts are usually used as synonyms; thus, necessitating a clear definition for the purposes of this research.

- ***Principles***

The Longman Dictionary of Contemporary English (1987:822) defines a principle as "...a truth or belief that is accepted as a base for reasoning or action". Principles therefore serve as fundamental sources of reasoning and action. An individual's moral principles, for example, would serve as a personal code of conduct.

As pointed out earlier in this chapter, principles are important elements of science. In an attempt to create a science of public administration, early writers in the discipline, among them Urwick (1957:38), emphasised efficiency and precision as the guiding principles of public administration. In South African public administration, efficiency is one of the normative guidelines to be observed by public functionaries (Botes *et al.* 1995:175-176).

- ***Norms***

A norm is a rule, standard, or behaviour shared by members of social groups. Norms may be internalised so that there is conformity, even when there are no external rewards attached to it.

A norm has both physical and abstract meaning. In the abstract sense, a norm is value based and serves as a standard. Thus, it is a behavioural expectation held by a group of individuals or society for evaluating behaviour, the violation of which the person should pay a societal penalty for (Fox and Meyer 1995:86). In the abstract sense, norms cannot be separated from community values. For example, in a community that values democracy, the upholding of democratic principles such as openness, freedom of expression and movement would serve as behavioural norms, the violation of which could lead to societal censorship.

A standard is a measure used to determine the degree of success in the accomplishment of a predetermined objective or goal (Cloete 1995:51). In this sense, a norm can be used as a control mechanism and where deviations are observed, remedial steps may be taken (Botes *et al.* 1996:364).

## □ **Values**

Values are conceptions of what is fundamentally good or desirable that an individual, group, community, or society hold onto as guides through life (Fox and Meyer 1995:134). Mercer (1992:58) defines a value as "...an enduring belief that a specific mode of conduct or result is personally or socially preferable to an opposite or converse mode of conduct or result".

Moreover, values are principles that guide judgements on what is good or proper. Values provide the normative control that guides decision-making. They build the grounds for action and reflect conceptions of desirable or undesirable behaviour. In public administration, a certain ethical framework guides civil servants. The public interest is among the most important guidelines for civil servants. It is essential that every public employee is aware of the values that form the basis for the ethics of his/her work.

For the professional work of a civil servant the crucial values are, besides the traditional democratic values (serving the general interests, legality, impartiality, neutrality, integrity, and transparency), also new public service values (the service principle, effectiveness,

and efficiency), human rights values and values concerning the environment (Van Wart 1996:456).

Common to the above definitions is an emphasis on the desirable attitudes for or against events, action, or conduct. It can be concluded that values have an influence on the choices of modes, means, and ends. A value describes the quality of any object, phenomenon, or conduct, which causes it to be viewed as desirable or necessary by an individual or a group. They are also psychological by nature or matters of beliefs and their measures are usually qualitative. Values influence the selection of actions of individuals or groups and are closely related to ethics. According to Wiechers (1993:250), values do not only refer to ethics, but are also grounded on morals and religious convictions.

Fox and Meyer (1995:134) define a value as a concept of what is fundamentally good or desirable, which an individual holds on to as a guide through life. From this we can say that concepts “that are fundamentally good and desirable can serve as a guideline for society and government institutions in society – guidelines in terms of which individuals and societies are ordered and governments carry out their activities” (Du Toit and Van der Waldt 1999:103). Examples of such guidelines include language, religion, traditions, honesty, fairness and justness. The implication of what Du Toit and Van der Waldt say is that it is important for decision makers, when making decisions on the achievement of objectives and the making of policies, to take into account the values held by society.

Values may be explicit or implicit (Fox and Meyer 1995:134). As an area of deontology, values may be explicit, requiring details for every action in management.

Teleological values may be implicit. For example, to strive for democratic values may entail a belief that it is better to be governed by persuasion rather than by force.

Democratic values may also entail the love for truth, accountability and transparency; also, a belief that the knowledgeable and those in positions of power should use the power of their knowledge and their position for the well-being of the society (Fox and Meyer 1995:134).

Community values are liable to change because variable factors, such as technology, the values of others and the educational level of a specific community, affect them. Community values are grounded on ethics, morals, and religious convictions (Wiechers 1993:250).

The values that a community strives for do not necessarily justify the means to attain them. It may happen that some of the means used may be regarded as unethical. For example in South Africa, the way to democracy as a value was littered with many unethical incidences, such as unlawfulness, so-called “neck lacing”, kangaroo courts, non-payment of services, and violence (Wiechers 1993:250).

### **2.3. ETHICAL THEORIES AND PRINCIPLES**

The definition of ethics embraces situational, teleological, and deontological theories of ethics. These concepts will be outlined in the paragraphs below.

#### **2.3.1 Teleological theory of ethics**

Teleology is concerned not with the actions of people *per se*, but rather with their consequences. It is frequently referred to as “ends-based ethics” or as ‘consequentialism’. In teleological ethics, it is held that the ethical quality of an action must be determined in terms of its consequences.

An action that maximises the possible good (e.g. affirmative action as a means to promote representivity) for the largest number of people will be considered morally superior to other courses of action. Conversely, an action that minimises harm for the majority of people will be morally better than options that have worse consequences (Jennings and Wattam 1994:246).

The teleological approach seeks to influence a decision through an evaluation of the likely consequences of the decision. This approach does not seek to classify choices as purely “right” or “wrong”, but rather to evaluate the merits of the possible outcomes of various

choices. However, even if one decides to adopt a consequential approach, there is still a wide range of methods to choose from (Jennings and Wattam 1994:246).

A perusal of the many White Papers in the South African public sector since 1994 indicates teleological content. They are meant to benefit the majority who was deprived of opportunities prior to the 1994 dispensation. From this explanation, it can be stated that the underlying tenets of teleological ethics closely reflect those of a free-market ethos; namely, levelling the playing field to the benefit of the majority and constantly adjudicating alternative outcomes.

In practice, two teleological sub-types can be discerned; namely, directive utilitarianism and situational utilitarianism. According to directive utilitarianism, clearly defined ethical directives can be developed as guides for ethical behaviour in an institution. In an institutional context, these directives are synonymous with codes of conduct. It is assumed (true to teleology) that maximum benefit accrues to the majority (Jennings and Wattam 1994:247). In situational utilitarianism, different perceptions are held. The view is that maximum benefit to the greatest number will accrue only if the decision maker selects an appropriate course relevant to the particular situation. The realities of the problem at the time and place determine the course of action (Jennings and Wattam 1994:247).

As opposed to the guiding role of the deontological concept, the teleological approach to the study of normative ethics concentrates on the moral worth of human behaviour. Teleological, the emphasis is on the appraisal of the consequences of human action as measured against set norms (Jennings and Wattam 1994:248).

Moreover, the teleological approach emphasises working towards a good purpose, which is set as an ideal. In the context of public administration, the achievement of goals and the satisfaction of citizen preferences would serve as an example of this approach (Copper 1994:157-165).

With respect to the transformation of the public sector in South Africa, human resources management will be confronted by ethical problems of both a deontological and a teleological nature. In restructuring the public service, the ethics of duty, uprightness and

obligation of public servants should be emphasised, while the moral worth of the decisions and actions of public managers will be judged by, the consequences have on South African society as a whole measured against an ideal to be achieved in future (Copper 1994:157-165).

Legal prescriptions such as laws, rules and regulations could be helpful as deontological tools, and serve as measurements of values, standards, or ethical norms. Copper (1994:155) supports this statement, stating that legal prescriptions help dealing "...personally, courageously, responsibly, and creatively with moral ambiguity that is the stuff of administrative life".

In a changing South Africa, public managers will be required to apply deontological principles on a daily basis and to exhibit sensitivities to results in both the transformation process of the public service, as well as the delivery of services. This calls for vision, integrity and innovativeness. In the transformation process, the South African government's ideal is to strive for a society in which violence will be eliminated, in which there will be no discrimination in whatever form, and in which gender equality will be achieved. These ideals should be paramount in the minds of visionary managers in the public sector (Copper 1994:155).

### **2.3.2 Deontological theory of ethics**

The basic "right" versus "wrong" situation is called the deontological approach. It refers to ethics based on the act itself. Values such as honesty, fairness, justice, accountability, reasonableness, responsibility and equity reflect deontological ethics.

According to Jennings and Wattam (1994:245), deontology is defined as the "science of duty", and a deontological approach is therefore one that involves doing one's duty in terms of established ethical principles.

Often these principles have a religious origin, but that is not always the case, as humanitarian or socialist views also have a strong moral component.

Some things are universally known to be wrong, for example murder. A deontological stance tends to be adopted in clear-cut cases. In the public service context, for example, taking bribes from someone is commonly known to be wrong. Some people prefer to talk about acceptable or unacceptable behaviour, rather than “wrong” or “right” behaviour (Jennings and Wattam 1994:245).

However, some moral issues are not always so clear-cut; for example, the debate about whether the Department of Health should make it compulsory for people who have tested positive for HIV/AIDS to disclose their health status publically. This issue provokes a deontological response; that is, the duty to do what is morally right. If the aforementioned example was to become policy, the Department could end up infringing the rights of such individuals (HIV-positive people) in the belief that they would be respecting the rights of other people who state that they have the right to be protected from people who are HIV positive.

These values form an important principle as the basis for action (RSA 1996:83). In public management, values such as the ones mentioned above are provided (Van der Waldt and Du Toit 1997:39). Accepting public employment means that one should be prepared to uphold these values. This applies in particular to human resources managers in the public sector.

In the deontological approach, the basic concepts are “right”, referring to justice, fairness and reasonableness, “ought”, referring to how things should be, compared to how they are, “duty” which means deriving pride in a job well done, and “obligation,” signifying that one is morally bound to behave in a specific way (New Encyclopaedia 2015:977). The deontological approach to the study of ethics emphasises the ethics of duty, uprightness, and obligation. According to Copper (1994:149), “The deontological principle is a general law or rule that guides action. This action implies the necessary conduct or state of being that is required for the fulfilment of a value.”

In the day-to-day performance of their duties, public managers are guided by policies, rules and regulations, such as codes of conduct that have to be observed and adhered

to. Hence, it can be inferred that government policies, rules, regulations, and codes of conduct relate to the deontological category of normative ethics.

### **2.3.3 Theory of ethics**

Theory of ethics refers to a systematised set of ideas on reality (Cloete 1995:75). They are generalisations on reality preference and are based on specific *a priori* standards of evaluation. The standards explain what the ideal objectives should be whereby reality should be judged or changed (Cloete 1995:75).

Some practitioners are averse to theories. At times one hears expressions such as “that is all right in theory, but it won’t work in practice”. What such practitioners do not realise, is that they cannot work without theory and that knowledge of the theories forms the basis of the practice (Cloete 1995:78).

## **2.4. NATURE AND SCOPE OF ETHICS**

Ethics is by nature reflective and judgemental of human conduct. It is concerned with human conduct that is approved of, or disapproved of in terms of right and wrong, or good and bad.

Often the terms ethics and ethical are used as synonyms for morals and morality. The ethics or morality of a person or group consists of what a person or group thinks is fitting or not fitting, right or wrong, obligatory or not obligatory to do.

### **2.4.1. Ethics: Theoretical and philosophical perspectives**

The theory of ethics is important for the understanding of public officials. A theoretical perspective is helpful both for the explanation and prediction of what happens or may happen, as well as a description of relationships observed in association with what happens, why and how it happens. It is also worthwhile to apply a philosophical perspective to public officials in the public sector. A philosophical perspective is helpful in an attempt to fathom the intentions of a person’s action.



Ethics represents a branch of philosophy and the standards of human conduct branch of philosophy called moral philosophy (Gildenhuys 2004:13). Morals or morality is concerned with goodness, or with the distinction between the right and wrong of human conduct.

Accordingly, Copper (1994:379) argues that moral philosophy is helpful in dealing with values and ethical issues when they arise. Ethics as the science of ethical values is described in the subsection below.

#### **2.4.1.1. Ethics as a science**

The question whether or not ethics is a science is controversial in the sense that the term “science” is difficult to define. In its simplest definition, science refers to a “systematically formulated body of knowledge” (Sykes 2006:1014). Isaak (2005:28) concurs with this definition, but further states that science is concerned with the “method of obtaining knowledge”. As a body of knowledge, science includes laws and facts of physics, biology and economics, and refers to the world of experience, based on observation and experiment (Isaak 2005:28). As a method of obtaining knowledge, science refers to a particular set of principles on how to obtain the facts, and it is based on theory. A scientific method of obtaining knowledge (i.e. a method based on a set of principles) on ethics could lead to the identification of the causes of various kinds of human behaviour or choices, as well as showing which actions are approved of in terms of prevailing values (Meehan 1996:28).

In the light of the above, it could be said that ethics is a science. This argument is supported by the Colliers Encyclopaedia (1992:33), which states, “Ethics is the integrated science of valuation. Ethics as science investigates the value of human life in a coherent, systematic and scientific manner.” As a science, ethics is related to the biological and humanistic sciences as reliable knowledge of the facts of human nature and behaviour is analysed and judged according to prescribed norms and rules (Rae 1995:15).

#### **2.4.1.2. Shared values**

In the process of transforming and restructuring the public sector in South Africa, the question that arises is, “What principles, norms and values should be pursued in order to ensure a stable country?”

The establishment of a democratic society and the achievement of stability in the country should be supported by specific principles, norms and values. Shared values in public institutions provide a basis for good management. Principles and norms based on shared values ensure obedience and compliance by institutional members, without being coerced to do so (Wiechers 1993:28).

Mercer (1992:62) identifies the following shared values that can make a difference in a public institution, namely honesty, pride, integrity, responsibility, dedication, loyalty, flexibility, teamwork, hard work, innovativeness, and the efficient use of time and resources. In reviewing the shared values of successful organisations, Mercer (1992:63) concluded that values define the fundamental character of the culture of an institution from all others. Shared values create a special sense of identity for those in the institution, giving meaning to work as something more than simply earning a living (Mercer 1992:63).

#### **2.4.1.3. Ethical philosophy of life**

It is suggested in the paragraphs below that public managers’ functionaries should adopt an ethical philosophy of life. It is difficult to give a clear-cut definition of the concept philosophy because there are various conceptions of what philosophy means. Throughout its varied and long history, philosophy has meant different things to different people. Some of the concerns of philosophical studies have been a search for the wisdom of life, an attempt to understand the universe as a whole, and the vigorous examination of moral responsibilities and social obligations (New Encyclopaedia Britannica 2014:248). An ethical philosophy of life is in the line with the conception of philosophy as an examination of moral responsibilities and social obligations. The philosophy of life can also be understood in terms of normative ethics.

In response to the need to make the public service representative of the South African community, it is being transformed through restructuring and rationalisation. The argument is that in the restructuring of the public service, aspects such as representativeness (RSA 1994:40), affirmative action (RSA 1994:42) and merit are issues confronting public managers' functionaries.

Section 195(1)(i) of the Constitution of the Republic of South Africa, 1996 (Act 108/96) states, "...public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation". The spirit of representativeness is to legitimise the public service and drive it towards equitable service delivery (White Paper on the Transformation of the Public Service 1995:52). Representativeness is broadly defined as including black people (including Indians and Coloureds), women of all races, and persons with disabilities. Affirmative action (defined as laws, programmes or activities designed to redress past imbalances) was adopted as a proactive approach to achieve representativeness (RSA 1996:53).

It will be expected from public managers to address the aforementioned aspects, and success or failure in this respect will be based on both deontological and teleological evaluations of their decisions and actions in the short, medium and long term (this will be indicated in the following paragraphs). An ethical philosophy of life, adopted in public human resource management, should be based on principles, norms and values as guidelines for decisions and actions.

#### **2.4.1.4. Practical value of ethics**

Public functionaries occupy strategic positions in the public sector. On the other hand, they have to implement government policy to satisfy the respective political office-bearers. This requires that their action should be *intra vires* (Hanekom 1993:78). On the other hand, public functionaries carry the responsibility of advancing the public good, and their

actions in carrying out their responsibilities should be seen by the public as being “good”, “right” and “positive” (Hanekom 1993:78).

The important position of public human resource functionaries, in particular, exposes them to ethical dilemmas. In order to assist public human resource functionaries, ethical codes of conduct (defined in Chapter 4) should be drawn up to serve as guidelines for official conduct.

The practical value of ethics especially in the form of ethical codes of conduct, according to Hanekom (1993:80), can be interpreted as serving at least four objectives, namely:

First, to advance and pursue the responsibility of public functionaries;

Second, to advance public confidence in the trustworthiness of public functionaries;

Third, to serve as guidelines to public functionaries in their relationship with fellow officials, elected public office-bearers and the public; and

Fourth, to serve as guidelines in the exercise of discretionary powers by public functionaries.

It can be inferred from four objectives that ethics is of practical value in public human resource management and public institutions. Through the observance of ethics and the determination to practice ethics, it can be ensured that public functionaries’ conduct is fair and just.

## **2.5. CONCLUSION**

It is recognised that there is a dearth of knowledge in the field of ethics, particularly in South African public sector context, where it is urgently needed. The ongoing media reports on corruption, fraud and theft in the public sector accentuate the need for research in the field of ethics (Vyas Doorgapersad 2007:286).

Ethics is by nature judgemental of human behaviour. Such conduct excludes that of children, who lack the life experience concerning right and wrong, proper and improper,

good and bad. Principles, norms and values are fundamental to ethics, and are fully explained in this chapter.

It is argued, for example, that managers should strive for common values in their management style in order to be accommodative of the values of a diversified personnel corps.

The theoretical and philosophical perspective was described in this chapter. Furthermore, the two approaches to the study of ethics, namely deontological and teleological, were explained. Moreover, the concepts, principles, norms and values were described in the context of the objectives in provincial state departments. It was pointed out that shared values in public institutions could provide a basis for good management.

In the next chapter, measures and mechanisms to ensure ethical conduct in South Africa will be discussed.

## CHAPTER 3

### MEASURES AND MECHANISMS TO ENSURE ETHICAL CONDUCT IN SOUTH AFRICA

#### 3.1. INTRODUCTION

To ensure excellence in public sector management, certain measures should be taken to prevent the causes of unethical behaviour. The researcher will discuss certain measures and mechanisms as possible remedies or solutions to unethical behaviour.

In a democracy, governments have a duty to communicate with their citizens. In turn, citizens have a right to be informed of government policy, actions and views so that they can comply with legally binding requirements arising from government policy, such as taxation and legislation. Citizens need information to exercise their democratic right to decide, based on accurate information, whether they approve or disapprove of the government's policies and decisions. Citizens are also entitled to be warned of any possible threat, disaster or danger.

National legislation, institutional policies, and service delivery are judged according to public opinion and perceptions. These opinions and perceptions are determined by the way in which the government communicates. If the government tries to control information to influence these opinions and perceptions, it is called unethical communication (Diesoline 2011:87).

The researcher will discuss the ethical considerations in communication from two different perspectives. Whereas the first perspective views government communication from a macro level, the second perspective views ethical considerations from a micro or managerial (operational) level. These two perspectives are essential as the ethical considerations that public managers must adhere to originate from a macro, sociopolitical level.

The measures and mechanism to ensure ethical conduct in South Africa can assist in combating unethical conduct. This will be discussed in the next section.

## **3.2. MEASURES AND MECHANISMS TO ENSURE ETHICAL CONDUCT**

Chapter 9 of the Constitution contains provisions to ensure that the constitutional rights of the public are honoured and that government utilises specific formal mechanisms to officially combat unethical conduct and ensure accountability. These so-called “Chapter 9 Institutions”, as in Section 185(5) of the Constitution, “are accountable to the National Assembly and must report on their activities and the performance of their functions to the Assembly at least once a year”.

The researcher wishes to go a step further by identifying different perspectives, which could be used to enhance mechanisms in the public sector. It is a holistic approach, which enlists the services of other disciplines as well as the opinions and beliefs of role-players in the public sector. South Africa has a number of institutional mechanisms that exist to combat unethical conduct such as the media, the Auditor-General, and the Public Protector. For that reason, methods to bring about mechanism conduct may overlap with other perspectives and form one logical whole (Department of Public Service and Administration 2008:134-145).

Van der Waldt and Du Toit (2011: 51) identify the following measures that can be taken to prevent unethical conduct:

### **3.2.1. Legislation and the judiciary**

The Constitution is the highest authority in South Africa and provides the basis of what is considered ethical according to national norms. Other legislation, such as the Public Service Act (Section 20 on Misconduct) and the Labour Relations Act (Section 203 on Codes of Good Practice), also provide enforceable regulations on how managers should act.

One of the principal monitors of managers’ conduct is the judicial system. In South Africa, judicial authority is vested in independent courts.

If legislation is vague, the courts will consider both the fairness of the legislation and the intention of the legislature. An order or decision handed down by a court is binding on all persons and organs of the state to whom or to which it applies (Diesoline 2012:123).

### 3.2.2. Public Service Commission

There is a single Public Service Commission (PSC) for the Republic of South Africa and it is an independent and impartial body. No person or organ of the state may interfere with the functioning of the Commission (Mthembu 2013:93).

In terms of Section 196(4), Chapter 10 of the Constitution, the PSC applies control and is competent to apply a code of conduct to members of the public service. It has the power and function to investigate, monitor and evaluate the organisation, administration and personnel practices of the public service. It may also make recommendations, give direction and conduct enquiries aimed at ensuring that personnel procedures relating to recruiting, appointments, transfers, promotions, dismissals and/or discharge and other career incidents of members of the public service comply with the values and principles set out in Section 195 of the Constitution.

According to Mafunisa (2011:30), the PSC ensures effectiveness and contributes to conformity in the total system of governance. A unified system of governance suggests the efficient and effective delivery of services, a responsive public service, recognisable adherence to ethical behaviour by public officials, and a focus on productivity and accountability.

The PSC's function is to promote the basic constitutional values and principles of public administration in the public service. Consequently,

- a high standard of professional ethics must be promoted and maintained;
- efficient, economic and effective use of resources must be promoted;
- services must be provided impartially, fairly, equitably and without bias;
- public administration must be accountable;



- transparency must be fostered by providing the members of the public with timely, accessible and accurate information; and
- Effective human resource management, to maximise human potential, must be cultivated (Mgijima 2010:5-6).

Moreover, Van Niekerk and Olivier (2012:143-144) state, “The PSC fulfils a central role in the development of the Code of Conduct for the public service that forms the cornerstone of the public service’s integrity framework as it sets standards for ethical conduct”.

### 3.2.3. Training and guidance

Training refers to the extension of knowledge for the specific purpose of filling a given position and effectively performing the work involved. Training is aimed at the practical application of knowledge, entails the development of specific behavioural patterns, attitudes, and motives with a view to achieving the goals (Cloete 2012:152).

The training and development of public officials should always include ethical issues. This would include training on values and the scope of ethical and moral behaviour. This training will help officials to cope with the demands made by the public, as well as to improve their skills. This should result in professional workers in the public sector (Botes 2015:57).

According to Doyle (2004:165), training programmes should include:

- Specific legislation, regulations and procedures which govern the actions of public officials;
- Prohibitions in respect of the misuse of public funds and/or public institutions for private gain or the furthering of self-interest;
- Measures to prevent confidential information from being made available to private individuals for the purpose of furthering their interests at the cost of others;
- Rules concerning reasonable and fair actions towards both colleagues and the general public;

- The power and authority associated with specific posts;
- The values and norms prevailing within a specific community, in general, and in a specific public institution, in particular; and
- The accountability that is expected of officials in specific posts.

#### 3.2.4. Media

The freedom of the press is a prerequisite for a democratic society. The freedom of the press, both printed and electronic, is protected under Section 16(1) of the Constitution.

Everyone has the right to freedom of expression, which includes:

- Freedom of the press and other media;
- Freedom to receive or impart information or ideas;
- Freedom of artistic creativity; and
- Academic freedom and freedom of scientific research

In terms of Section 32 of the Constitution, everyone has the right of access to any information:

- Held by the state;
- Held by another person and required for the exercise or protection of any rights.

Both individuals and the media can say or print whatever they want. However, Parliament may prevent the media from spreading propaganda for war or encouraging people to use violence. Hate speech may also be prohibited. Hate speech is spoken or written language or actions that advocate hatred based on race, ethnicity, gender or religion, and which constitute incitement to cause harm (McEllrath and Mark 2014:14).

Section 192 of the Constitution provides that national legislation must establish an independent authority to regulate broadcasting in the public interest and to ensure the fairness and diversity of views broadly representing South African society. The media has an important role to play as the watchdog over the decisions and actions of political officebearers and public institutions. The fear of negative publicity usually serves as a deterrent to unethical conduct.

The media also plays a role in the maintenance of ethical behaviour by questioning the activities, actions, and policies of the government and public institutions (Van Niekerk 2013:75).

### 3.2.5 Public Protector

Individuals may lodge complaints about-suspected malpractice or unethical decisions, and the necessary investigation should be instituted. The entire ethical system should be coordinated so that all complaints are made anonymously. In terms of Section 182(1) of the Constitution, provision is made for the appointment of a Public Protector (prior to this, an office with related functions existed and was known as the Office of the Ombudsman) to fulfil this role.

The Public Protector has the power, as regulated by national legislation:

- a) To investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper (unethical);
- b) To report on the conduct; and
- c) To take appropriate remedial action (Diesoline 2012:121).

In addition, Section 182(2) states that the Public Protector has additional powers and functions prescribed by national legislation. The Public Protector must be accessible to all persons and communities. According to Van Niekerk *et al.* (2014:127), “The Public Protector can furthermore report on improper conduct and such reports must be open to the public unless prohibited by national legislation”.

The Public Protector’s broad mandate focuses on the investigation and correcting of improper and prejudicial conduct in state affairs and its power and is the sole agency for enforcing the Executive Members Ethics Act, 1998 and the Executive Ethics Code. The Public Protector’s role in anti-corruption is also recognised in the Prevention and Combating of Corruption Act, 2004, the Protected and Disclosures Act, 2000, and the Public Finance Management Act, 1999 (Madonsela 2010:9; DPSA 2003:50-51).

### 3.2.6. Public participation

The phenomenon of public participation in the South African system of government poses a major and dynamic challenge to public managers at all levels of government. Some observers maintain that citizens are the customers of government, and they are naturally more responsive to the public's needs than government officials are. It is said that the situations in which government delivers the poorest moral performances and is least accountable are generally associated with conditions in which citizens have no influence. For these reasons, it is not surprising to see government at all levels trying to facilitate the participation of citizens in the administrative process (Van Niekerk 2013:65).

Ntamu (2011:27) asserts that public participation in decision-making should be made possible and structured in such a way that the most acceptable decisions can be made. Public participation can be promoted through continual contact with the community and knowledge of their needs, values and norms. This will also result in the community having more knowledge of the actions and decisions of public institutions so that they can monitor the conduct of the officials.

One of the most common forms of institutionalised public participation is the interest group that serves as an advisory group. Interest groups often play an important role in the policymaking process. Crosby (in Thornhill 2012:30) has identified the following criteria for the successful implementation of this process of participation:

- The broader community should be represented by participants and the election of panel members should be fair and free;
- The proceedings of such a panel should promote effective decision-making;
- Fairness and reasonableness should characterise all the panel's proceedings;
- Cost effectiveness should be promoted;
- Provision should be made for flexibility in the process; and
- There must be a strong likelihood that recommendations of the panel will eventually be implemented.

Public managers should take the initiative to identify and implement mechanisms, which will accommodate the public's need to participate in the processes of public decisionmaking and other management activities (Starling 2013:165).

### 3.2.7. Auditor-General

Chapter 9, Section 188(1) of the Constitution and appointed in terms of Section 6 of the Public Audit Act 2004, the Auditor-General has the obligation and power to audit and report on all the accounts and financial statements of all the accounting officers at -

- a) The national and provincial level of government, and
- b) Of all persons in the national and provincial public services entrusted with public assets;
- c) All municipalities, and
- d) Any other institution or accounting entity required by the national or provincial legislation to be audited by the Auditor-General.

He/she therefore has full powers to investigate matters related to the dishonest application of state money. The principal functions and responsibilities of the Auditor-General are well set out in the Auditor-General Act 1995 (Act 12 of 1995). To ensure his/ her independence, the Auditor-General is appointed by Parliament for a fixed nonrenewable term of between five and ten years.

Public managers must ensure that requests for funds are properly substantiated and that there are controls in place to ensure the ethical use of funds. Public managers are also accountable for the funds allocated to their personnel section. The Auditor-General ensures the accountability of personnel managers in terms of their budget spending.

According to Chang (2011:55), with regard to the Auditor-General report on the Free State Legislature's financial statements and performance information votes (Auditor-General South Africa 2009), many of the government departments had irregular material expenditure or unauthorised expenditure.

Some departments had alleged irregularities concerning procurement transactions, in which there were ongoing investigations.

The following paragraphs will identify the irregular findings of the Auditor-General on the Free State Departments' Financial Statements and Performance Information of Vote no. 1 to 11 for the year ended 31 March 2009:

➤ Department of the Premier

“Irregular expenditure to the amount of R887 000 (2008: R1 969 000) was incurred as the Supply Chain Management Regulations were not adhered to” (AuditorGeneral Vote no. 1 2009).

➤ Department of Agriculture

There was fruitless and wasteful expenditure of R388 000, relating to payments made for goods not delivered, interest incurred on late payments, and 3G cards not used (Auditor-General Vote no. 11 2009). “Control activities and monitoring of transactions did not ensure that all non-compliance with applicable legislation regarding the procurement process and transfer payments, as well as inadequate authorisation of transactions were identified and reported on (Auditor-General Vote no. 11 2009).

### 3.2.8. An ethical code of conduct

Cheminairs *et al.* (2012:87) are of the opinion that “the goal of an ethical conduct is to develop a workable framework of moral choice for the public personnel manager”. All spheres of government in South Africa have codes of conduct. The foundation of the Public Service Code of Conduct is contained in Chapter 10 of the Constitution and is applicable to administrations within every sphere of government, organs of the state, and public enterprises (Fox 2010:155).

A code of conduct is always of particular value. Strong forces such as values, norms and standards direct behaviour at all levels of society. A state can enforce certain norms by way of legislation, but norms usually are established through voluntary association and freedom of speech within the community.

According to Van der Waldt and Helmbold (2015:130), a code of conduct has four main objectives:

- To encourage and maintain responsible behaviour among public officials;
- To promote public confidence in the integrity of public officials;
- To provide guidelines to officials regarding their relationship with other officials, political office-bearers and members of the public; and
- To provide guidelines to officials regarding the exercise of any discretionary powers they may possess.

Through a code of conduct, diverse values may be fixed in a common value system against which all policy implementation actions and policy decisions may be measured (Clapper 2015:23).

Provincial government has developed a code of conduct for senior officials and officials to ensure that they act within the parameters of the law and that their actions do not infringe the rights of the communities they serve (De Baros 2015:6-7).

It is not easy to establish a code of conduct for the public service because personnel have different ethnic, religious, and educational standards and views. Common ground should be found as a starting point. All employees in the public service have a common goal, namely the fair, efficient, and effective government of all people in South Africa according to the laws of the government of the day. On this basis, a code of conduct can be drawn up (Clapper 2015:25).

There is a wide variety of opinions on the causes of unethical behaviour. Although different authors have different views, they agree on a few causes. In this chapter, the researcher will focus on the causes.

### **3.3. POSSIBLE CAUSES OF UNETHICAL CONDUCT**

Many factors could result in public human resource functionaries behaving unethically. Bayat and Meyer (2014:226) discuss the following:

- Greed, which they describe as “avarice and the concomitant striving for personal gain”. Because of greed, public functionaries may seek private gain at public expense; thereby, enriching themselves materially;
- Presence of an ethos of corruption in which public functionaries are “wittingly or unwittingly drawn into corruption due to ignorance, or perhaps because they are poorly remunerated” (also see Gildenhuis 2014:75);
- Differing ethical standards and norms prevalent in an institution because of the heterogeneity of the personnel corps could lead to “ethical dilemmas such as moral ambiguity or dualism”. In this instance, public human resource managers may find themselves in conflicting situations in which the views and values of different groups take precedence.

Bateman and Zeithaml (2013:86) mention the following as causes of unethical behaviour:

- Excessive emphasis on short-term gains over long-term considerations;
- Failure to establish and adhere to a written code of ethics;
- Looking for simple solutions to ethical problems;
- Unwilling on the part of public human resource managers to take an ethical stand that may impose financial costs;
- Looking at ethics solely as a legal issue and not being prepared to go beyond what the law prescribes; and
- A lack of clear procedures for handling ethical problems.

Promoting and maintaining ethics in public human resource management is not easy. It requires that decision makers define an ethical issue clearly, identify the relevant values in the situation,

In addition, carefully weigh the conflicting values (see Bateman and Zeithaml 2013:111121). An awareness of the factors discussed above could be of assistance in promoting ethics among public human resource managers.

In order to ensure management excellence in the public sector, specific measures should be taken to eliminate the causes of unethical conduct.



According to Van der Walddt and Du Toit (2011:48), there are different opinions as to the causes of and reasons for unethical behaviour by public officials. However, there are certain generic factors, which can be regarded as causes of unethical behaviour. A few of them are listed below:

- Deficient control and accountability to enforce ethical conduct;
- Complex legislation which could lead to different interpretations;
- Inadequate procedures and manuals to guide conduct; □ Deficient management and organisation to direct actions; and □ Psychological factors.

### 3.3.1. Deficient control and accountability

Deficient control and accountability emphasises the importance of proper control measures because if proper control measures are not exercised, or control is applied incorrectly dishonest officials might exploit the situation. Both internal and external control measures should be used to ensure that objectives are achieved through the formulation and implementation of policy (Doyle 2013:89). If control is exercised ineffectively, dishonest public officials may exploit this for their own gain. Organisational measures should be created to hold officials accountable for their actions (De Vos 2012:110).

Organisational measures, such as the channels of communication, should be put into place to ensure accountability. Accountability ultimately rests with the political head of a public institution, who must answer to Parliament and the public. However, it has to start within the organisation. If there is no accountability within the organisational structure of a public institution,

It will be impossible for the political head to know what is happening within the institution, which will limit his/her ability to account for the institution's actions (Cheminairs *et al.* 2012:94).

The public service is often criticised for having too many rules, regulations, and procedures. While this is true, the reason for these procedures is to ensure control and accountability.

The aim of introducing performance management in the public service is to ensure that officials accept responsibility and account for their work and actions (Doyle 2013:151).

Van der Waldt and Du Toit (2011:49) suggest that the implementation of complicated legislation may leave room for unethical and ineffectual conduct. For example, when it comes to paying taxes, people play all sorts of tricks in order not to meet their tax obligation (Wixley and Everingham 2014:14). Individuals lie in order to evade paying higher taxes, and no legislation in South Africa can fully prevent such unethical conduct. In other words, any loose ends in any legislation become a pressure for both citizens and public servants to act unethical and to be less accountable. While everyone should be accountable, what prevails in the public sector is that public servants tend to abuse resources if they perceive them as belonging to someone else, a rule they will never apply to their own belongings (De Baros 2015:9).

### 3.3.2. Complex legislation

If the legislation, which is a product of policy-making, is too complex, or unclear, it leaves room for unethical and ineffective conduct by those implementing the policy. If regulations are difficult to understand, they might be implemented incorrectly; thus, not achieving their intended objectives.

If professionals are not called on to assist with the interpretation of the policies, inconsistencies may arise and objectives will not be achieved (Fox 2010:153). Mafunisa (2011:37) points out that the enactment of complex legislation sometimes creates loopholes for unethical and ineffective conduct.

Because legislation is difficult to interpret and technical points are complex, application and control is sometimes in conflict with the actual purpose. Officials cannot be expected to be experts on all technical points. Managers must be aware of this and implement the necessary controls.

### 3.3.3. Inadequate procedures and manuals

Procedures, and especially the procedural manuals that officials should follow in their day-to-day activities of implementing policies, should be written from a practical point of view, keeping in mind the specific circumstances in which the officials operate. If this is not done, such procedures will have no value, and officials cannot be expected to follow them. However, it also happens that officials must make value judgements in certain circumstances, without infringing the rights of the community (Andrews 2015:39-40).

Public officials in government departments are responsible for drafting submissions to ministers. The format of these submissions needs to be exact and in accordance with the required specifications. A procedural manual should outline the exact requirements for these submissions (Cheminairs *et al.* 2012:77).

Ntamu (2011:24) states that the activities or procedures that an official has to carry out are sometimes inconsistent with experience in practice. If manuals are not practical and relevant to the particular circumstances, officials may be uncertain about appropriate behaviour. As stated above, officials often are expected to make value judgements; these are not covered in any manual. Such judgements may conflict with the objectives of the institution.

### 3.3.4. Deficient management and organisation

Poor management of an institution, from an organisational point of view, means that goods and services cannot be rendered effectively and efficiently. Exploitation may take place if productivity is not measured and evaluated.

If the services of public institutions comply with specific criteria, unethical behaviour could be avoided.

The public manager is responsible for ensuring that all resources (human, financial and physical) are managed effectively and efficiently.

If this does not occur, it could result in unaccountable behaviour (e.g. corruption), inequitable behaviour, and a loss of productivity or service delivery (Van der Waldt and Du Toit 2011:149).

If an institution is managed ineffectively, products or services may be provided ineffectively, or not at all. If the provision of goods or services is not measured or evaluated, officials may be able to exploit this situation (Cheminairs *et al.* 2012:70).

### 3.3.5. Psychological factors

To a greater or lesser extent, all human beings have failings, such as the craving for power, envy, or greed (Cascio 2014:15). If a situation arises involving one of these human failings, the person may be tempted to place self-interest before public interest. Therefore, public officials should always be aware of such situations and avoid them whenever possible (Wixley and Everingham 2014:25).

The fallibility of human nature suggests that people are inclined to crave power and money to varying degrees. Such a situation could lead to psychological vulnerability to temptation in public financial management. In an attempt to explain how the love of money can be the root of most evils in public financial management, Ntamu (2011:27) writes,

“...one explanation for unethical behaviour in workplaces is that money – the lack of it, or the desire for its acquisition, or fear of losing it – brings out the worst in human nature... attracts greedy, ruthless people who have no hesitation in being manipulative, exploitative and devious.” Van der Waldt and Du Toit (2011:50) concur with this assertion when they write, “When the right conditions are created, it is to be expected that people will be vulnerable to temptation. In such a situation personal interests could come before the interests of the public.”

## **3.4. ETHICAL CONSIDERATIONS IN COMMUNICATION: A MACRO PERSPECTIVE**

Ethics in the public sector is about the application of moral standards in the course of official work. Public officials do not simply carry out specific instructions or orders from a higher authority; they make valued judgements that have implications for their

professional and ethical standing. This poses a challenge for public officials when they perform their work. Ethics in the public sector refers to a category of discretionary decision-making, which involves moral standards in official work in the context of a specific environment (Van Niekerk *et al.* 2014: 21).

A government needs a strong, stable and secure society in order to prosper and to ensure the well-being of the public. These are three basic ideals in government ethics: promoting standards of living, improving service, and increasing the loyalty and happiness of the officials (Johannesen *et al.* 2015:35).

Community ethics means that there is reasonable consensus within a community about ethical norms and values. This consensus forms the basis for the expectations that the community has of public institutions and officials.

#### 3.4.1. The unique ethical context of government communication

Government decisions and actions often affect more people and with greater consequences than business decisions. Therefore, communicating in government tends to be more important and often more difficult than communicating in business. According to Mudau (2015:17), the main differences between government and private sector communication are as follows:

- **Openness and transparency.** Because government is seen as the “public’s business”, individual citizens or groups deem it their right to know what government does. The media correspondingly considers it their duty to report on virtually every facet of government judged newsworthy, or simply of public interest. The decisions of public officials are more likely to receive public scrutiny than those of their private sector counterparts.
- **Source of information.** Governments have also become more active acquirers and senders of information. No private company collects as much information about citizens as the government does. Government agencies acquire a wide variety of information through, for example, censuses and taxation.

In this regard, there is growing tension between the public's right to privacy and the public's right to know. The main reasons why the government communicates with the public include keeping the public informed about government policies, procedures, requirements and conditions; gleaning citizen feedback about them; and complying with citizens' requests. Provincial government institutions provide public information through the following sources:

Written position and progress reports, public meetings, public opinion polls and surveys, network programming (internet, Intranet, e-mail, etc.), media conferences, interest groups, political parties, public service announcements, newspapers, magazines, radio and television news coverage, other media, and non-governmental organisations (Garnett 2012:17).

- **Multiplicity and range of audiences.** Not only do governments communicate more frequently on a greater range of subjects than businesses do, but government communication also typically involves more audiences. This diversity of audiences and levels of communicating requires the ability to analyse audiences and flexibility in communicating with them (Gortner 2014:47).
- **Statutory framework.** The type and method of communication tend to be more stringently regulated in government than in business. In South Africa, for example, the Constitution (Section 32) and the White Paper on Service Delivery demand access to government information.
- **Political environment.** There is a need for effective and frequent communication between elected political representatives and public officials who need to operationalise political decisions. A high level of trust between a minister and a director-general as the administrative head of a department is of vital importance to ensure accountability, consistency, and coordination.

Public institutions are also more likely to experience intervention from political party officials, legislators, public interest groups and other political role-players than are typical private institutions (McDevitt and Lawton 2014:109).

According to Mudau (2015:20), the political environment refers to the political processes, ideologies, structures, and outcomes emanating from the interaction

between groups and individuals in society in the process of competing for scarce public resources. It manifests itself in the authoritative allocation of these resources through the formal parliamentary process.

#### 3.4.2. Government communication: development challenges

Van Niekerk *et al.* (2014:18) state that because of inefficient communication infrastructure in South Africa, a high percentage of urban and rural poor do not receive sufficient government information. Information is an essential ingredient in economic development. Without access to information, South Africa will probably be unable to generate sustained growth to meet the developmental needs of its population. The developmental challenges are many and varied.

The language used for communication must be appropriate and simple. Providers of information must have communications skills that meet the needs of the people in both rural and urban settings. This will enable the government to provide disempowered citizens with access to information in whatever form is relevant (Gortner 2014:51).

An efficient government information system should make provision for a two-way system of communication. The development of the public service and the pursuit of transparency and accountability should be a general goal in government information management (Cody *et al.* 2015:92).

Citizens should be able to convey their views to government and vice versa. This interactive information sharing will enable the public to gain access to government information affecting all aspects of their daily lives (Johannesen *et al.* 2015:40).

To improve two-way communication between government institutions and the community, and to address developmental challenges, the following broad objectives should be listed:

- Identify and analyse the information needs of the community;
- Develop communication and public infrastructure to deliver the information;
- Disseminate this information in an appropriate and timely format;

- Promote innovative and non-traditional means of disseminating information that incorporates learning, teaching, management and services in addition to conventional approaches to make information useful to clients; and
- Raise the awareness of the availability of government information to all South Africans in compliance with relevant legislation (Lewis *et al.* 2015:60).

Above all, government communication must be seen to be credible and trustworthy. People will not simply believe what they hear from structures if they neither trust nor feel that they own the structure in some way (Thomassen 2012:92).

### **3.5. ETHICAL CONSIDERATION IN COMMUNICATION: A MICRO PERSPECTIVE**

McLeod (2015:80) considers the ethical considerations public managers should consider in their dealings with public employees and the community, and in the management of scarce resources for service delivery. From a micro perspective, the researcher will consider specific aspects any public manager must take cognisance of. This will ensure that functional activities and duties are executed in accordance with ethical norms and personal, organisational and public values; legislation is implemented according to ethical principles; they adhere to fair labour practices; they provide an orderly way of thinking through the ethical implications of a decision and assessing alternatives from a moral perspective; the value dimension of a decision that would otherwise seem value-free is revealed, and they help public managers to make judgements that can be defended in public.

Fourie (2013:170) states that although ethics can affect managerial work in any number of ways, three areas of special concern for managers are summarised below:

- The relationship between the public institution and officials; □ The relationship between public officials and the institution; and
- The interaction between the public institution and the community.



Managerial ethics also come into play in the relationship between the institution and other outside groups, such as organised interest groups. Public managers should be fair in the delivering of products and services, sensitive to different needs, and honest in the handling of resources.

### 3.5.1. Examples of unethical communication

The examples of possible unethical conduct in communication, as suggested by McLeod (2015:74), are vast and varied. The researcher will consider four examples below:

#### 3.5.1.1. Filtering of information

Ntamu (2011:18) indicates that in the management hierarchy (top, middle, and junior), information usually is challenged from top or senior management to lower levels. There is always a chance that such information will not be conveyed correctly or adequately to lower levels – in other words, it will be filtered. There is also a possibility that lower management may attach their own personal style, perceptions, and attitudes to these messages to further their own agenda. Managers realise that knowledge is power and often withhold information from staff in order to avoid questioning of their decisions. Especially during a period of rapid change, managers tend to withhold information in an attempt to minimise the impact of possible job losses.

#### 3.5.1.2. False and selective information

During colonial rule, the British forces used a tactic called “divide and rule” whereby previously united forces were divided in their opposition. This made it easier for the British government to rule the groups individually (Gurevitch 2015:181). In the same way, managers can convey either false or selective information to certain factions within an institution, such as labour unions and so-called “cliques”. By dividing the workforce, the manager ensures that he/she alone has all the information (the full picture) and thus avoids a possible united front against his/her leadership (Doris 2012:20).

A primary disadvantage of this type of communication is the “grapevine”. Grapevines occur when managers transmit incorrect or untimely information. Rumours and prematurely released information can be dysfunctional – especially in a turbulent political environment (Levy 2014:119).

### 3.5.1.3. Propaganda

Johannesen *et al.* (2015:112) state that governments all over the world employ undercover propaganda officers to establish covert propaganda units. Propaganda is opinion expressed for influencing the action of individuals or groups. McLeod (2015:793) defines it as “...the organised dissemination of information and allegations to assist or damage the cause of a government or a movement”.

### 3.5.1.4. Improper delegation

According to Brown (2015:318), delegation is primarily about entrusting authority to others. In the public management context, this means that subordinates can act and initiate independently, and that they assume responsibility, with the manager remaining responsible. To allow someone else to do the job for the delegate authority must ensure that:

- They know what you want,
- They have the authority to achieve it, and □ They know how to do it

These conditions all depend on whether it has been communicated clearly in the nature of the task to the subordinate, the extent of the subordinate’s discretion, and the sources of relevant information and knowledge. Managers can set up subordinates who they dislike for failure. They can delegate certain tasks to a subordinate, but then withhold vital information, which is required to complete the task successfully. If the subordinate fails, the manager can then claim that he/she is not mature enough for the job and not ready for promotion.

### 3.5.2. Barriers to effective managerial communication

Various barriers can hamper government communication at all three major stages, namely encoding (devising the message), sending through a medium, and receiving.

Fourie (2013:196) lists the following barriers to effective managerial communication:

- Heterogeneous society

Smith and Wanda (2014:52) are of the opinion that in a heterogeneous society, such as South Africa, people have diverse experiences, qualifications, social backgrounds, cultures and values. Thus, they interpret information differently. To ensure that communication is ethical, public managers need to analyse each segment of the community and adjust messages according to what the specific segment needs or wants to hear.

- Physical distance

Physical distance often causes or aggravates government communication problems. Where large distances are involved, it often becomes necessary to make adjustments in communicating. Even in the era of electronic communication, geographical proximity is important for picking up the informal, face-to-face comments and cues that remain so crucial in government (Van Niekerk *et al.* 2013:19).

- Hierarchy

Bureaucratic hierarchies in public institutions tend to block, reduce, or distort communication. As it moves up a hierarchy, communication is generally screened or filtered in terms of both quantity and quality as top officials would be overloaded if the volumes of information go up the chain of command.

- Information overload

The sheer quantity of information transmitted, received and stored can be an obstacle to accurate communication. Part of this overload results from the rapid expansion of knowledge. To avoid information overloaded, political representatives and public officials need to tailor information to audience needs (Van Niekerk *et al.* 2013:22).

- Faulty communication skills

Barriers to communication are compounded by faulty communication skills. The weak encoding skills of public managers can lead to the faulty transmission of a message. A message that is poorly structured, clumsily worded, gender and cultural insensitive, and inappropriate in tone (unethical) can create barriers. Even after a message is encoded or assembled, the inappropriate choice of a medium can jeopardise it. Faulty communication skills also create pitfalls during message decoding, which involves receiving and interpreting the message (Edgett 2015:2016).

### **3.6. CONCLUSION**

In this chapter, the researcher discussed ethical considerations in communication from a macro and micro perspective. From a macro perspective, it is clear that provincial governments have an obligation to communicate with society. Without regular and accurate communication, it is impossible for society to stay informed about government activities and this prevents them from participating in decision-making. If these democratic principles are not observed, there is the possibility that the citizens will regard their government as unethical and illegitimate.

The discussion of the micro perspective indicated that public managers must take cognisance of a variety of perceptions, norms, and values when they communicate with their staff and the community. When they do not adhere to these perceptions, norms and values, the chances are high that their communication will be regarded as unethical (Drewry and Butcher 2015:176).

The researcher also focused on the reasons for unethical conduct and on measures and mechanisms that can be used to ensure that the actions of public officials conform to high ethical standards. Because personnel managers and their staff serve the community and all their actions must be directed at promoting the public interest, ethical behaviour and communication are imperative.

## **CHAPTER 4**

### **GUIDELINES AND CODES OF CONDUCT THAT UNDERPIN ETHICS IN PROVINCIAL GOVERNMENT**

#### **4.1. INTRODUCTION**

South Africa has three spheres of government. The national government represents the highest sphere and the regional sphere consists of nine provincial governments. There are three categories of municipalities in the local sphere. Each of these provincial governments has its own area of jurisdiction (RSA 1996: Section 103 (1)). In this chapter, the researcher will focus on how provincial governments are structured to give effect to the principle of the division of powers.

The researcher will discuss the bureaucracies and the extension of the executives of provincial governments. The bureaucracies are the respective functional departments responsible for implementing the respective government's policies and the business of provincial administrators. Although the framework of provincial governments' physical structure is statutory (determined by the prescriptions contained in the Constitution), the statutory framework within which provincial government institutions operate is more comprehensive than only the structural framework. For this reason, the researcher will look at the role of legislation, other than the Constitution, in determining the statutory framework for service delivery.

In the performance of human resource functions, public managers are influenced by a variety of factors, besides the internal organisation factors, which influence their work. How these managers view and understand these factors impact either positively or negatively on their activities. Because managers in general – and public human resource managers in particular – are involved in decision-making, it can be expected that both internal factors and administrative processes will influence their decisions and hence their actions. Underpinning ethics in provincial governments cannot be left to individual managers' conscience.

It requires that guidelines for ethical conduct be provided, possible potential areas of conflict be identified, and possible solutions to problems be suggested.

In this chapter, the constitutional framework and legal frameworks on ethics in provincial governments are identified, and how the administrative process can be applied to promote ethics is described. Codes of conduct, provincial initiatives, and honesty as ethical guidelines are described as means to underpin ethics in provincial governments.

## **4.2. IMPACT OF THE CONSTITUTION AND LEGAL FRAMEWORKS ON ETHICS**

The legal framework within which a democracy functions is the result of the ethics of democracy. The Constitution is the supreme law of the South African democratic landscape. As the Constitution is written in broad terms, certain sets of legislation and policies have to be adopted to elucidate what it in fact signifies. In addition, South Africa is one of the countries where common law principles form part of the body of law. This chapter does not go into any specific laws emanating from the Constitution, as this would take up too much space and would involve legal discussions. One of the democratic principles in this constitutional democracy is that all legislation and public action is subject to review by the Constitutional Court (SABPP 2014:2-25).

Mthembu (2013:35) states that the legal framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every public servant. Laws and regulations state the fundamental value of public service and should provide the framework for guidance, investigation, disciplinary action, and prosecution.

According to Bendix (2015:20), little attention is given to a “system of ethics” as a “regulator” in the employment relationship. While businesses have realised the need for ethics in conducting their business, often this has not translated into an “ethical framework for the conduct of the employment relationship” (Bendix 2015:20).

Defining a constitution, Botes (2015:29) says it is the embodiment of the will and wishes of the citizens. Botes *et al.* (2006:30) further describe it as a solemn treaty between individuals, groups, ethnic communities, religious denominations, private business, and

many other forms of social associations to acknowledge the state and the government as the organ charged with the authoritative allocation of values. These authors (2006:30) point out that provision is made in a Constitution for how administration should be exercised. Craythorne (2006:1) compares a Constitution to a door. He (2006:1) writes, “The constitutional door opens to provide rights and obligations and to define and circumscribe the structures and institutions for the nation”, arguing that it closes to those who choose to violate the rights of others, and twist structures and institutions for their own purpose. In other words, the Constitution sets out ethical guidelines for public managers and provides standards against which to measure performance and deviations.

According to Section 2 of the Constitution (RSA 1996), the Constitutional Act is the supreme law of the Republic and is binding to all legislative, executive and judicial organs of the state at all levels of government. This brings about a fundamental adaptation to public management in the sense that political supremacy is now vested in the Constitution (Van der Waldt and Helmbold 2015:8). This means that public management must function in accordance with the guidelines and restrictions of the Constitution and those public managers must act within a strict framework of laws and regulations (Van der Waldt and Helmbold 2015:10). By way of promoting and ensuring ethics in public management, Chapter 10 of the Constitution outlines the basis values and principles governing public administration (RSA 1996:83). Section 196(1) (2) states that there shall be a single Public Service Commission for the Republic, which shall be independent and impartial (Wessels 2012:110). The Commission shall function without fear in the interest of the maintenance of effective and efficient public management and the promotion of high standards of professional ethics in the public sector. Unethical conduct in the form of injustices of the past are recognised early on in the Preamble, and the Bill of Rights is entrenched in Chapter 2 of the Constitution (Kant 2014:55).

To atone for the unethical conduct of the past, affirmative action principles, although not referred to by name, find reflection in the Constitution (RSA 1996; Hugo 2012:81). Section 195(1) is particularly important in public management.

According to the Section, ethics in public management may be promoted through the adherence to democratic values and the principles enshrined in the Constitution. Section 7(l) refers to the Bill of Rights as the cornerstone of democracy in South Africa, and affirms democratic values as comprising, among others, human dignity, equality and freedom. Chapter 2 on rights consists of 27 rights, and sections on the application, limitation, conditions for suspensions, enforcement, and interpretation of the Bill of Right. According to Venter (2014:224), human dignity is the most fundamental value and the other values derive from it. Section 10 of the Constitution emphasise this point by stating: “Everyone has inherent dignity and the right to have their dignity respected and protected”. Thus, it can be inferred that public managers should take cognisance of democratic values in the performance of human resource functions in order to act in accordance with the Constitution and the promotion and maintenance of ethics in public management.

#### **4.3. THE STATUTORY AND POLITICAL FRAMEWORK**

Du Toit and Van der Waldt (2009:125) describe statutory as the “legal provisions in terms of which [a] society’s activities are directed and which can influence the lives of individuals in society”. This means that the laws and regulations that apply demarcate the statutory environment in which we live. They serve as guidelines in terms of which we must direct our lives, telling us what we are allowed to do and what we are not allowed to do. Should we contravene them, we should expect to be punished.

The Collins English Dictionary (2012:1422) explains the meaning statutory “as prescribed or authorised by statute”. In the context of this chapter on the statutory framework within which services must be delivered, the researcher describes a statutory framework as a framework authorised and prescribed by legislation.

In South Africa, the Constitution prescribes how the government must be structured in all three spheres. The Constitution is also specific as far as the composition of government implements (or organs) is concerned.

According to Cheminais *et al.* (2013:32), the political environment refers to the political processes, ideologies, structures and outcomes emanating from the interaction between



groups and individuals in society in the process of competing for scarce public resources, and manifests itself in the authoritative allocation of these resources through the authoritative allocation of these resources through the formal parliamentary process. Du Toit and Van der Walt (2009:124) describe the political framework as the environment created and manipulated through the activities of different social groups. A good example is the ideologies of the African National Congress (ANC) that were translated into the policies of the government as soon as it came into power. Such policies include the affirmative action policy, the Employment Equity Act 55 of 1998 and the Skills Development Act 97 of 1998.

In the next section, the researcher will discuss the Skills Development Act 97 of 1998, its background, aim, and purpose. In Section 195 of the Constitution, it stipulates that public administration should adhere to a number of principles including:

- A high standard of professional ethics;
- Impartial, fair and equitable provision of services;
- Effective, efficient and economic utilization of resources; and
- ➤ Accountability, transparency and development orientation.

In view of this initiative by the government, a foundation was laid on which the public sector was to develop a culture of professional service ethos. Furthermore, ethical standards and professional service ethos were realised through skills development and training.

#### **4.4. SKILLS DEVELOPMENT ACT, 1998 (ACT 97 OF 1996)**

The Skills Development Act, 1998 (Act 97 of 1996) stems from the need to provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce.

These strategies should be integrated with the National Qualification Framework contemplated in the South African Qualifications Authority Act 58 of 1995 to provide for learnerships that lead to recognised occupational qualifications.

The financing of skills development was achieved by means of a levy-grant scheme and a National Skills Fund (Ntamu 2011:18).

De Baros (2015:50) states that the purpose of this Act is to develop the skills of the South African workforce by improving the quality of life of workers, to increase productivity in the workplace and the competitiveness of employers, and to promote self-employment and the delivery of social services. Furthermore, it aims to increase the levels of investment in training and education in the labour market and to improve the return on the investment, to encourage employers to employ people who find it difficult to find employment, and to use the workplace as an active learning environment to provide employees with opportunities to acquire new skills. Moreover, it encourages workers to participate in learnerships and other training programmes, improves the employment prospects of those who were previously disadvantaged by unfair discrimination, and redresses those disadvantages through training and education. It also ensures the quality of training and education for the workplace and assists work-seekers to find work, retrenched workers to re-enter the labour market, and employers to find qualified employees.

The Act further states that the establishment of an institutional and financial framework can achieve what it purposes. This will comprise of the National Skills Authority, the National Skills Fund, a skills development levy-grant scheme as contemplated in the Skills Development Levies Act, Sector Education and Training Authorities (SETAs), labour centres, and the Skills Development Planning Unit. The Act also states that partnerships between the public and private sector should be encouraged so that training in the workplace can occur in cooperation with the South African Qualifications Authority (SAQA) (Skills Development Act 1998:8).

According to Ecclesiastes 10 verse 1, if the axe is dull and its edge unsharpened, more strength is needed, but skill brings success. In other words, the zeal for restoring a professional work ethic cannot be realised without skills development.

The Skills Development Act, 1998 (Act 97 of 1998) therefore ensures investment in training and provides a planned approach to raising skills levels, improving employment

prospects, reducing unemployment and crime, and generally providing an environment conducive to growth and development.

The primary objective of the skills development strategy is to meet the needs of the individual employees. Babb (2010:27) identifies the following project process of deriving and implementing the skills development strategy by the skills development facilitator:

Select your SETA; analyse skills requirements and the skills matrix; cluster key results areas or outputs per job function; compile the skills plan; establish an education and training committee; align learning interventions to implement the skill plan; introduce a quality management system; identify learnership opportunities; implement assessment systems; and integrate skill strategies with the performance management system.

For most provincial departments, the current challenges are to maintain or improve performance in an environment of constant change. Public servants and their respective departments need to review the implications of such changes regularly in order to adapt their activities to the new challenges.

According to Williams (2015:33), new activities require a refinement of existing skills or the acquisition of new skills. While it is acknowledged that a number of legislation and policies enacted served to restore the professional service ethos, the public sector could not have achieved much without the 1996 Constitution, a document that will be discussed hereunder.

#### **4.5. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT 108 OF 1996)**

The South African Constitution, 1996, is a comprehensive document covering what the founding body regarded as necessary to move the country into an era of true democracy. It starts with a number of founding provisions and a comprehensive bill of rights.

The further provisions of the Constitution cover the spheres of government and their functional areas, judicial bodies, institutions supporting constitutional democracy, public administration, security services, traditional leaders, and public finance.

It ends with general provisions covering international law, the national flag, oaths and solemn affirmations, and election procedures. What is of importance for the purpose of this chapter is the system of democratic values established by the Constitution.

The Constitution lays the foundation for ethical behaviour in the South African public sector. It outlines the democratic values and principles guiding public administration. In terms of Section 195(a) of the Constitution, “public administration must be accountable and a high standard of professional ethics must be promoted”.

According to Diesoline (2012), the Constitution envisages that the actions of public officials should be in line with the values and principles in public administration and be upheld by all public personnel in the provisioning of services to society. The Constitution also makes provision for the establishment of institutional bodies, such as the AuditorGeneral, the Public Protector, and the Public Service Commission. These institutions play varied roles in as far as anti-corruption is concerned.

De Villiers (2011:377) indicates that the Constitution provided an effective framework on which ethical questions in the public sector could be addressed. The Constitution is about an interesting principle on which democracy is based, namely, a search for general rules or principles of conduct. It is a known fact that in a democratic government, values are rigidly prescribed. The new democratic government, for instance, brought into focus legitimate possibilities of enhancing the ethical standards in all provincial departments. The Constitution foregrounded a public sector, which was far removed from scrutiny by the public and the media. Thus, the public sector became more conscious of its obligations to society. The Constitution further guaranteed the right to human dignity, the right to access of information, the right to fair labour practice, and other rights that could improve the professional conduct of public sector departments. In other words, the democratic dispensation became a viable tool that could assist public servants to practice their professionalism.

Chapter two of the Bill of Rights forms the foundation for building work and service relationships in the public sector. The Bill of Rights of all people in South Africa affirms the democratic values of humanity, equality and freedom, and obliges the state to respect,

protect, promote, and fulfil the rights in the Bill of Rights. It promotes the following norms and principles, which form part of the political culture:

- Equity is important, as all public officials must have equal access to opportunities. All staff must be treated equally and given the same opportunities.
- Fairness, which implies that all public officials must be treated in a fair and just way.
- Responsibility and accountability refers to the government accepting responsibility, and being responsible for accounting to society for what has or has not been done (Bayat and Meyer 2014:35).

The political culture, in turn, gave birth to a culture of professional ethos, which is viewed as the administrative culture. The latter comprised the following elements:

- Efficiency (both internal and external): efficiency requires that public officials realise that they are working with limited budgets. On the other hand, the public is ignorant of the wide spectrum of society's expectations. This situation requires efficiency, effectiveness, and economy of government institutions and public officials. However, the public also demands efficiency, effectiveness and economy from government institution and public servants.
- Productivity: programmes must promote the development of more innovative work practices, which will maximise productivity and increase customer responsiveness.
- Performance management: organisations should evaluate individuals' job performance. When this is done correctly, employees, their supervisors, the human resource section, and ultimately the organisation benefit by ensuring that individual efforts contribute to the organisation's strategic focus.
- Flexibility: to ensure that training and education programmes are designed flexibly to meet the individual and changing needs of particular departments.
- Public participation: public managers have to take the initiative in identifying and implementing mechanisms that will accommodate the public's need to participate in the process of public decision-making and other management.

- Ethical conduct: the normative standards and guidelines regulating the behaviour and ethical conduct of public employees. These norms emanate from outside the organisation in the form of the manifestation of community values, laws regulating the ethical conduct of public employees, and ethical codes of conduct determined by professional and regulatory bodies (Cheminais *et al.* 2013:34).

The aforementioned elements are also indicative of professionalism (as discussed in Chapter 3). It could further be argued that any law or conduct in the public sector not consistent with the demands of the Constitution is invalid. For this reason, the authority and legitimacy of the Constitution in the activities of the public sector cannot be overemphasised. It could be said that the public sector is bound to the demands of the Constitution. The researcher argues that the Constitution is an important document for the public sector because it met the following criteria for legitimacy:

- A sovereign, democratic and constitutional state based on universally accepted values, such as the universal adult suffrage and a multi-party system of government to ensure an accountable, responsive and open government; □ A bill of rights, which protects the individual from the exercise of state power; and □ Democratic values and principles.

#### **4.5.1. Founding provisions**

Venter (2014:124) points out that the founding provisions establish, for the first time, that there is a common South African citizenship. All citizens are equally entitled to the rights, privileges and benefits of citizenship. They are also equally subjected to the duties and responsibilities of citizenship.

Moreover, provision is made for 11 official languages; all official languages enjoy parity of esteem and should be treated equitably. The Pan South African Language Board (PANSALB) was created to bring about conditions for development and use of all the official languages, as well as other indigenous language and sign language.

The Board also has to promote respect for languages commonly used by certain communities, as well as certain languages used for religious purposes

The Employment Equity Act and Affirmative Action is discussed below as initiative to enhance a professional service ethos and job satisfaction.

#### **4.6. EMPLOYMENT EQUITY ACT AND AFFIRMATIVE ACTION**

The Employment Equity Act, 1998 (Act 55 of 1998) was also used as an instrument of change in laying the foundation for professional ethos. The document serves as a guide to public managers on how to achieve equity in the workplace.

Equal opportunities are to ensure a representative public service. This can be achieved by ensuring that all employees enjoy equal rights in the employment, opportunities, benefits and access in the workplace. The cry for equal opportunities is also a tool that can be used to end discrimination and unfairness in the workplace (Government Gazette, May 1997:16).

The Constitution provides a mandate for affirmative action within the public sector. It stipulates that public administration must be governed by democratic values as enshrined in the Constitution and must be broadly representative of the South African people. It further states that employment and personnel practices must be based upon ability, objectivity and fairness (Government Gazette, May 1997:13).

The South African public service is in a process of transforming from the known past to a democratic dispensation. Provincial government stands in the midst of this transformation and is confronted with guidelines and philosophies of the past and new value systems of the present public service. One of the problematic aspects confronting provincial governments is the aspect of affirmative action.

Various authors in public management have presented many definitions and explanations of the concept affirmative action. De Baros (2015:17) describes affirmative as a mediating variable that affects the way a public institution recruits, hires, and promotes employees.

Starling (2013:481) defines it as an aggressive recruiting and selection institutional plan to remedy the results of the past discrimination.

Vil-Nkomo (in Hanekom and Thornhill 2015:136) describes affirmative action in the South African provincial context. He contends that it is an attempt to undo the policies of “separate but equal” to redress socio-economic inequalities and to enhance the rapid democratisation of provincial government.

Affirmative action can be used as a strategy for the achievement of employment equity by redressing imbalances in organisational culture, staff composition, human resource management practices, and service provisioning. According to the White Paper on Affirmative Action in the Public Service (1998:22), the population of South Africa in 1995 consisted of 75% black, 13% white, 9% Coloured and 3% Asian. Women comprised 51% and people with disabilities 5% of the population. The Constitution requires that the public service must strive to reflect these proportions in staffing in order for it to be representative of the population.

An analysis of the above descriptions of the concept affirmative action indicates that it refers to the preferential treatment of groups in society who had been discriminated against previously. Through affirmative action, provincial functionaries would be required to reduce underrepresentation and to rectify the underutilisation of groups who had been discriminated against previously in the public sector.

The question that arises is whether affirmative action is morally justifiable. Some arguments concerning affirmative action are presented in the following paragraphs.

According to Frederickson in Gildenhuis (2010:224), “Equity denotes the spirit and the habit of fairness and justice and right dealing”. The equity principles of fairness, justice and right dealing do not support the enforced sacrifices of an individual or groups to be justified by their inherent benefits for the majority (Gildenhuis, 2010: 224).

From this last statement, it can be said that equity principles are diametrically opposed to the affirmative action principle of preferential treatment in the distribution of social resources. The functionaries responsible for provincial governments should therefore



weigh the impact of programme such as affirmative action on the welfare of individuals in respect of the equity principles of fairness and justice.

The injustices of the past, such as constitutionalised and institutionalised discrimination based on race, sex and colour, are recognised in the Constitution and a foundation for a democratic and open society is being laid (see RSA 1996:1). Functionaries responsible for provincial governments should therefore exercise care in the implementation of affirmative action and ascertain that democratic values, social justice, and fundamental human rights are enhanced. Failure to observe these values could strengthen the belief that affirmative action is reversed discrimination by those adversely affected by affirmative action. It is argued that public institutions in complex societies like South Africa should be demographically representative of the population if they are to be effective and responsive. In contrast, it is argued that such measures are not effective and lead to negative discrimination.

As provided for in the Constitution, public institutions must be representative of South African society. In addition to the prime reason that the inequalities caused by past discrimination have to be corrected, there are several reasons to ensure representative public institutions through affirmative action (Schwella *et al.* 2011:90).

Acts such as the Promotion of Access of Information Act, 2000 (Act 2 of 2000) and the Education Laws Amendment Act, 2000 (Act 53 of 2000) are also initiatives of provincial government to discourage unethical conduct and inculcate a culture of professional ethos. Such legislation will be discussed under the White Paper on Transforming Public Service Delivery hereunder.

#### **4.7. WHITE PAPER ON TRANSFORMING PUBLIC SERVICE DELIVERY (Batho Pele)**

The paradigm for service delivery in the past was supposed to be in accordance with certain normative principles; the introduction of Batho Pele added a new dimension to service delivery. Batho Pele prescribes the rights of members of the public with regard to what they are legitimately entitled to. Batho Pele also provides specific guidelines to public

servants in terms of the regard they should have for the rights of those whom they serve. The new dimension that the Batho Pele principles add to service delivery has ushered in a new paradigm regarding public service delivery, or perhaps has reemphasised the importance of the client as the recipient of services (Fox and Meyer 2015:93).

The public sector does not seem to measure up well to these requirements partly because of the failure of management to adhere to the performance contract in terms of the Public Service Act (Proclamation 103 of 1994: Section 12). According to Lekoeneha (2000:86), many public managers are threatened and uncomfortable with improvement efforts because they feel that they will lose power, prestige and control.

Over and above the legacies of the past, such as a lack of representation, corruption and poor performance, the oversupply of unskilled labour, and problematic labour relations, which were characterized by rules, tailored for control and not proper management, the discrepancies and deceased authority of moral standards reigned supreme. Such challenges can be addressed through supreme effort, tremendous resilience, and the contractive participation of all role-players (White Paper on Local Government 1998: viii).

In line with the Constitutional principles, as mentioned earlier, the White Paper on Transforming Public Service Delivery calls on provincial departments to make service delivery a priority. This can become a reality if the following is maintained:

- Equity and fairness;
- An appreciation of the wider public interest;
- Making informed judgements and making public officials accountable;
- Safeguarding public confidence in the integrity of government by being honest; and
- Avoiding conduct that creates the appearance of impropriety, or which is otherwise unbecoming for public servants (Denhardt 2013:236-241).

The White Paper on Transforming Public Service Delivery (Section 6 of Chapter 3) lays down a set of moral guidelines in terms of which public servants must do their work to provide services to the satisfaction of their customers. Eight principles have been identified and are known as the Batho Pele principles, which means “the people first”.

These eight principles are consultation, service standards, access, courtesy, information, openness and transparency, redress, and value for money. The Batho Pele principles should be regarded as “a guidance by all levels of Government and the wider public sector when introducing their service delivery programmes” (White Paper on Transforming Public Service Delivery 1997:7). The eight principles of Batho Pele are explained below:

#### **4.7.1. Consultation about services**

The principle of consultation requires that public servants acknowledge and accept that citizens must always be consulted about the level and quality of the public services they will receive. Whenever possible, citizens must be given a choice about the services that are offered to them.

#### **4.7.2. Service complying with specific standards**

This principle requires public servants to inform citizens about the level and quality of the public services they will receive so that they know what to expect. This implies that public servants must comply with the quality of services they have indicated they will provide. If this is not done, citizens have the right to complain and ask for quality services.

#### **4.7.3. Access to services**

Access provides citizens with the right of equal access to services. Public servants may not prevent citizens from receiving this right to which they are entitled. Citizens have a legitimate right to equal access to services.

#### **4.7.4. Courtesy in the delivery of services**

Courtesy requires public servants to treat every citizen with courtesy and consideration irrespective of whether a person appears to be poor or rich or old or young – everyone must be treated with courtesy.

#### **4.7.5. Information regarding the delivery of services**

Public servants must provide citizens with full and accurate information about the public services that they are entitled to receive. This also implies that citizens have the right to be informed about why standards have dropped and when services will be up to standard again.

#### **4.7.6. Openness and transparency regarding service delivery**

This requires public servants to tell citizens how national and provincial departments are run, how much it costs to run them, and who is responsible for running the departments.

#### **4.7.7. Redress**

In terms of the principle of redress, public servants must realise and understand that if the promised standards of services are not delivered, they must explain why services are not delivered, and they must explain why the services are below standard. Public servants must also apologise to citizens and promise them a speedy and effective remedy. If citizens complain about services, they should receive a sympathetic and positive response.

#### **4.7.8. Value for money (in other words, services being equal to what is paid for them)**

In terms of this principle, citizens can demand that they receive value for the money they pay for services. Public servants therefore have a responsibility to provide services economically and efficiently in order to give citizens the best possible value for money.

The researcher accepts public institutions have always obliged to deliver services that comply with set service standards. However, the White Paper formally institutionalised the rights of citizens to receive services that comply with set service standards. In other words, citizens now have something to call upon if they are dissatisfied with the services they receive. The principle of service standards requires that public servants inform citizens about the level and quality of services.

To conclude, the Batho Pele principles bring home to public servants the realisation that they have certain responsibilities towards citizens, who have definitive rights regarding how services are delivered to them.

The importance of a code of conduct underpinning ethics in provincial governments should be emphasised. This aspect is discussed below.

#### **4.8. CODE OF CONDUCT**

Bateman and Zetham (2013:168) describe an ethical code as "... written statements of beliefs and policy which give explicit guidelines for employees to follow". They point out that ethical codes provide the most visible sign of commitment to ethical behaviour.

Copper (2012:137) argues that ethical codes are a major form of control as they seek to establish limits, requirements, boundaries, and standards. According to Bateman and Zeithaml (2013:543), codes serve as a feed forward control mechanism, are future oriented, and aim to prevent problems before they arise. A code of conduct exists for the South African Public Service (RSA 1997). Its main purpose is to act as a guide to public employees as to what is expected of them from an ethical point of view, and to promote exemplary conduct.

Chapman (2012:18) defines a code of conduct as a statement of principles and standards about the right conduct of public officials. It normally contains only a portion of the government's rules on public service ethics and is, therefore, a narrower term than ethical rules, which include statutes, regulations and guidelines. According to Rosnow and Rosenthal (2013:360), a code of conduct is a set of principles adopted by associations or institutions to define the specific principles for which they stand. A code of conduct makes a specific policy selection of the basic ethics in society and seeks to use them to determine an institution's definition of its programme of action and what kind of institutionorientated behaviour is acceptable.

Because of the importance of a code of conduct, some of the points that are relevant to ethics are reproduced below (Copper 2012:139):

□ A relationship with the legislature and the executive and executive:

An employee puts the public interest first in the execution of his/her duties, loyally executes the policies of the government of the day in the performance of his/her official duties as contained in all statutory and other prescripts; □ A relationship with the public (Chapman 2012:26):

An employee will serve the public in an unbiased and impartial manner in order to create confidence in the public service, is polite, helpful and reasonably accessible in his/her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service, and does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language (Chapman 2012:28).

It is apparent from the above that the code of conduct envisages certain behaviour from public officials. However, a code of conduct is not a panacea for unethical conduct, and has both advantages and disadvantages.

#### **4.8.1. Advantages of Codes of Conduct**

Cooper (2012: 143) mentions the following advantages of codes of conduct:

First, a code of conduct can project ideas, norms and obligations better than legislation. Legislation “generally focuses on conflict of interest and tends to be negative in its prescription”. Codes of conduct establish an ethical status for members of a profession. Critics of public service codes of conduct say that broad ethical principles are often difficult to apply to particular situations (Nagiah 2012:36).

Second, codes of conduct can be tailored to the typical situation of the profession. While legislation tends to be universalistic and more inclusive, codes can be more particularistic in their audience. A related concern is that codes of conduct, even if they contain detailed

provisions, are difficult to enforce; many codes of conduct contain no provision for their enforcement (Nagiah 2012: 36).

Third, if codes of conduct are not prepared by a few in isolation of the majority they can serve as a means of socialising members, and clarifying and internalising the values of a professional group. Durkheim (in Copper 2012:143) warns against codes that are prepared and imposed by a few, and suggests that they should evolve through the active participation of many. Given the considerable size and complexity of the public service, it is difficult to draft a code of conduct that can be applied effectively and fairly across all provincial departments (Chapman 2012:19).

Fourth, codes of conduct are ineffective in dealing with systemic maladministration, where the public service professes an external code of conduct that contradicts internal practices and where internal practices encourage and hide violations of the external code of conduct (Kernighan & Dwivedi 2013:63) Finally, a code of conduct can be regarded as lip service as superordinate public officials fail to abide by its provisions.

#### **4.8.2. Disadvantages of Codes of Conduct**

Cooper (2010:144) points to the following as disadvantages of codes of ethics:

First, a striking disadvantage of codes of ethics is an absence of an enforcement mechanism. As a form of external control, codes are generally weak because of the lack of operational enforcement structures and procedures.

Second, even where enforcement mechanisms do exist, these may be meaningless. Most professional associates in the public sector do not licence practitioners in their fields; as a result, a wayward member's career is not likely to be significantly affected by the actions of a professional association.

However, regardless of these shortcomings, a code of conduct remains an important document for the promotion of ethics in public management. Clapper (2006:23), for example, points out that codes of conduct channel the public manager's personal morality

and technical skills; codes assume that a public managers has a personal value system that disposes him/her towards serving sufficiently and ethically; and they serve to steer the judgement and discretion of public managers in an effort to ensure efficient service delivery. De Baros (2015:6) argues that a code of conduct serves two purposes, namely to combat corruption and prevent maladministration. He (2015:6) describes corruption as blatant dishonesty in the use of public money, and maladministration as a dysfunctional condition where the taxpayer is a loser as a result of inefficiency but where there is not necessarily enrichment of the public official. Williams (2015:73) emphasises the role of codes underpinning ethics. He (2015:73) writes that codes indicate the belief that ethical management is essential for the achievement of the service objective and that they are a demonstration of the highest standards of personal integrity, truthfulness, honesty and fortitude in all public activities.

#### **4.9. PROVINCIAL INITIATIVES**

The Public Protector is not only a national initiative to root out corruption and maladministration. It is also a provincial initiative and responsibility.

According to Gildenhuis (2010:48), the Premier of each of the nine provinces appoints a Public Protector for that province. The provincial Public Protectors have the same functions as the national Public Protector, but must perform their functions in consultation with the Office of the National Public Protector, which has concurrent jurisdiction in the provinces.

The public sector in the nine provinces is also serious about the implementation of Batho Pele as a mechanism to promote a professional service ethos in various departments. While progress has been made in the transformation of the public sector in almost all provinces, it is important to specifically highlight breakthroughs in the Free State Province.

Since the provincial launch of Batho Pele in Bloemfontein, provincial departments have been informed or assisted on how to implement the White Paper in their respective departments. A provincial Batho Pele Steering Committee, coordinated by the Department of the Premier, took the lead in assisting departments with the development



of Service Delivery Improvement Plans (Free State Provincial Government 2000:1). In order to educate and address various stakeholders on the eight principles of Batho Pele, especially the principles relating to conduct and professionalism in the public sector, the Office of the Premier in the Free State Provincial Administration held numerous successful meetings. Public officials and communities were addressed on their role in the implementation of Batho Pele and the promotion of a professional service ethos. Presentations were done in more than one official language and the media was used as a vehicle to disseminate the message of a clean public sector.

The Batho Pele White Paper (1997:29) required both national and provincial departments to begin implementing the principles immediately. It further acknowledged that the process of implementation would vary from department to department. Some departments might need to start with small individual steps and build up gradually as experience developed, while others might be able to introduce a comprehensive programme from the onset.

For example, the Department of Education in the Free State Province started at a slow pace by introducing mechanisms and disciplinary procedures, which could enhance professionalism in schools. According to Lekoomo (2010:13), the results of such an initiative were that the following cases were addressed:

□ Misconduct investigations	184
□ Misconduct hearings	127
□ Officials found guilty and sentenced	255
□ Educators suspended	38
□ Termination of service for misconduct	84
□ Complaints and grievances	64

The above initiative served to discourage future intended unethical conduct and conveyed the message that institutions of learning were serious about rooting out corruption and maladministration. This created a framework for professionalism, which was about treating citizens more like customers and enabling public officials to account for their action or inaction. The principle of accountability and responsibility features in the

foreword in the Code of Conduct for the Public Service, and in Batho Pele. Various departments in the Free State use the Code of Conduct for the Public Service (1998:612). The document referred to explains the relationship of the public official with the public as follows:

- An employee promotes the unity and well-being of the South African nation in performing his or her official duties;
- An employee will serve the public in an unbiased and impartial manner in order to create confidence in the public service;
- An employee is polite, helpful and reasonably accessible in his or her dealing with the public, at all times treating the public as customers who are entitled to receive a high standard of service;
- An employee has high regard for the circumstances and concerns of the public in performing his or her duties in making decisions affecting them;
- An employee is committed through timely service to the development and upliftment of all South Africans;
- An employee does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- An employee does not abuse his or her position in the public service to promote or prejudice the interest of any political party or interest group;
- An employee respects and protects the dignity of every person and his or her rights as contained in the institution; and
- An employee recognises the right of the public of access to information, excluding information that is specifically protected by law.

These principles are in line with the 1996 Constitution, especially paragraph (a) of the Constitution that requires that a high standard of professional ethics must be promoted and maintained. If public officials abide by the Code of Conduct, the professional service ethos and ethical conduct will improve as an automatic consequence.

In view of the aforementioned, the Department of Development undertook to adhere to the behavioural code for public officials by being punctual in the execution of their duties, responding promptly to requests, improving skills, and fostering a culture of professionalism (Free State Provincial Government 2000:6). Furthermore, the Department of Social Development has a toll free number where complaints can be directed so that appropriate steps can be taken. The Department encourages and rewards officials who perform satisfactorily or better than the public expects from them. In other words, a culture of public management is being fostered (Free State Provincial Department 2000:8). It should also be pointed out that at local government level, initiatives are being taken that are on par with what is going on in both the national and provincial spheres to inculcate a professional service ethos. Internal to the institution, other factors also influence ethical behaviour in the management of human resources. These will be discussed next.

#### **4.10. INTERNAL FACTORS**

Internal factors are what happen within the organisation itself. Hill (2015:151) lists what he calls internal forces, that is, people and corporate. Under the people category, there is pregnancy, retirement, sickness, resignation, termination, death, leave of absence, long-term training programmes, and vacations. The corporate categories include the institution's long-term goals, short-term budgets, and new ventures. These internal forces emerging from within an organisation have a profound impact on its future demand for human resources. In other words, human resources planning cannot take place in isolation (Andrews 2015:50). Indeed, it must constitute an integral part of the total planning of the institution. In the first instance, an internal factor, which can exercise a direct influence on a human resource plan, is the element of insecurity concerning aspects such as the productivity of personnel. Secondly, the motivation of personnel cannot be predicted, and associated with this is the possibility of non-attendance. Thirdly, absence due to sickness is a factor that cannot be predicted with any certainty.

The internal factors in government institutions is determined by legislation, regulations, codes, rules, and even the personal views of a cabinet minister and the temperament of a manager. The obstacles experienced and the motivational factors are phenomena of the internal environment of provincial government institutions, which will affect efficient, effective and economic service delivery. In reality, the work of public officials is often delayed by a variety of obstacles typical of the internal environment of provincial government institutions responsible for service delivery. These obstacles could be ambiguous regulations and rules, or deficiencies within the institution (Fox *et al.* 2010:45). They could also be deficiencies at other institutions that deliver supportive functions to an institution. For example, in the administration of justice, the South African Police Services support courts of law in the execution of their functions. Different obstacles often inhibit courts of law to carry out their tasks efficiently, effectively and economically. These obstacles include the following: witnesses do not appear for court cases, attorneys do not appear for court cases, translators are not available when court cases are scheduled, and the police arrive late with the accused at courts.

Moreover, there is the organisational inability of supervisors and the lack of proper coordination of activities that affect the work of other sections. These deficiencies not only inhibit the efficient, effective, and economic functioning of the courts of law, but efficient and economic service delivery (Hill 2015:170).

Regarding the internal factor environment, Du Toit and Van der Waldt (2009:139) say that, irrespective of the size of an institution, "...the internal factor is just as real to a government department in its entirety as to a small rural district office of a provincial government". In this respect, we can deduce that the national policy regarding the administration and management of water applies just as much to the Department of Water and Forestry as to small rural offices of the Department in a state forest. The National Water Policy sets the internal boundaries within which certain provincial government institutions must do their work. These boundaries could enhance or inhibit the progress of the relevant government institutions to deliver services efficiently, effectively and economically.

The internal factors, similar to external factors, are also divided into two or more categories. Fox, Wissink and Schwella (2010:20) refer to what Du Toit and Van der Waldt (2009:139) called the internal factor as the specific environment, which Fox *et al.* (2010:21) categorise as the specific environmental regulators, suppliers, consumers and competitors. For this purpose, the researcher will explain the internal factors, as provided by Du Toit and Van der Waldt (2009:139). The following internal factors can affect the human resource forecasting process: the age structure of the labour force, average period for which employees stay with the organisation, productivity, absenteeism, and overtime.

In the discussion above, factors internal to the institution, which may promote ethics, were discussed; however, certain enabling activities for the promotion of ethics in provincial departments have to be undertaken. These are discussed in the following paragraphs under administrative processes.

#### **4.11. ADMINISTRATIVE PROCESS**

According to Cloete (2010:25-39), the generic administrative functions refer to policymaking, organising, financing, personnel management, procedure, and the exercising of control. These six categories are referred to as enabling functions, and must always be undertaken to achieve a goal (Cloete 1993:25).

Thus, it can be said that if the goal is the promotion of ethics in a provincial department, these enabling functions should be undertaken. In an analytical model for input-conversion-output transformation, Leon (2009:13) indicates that these enabling functions appear under conversion and are referred to as administrative activities. Du Toit *et al.* (2008:74) argue that to enable provincial government institutions to deliver services, these enabling functions must be undertaken.

This environment refers to those structures and processes related to the administration and provision of services to the community, and which should at all times conform to the rules of administrative law, the rules of natural justice, and internal administrative regulation required for valid administrative acts (Cheminais *et al.* 2013:34).

Public management must be made possible by first carrying out the function of public administration. These functions are policy-making, financing, personnel provision and use, organising, determining work methods and procedures, and control. Each of these functions must be carried out to enable the processes of management to take place and ultimately to deliver services. This includes the following:

- A policy describing the intent of the function, for example to provide primary and secondary educational facilities and services to all citizens between the ages of seven and 18 years.
- Funds to finance the actions taken to provide primary and secondary educational facilities and services to all citizens between the ages of seven and 18 years.
- This could include the building of schools and making them operational, which implies that funds are budgeted for all that has to be done to make them operational. This may include funds for building schools, paying staff's salaries, and furnishing schools.
- Personnel, who must carry out the functions that will eventually lead to the achievement of the policy objective regarding education. They could include managers, administrative staff, teachers and builders.
- A structure organised in a specific way and in which and from where the personnel work to achieve the objectives for which they were appointed. In this respect, the structure of the Department of Education has different divisions, branches and units, each responsible for carrying out certain functions; for example, an inspectorate, a division responsible for examinations, one for curriculum, and so forth.
- To manage efficiently, effectively and economically, work procedures and methods are often prescribed for use by managers. For example, the public personnel manager has to follow certain prescribed procedures when disciplinary actions are taken against an employee.
- To ensure that everyone is working towards the achievement of the objectives, control measures are introduced. For example, an inspector of schools evaluates

performance, or internal auditors in the Department audit the financial transactions and the effectiveness of control systems (Cloete 2010:46).

The concept of honesty is also fundamental to the deontological theory of ethics and receives attention in the section below.

#### **4.12. HONESTY AS AN ETHICAL GUIDELINE**

What immediately comes to mind in the day-to-day consideration of the concept honesty revolves around financial transactions, avoidance of bribery, reliability in keeping one's word, and fulfilling one's promises. Even though these aspects form part of what is understood by honesty, Hill (2015:300) points out that honesty, in a wider sense, has to be understood as an "illuminating agent, which throws light on the problems to be solved. It breeds faith and confidence". Thus, it can be inferred that provincial managers need to be honest in dealing with their subordinates, the community, and their colleagues in order to win their faith and confidence.

In the following paragraphs, honesty as an ethical value in provincial departments is discussed under two subheadings. Although the list is not exhaustive, it is an effort to highlight the importance of the concept.

##### **4.12.1. Honesty and dishonesty**

Heyns (2011:115) considers honesty as closely related to the norms of loyalty and reliability, truth and integrity, tolerance, level-headedness and objectivity. According to Du Toit and Van der Waldt (2009:105), the principle of honesty has numerous implications for public administration and management, as well as for service delivery. The public expects provincial government institutions and officials to be loyal, trustworthy and honest, not only towards their employees but also towards the public. This principle implies that the public expects provincial government institutions to be transparent.

According to Hill (2015:299), many people do not consider lying dishonest, especially mild forms of lying. He (2015:299) states that, to many people, the threshold of dishonesty begins with stealing, which to some is not considered dishonest either. Consider, for example, a public manager who calls in sick and instead does his/her private business. He/she lies and steals taxpayers' money in that at the end of the month he/she receives full pay. But, because the public manager never literally put his/her hand in the money till, the act is not always considered dishonest. Consider also the use of office telephones for long-distance personal calls. The list is endless. These are dishonest acts, and they amount to stealing taxpayers' money, although indirectly.

To all the above, Hill (2015: 300) adds that lying is grossly unethical because it expresses disregard and disrespect for the self and others. He (2015:300) also points out, "When a small lie starts from the top, it creates an avalanche of lying at the bottom". According to Williams (2012:509), subordinates adopt an attitude of "where you lead me, I will follow". Accordingly, public managers need to be honest and exemplary in their conduct. Williams (2012:509) further makes the point that honesty and trustfulness cannot be projected, unless they are genuine.

Prudent public managers should understand this and should ask themselves the question whether they would like their subordinates to follow their dishonest and lying example.

Professionals could be more inclined to be honest if they adhere to a strict code of professional ethics. This aspect is discussed below.

#### **4.12.2. Honesty and professional ethics**

The Collins English Dictionary (2012:1362) describes a profession as "... a form of employment, especially one that is possible only for an educated person and after training and that is respected in society as honourable". Hanekom (2014: 197) points out some features that are characteristic of professional public officials, such as the conviction to serve society with honesty and the fulfilment of a code of professional conduct, the violation of which could lead to exclusion from the profession.



Professionals therefore dedicate themselves to honest and decent service by adhering to professional ethics in order to advance of the profession. In South Africa, public management is offered as a course at tertiary institutions, leading to a professional qualification as a professional personnel practitioner or a general manager. A qualification in Industrial Psychology entitles one to register with the South African Board for Personnel Practice before going into practice (Gerber *et al.* 2015:36). The practice of human resource management is also controlled by the Institute of Personnel Management to ensure professional standards (Gerber *et al.* 2015:35).

From the above paragraph, it can be inferred that human resource management could be regarded as a profession, where a profession is defined as "...an occupation that properly involves a liberal education or its equivalent and mental rather than manual labour..." (Funk & Wagnall in Thornhill and Hanekom 2015:196-198). As a profession, it can be expected that the practitioners thereof should act in accordance with ethical principles to uphold the profession, and be honest in dealing with subordinates and the community at large.

Hanekom (2014:200) points out that in the public sector there are a variety of professions. He (2014:200) argues that these professionals function differently from private practitioners, such as human resource management consultants, because their loyalty should first be to the state as their employer and only then towards their area of specialisation. This brings about a fundamental difference in the functions of professional human resource managers in the public sector in that they do not function under the principle of "time is money".

#### **4.13. CONCLUSION**

The role of the environment is significant in the delivery of public services. The environment can have either a positive or a negative effect on the quality of service delivery.

Service delivery by provincial departments has various facets that can contribute positively or negatively to it. In the first instance, there is the obligation of government institutions and public officials to deliver services to the public. This obligation emanates from the Constitution, other legislation and the set objectives of the government, government departments and every division, unit and section within government departments. This is also the public's expectation of quality service delivery, which they can demand in terms of the Batho Pele principles. In addition, as taxpayers the public can rightfully expect to receive quality services. Another facet is service delivery within the context of guidelines that public officials have to adhere to, for example, the guidelines set by legislation and values systems.

Service delivery takes place within a particular environment that will influence the quality of service delivery. This may be because of a specific phenomenon of the internal factor of a specific provincial government institution. For example, the furniture of the courtroom might not be delivered in time, with the result that the hearing is postponed. A phenomenon of the external environment of a specific magistrate's office may be that because of heavy floods in the area a witness does not appear for a court case. In both cases, service delivery suffers.

The environment in which provincial government institutions operate differs from one institution to the next. This can be ascribed partially to the environment in which they work.

The researcher concludes that a statutory framework for provincial governments creates a means for achieving goals, the mission, and hopefully, the vision. A statutory framework for provincial government has two distinctive facets. The first distinctive facet is the physical structure of the framework, which is organised and compiled in a specific way. The second facet is that the framework should be created by a statute to set the boundaries within which public office-bearers, executives, and officials should deliver services.

In this chapter, various authors supported the fact that ethics is part of management. Moreover, the factors and guidelines pertinent to public managers were discussed. In

addition, honesty and dishonesty, and honesty and professional ethics were discussed in detail.

## **CHAPTER 5**

### **THE CASE STUDY: A FREE STATE PROVINCIAL GOVERNMENT DEPARTMENT**

#### **5.1. INTRODUCTION**

The department that forms the case study of this research is located in the Free State Provincial Government in Bloemfontein, South Africa. This chapter will focus on this case study on the Department of the Premier in the Free State Provincial Government. The absence of good ethical behaviour and/or the impact of unethical behaviour on the achievement of objectives in provincial departments will be investigated to find answers to the reasons for the lack of ethical behaviour.

This study came in the wake of looming challenges posed by the political and administrative environment on the Department of the Premier in the Free State Provincial Government in as far as ethics is concerned. Such challenges suggested that the operational and managerial activities of the Department could not exist without the conscious formal influence of an ethical moral culture. It is the intention of this study to clear any confusion emanating from the failure to understand that the performance of the public sector and ethics are linked directly to the extent to which the goals of public institutions are intrinsically bound with ethics.

Creswell (2008:61) defines a case study as “an exploration of a bounded system of a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information rich in context”. The bounded system is bound by time and places and the case can refer to a programme, an event, an activity, or individuals. The researcher can select a single programme (the study is then called a within-sited study), or several programmes. Information refers to observations, interviews, documents, reports and audio-visual material. The context of the case might be within a physical, social, historical, or economic setting. The case could be selected because of its uniqueness (an intrinsic case study), or it could be instrumental in illustrating an issue (an instrumental case study).

In choosing the type of case study, the researcher decided which type would be most useful. There are various possibilities available for purposeful sampling when choosing a case study to utilise. The data collection in a case study is extensive and includes interviews (Denscombe 2008:30-31). Interviews are of utmost importance to qualitative research (Hanyane 2013:45) as they contribute to knowledge and are useful for practitioners in the specific field.

In this chapter, the researcher is going to examine the interview questions that were asked during the interview process with the 15 respondents who occupy key positions in the Department of the Premier in the Free State Provincial Government. The respondents include:

- ✓ Five officials in senior management in the Department.
- ✓ Five officials in middle management.
- ✓ Five officials in lower level positions.

Within the Department in question, mainly senior managers, middle managers (supervisors) and lower position officials conduct research as part of their everyday work because they have the special skills and abilities to do it. The researcher was of the opinion these levels would approach the challenge not only from the perspective of their respective disciplines, but they would work together towards a better understanding of, or a new solution to, the problem.

The researcher held a group meeting with the respondents as part of the research interviews aimed at obtaining information based on open-ended questions. The respondents were given an opportunity to express their opinions, feelings, experiences, beliefs, and views regarding solutions to the dilemma.

The researcher had a three-day session with the groups (from 16/06/2017 until 18/06/2017). The questions were divided according to ranks or positions within the Department of the Premier. All 15 participants agreed to gather to debate and express their views.

Values are an integral part of ethics. In Chapter two and Chapter four, some of the values that underpin ethics in provincial government were discussed. These included principles, norms and values. In the theories of ethics, values are described in the deontological theory. In the Department under study, in the context of human resource management, the consideration of different value systems is essential because South Africa is a heterogeneous society. This implies that the society is multicultural with different cultural groups or ethnic groups maintaining their cultural identities and values system. Managing in such an environment requires diversity skills. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the public institution, without undermining the values of the different groups (Mercer 2012:63).

## **5.2. ETHICAL ASPECTS IN RESEARCH**

De Vos (2008:24) defines ethics as follows: “A set of moral principles which is suggested by an individual or groups and subsequently widely accepted, and which offers rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students”. Regarding ethics in conducting research in the public sector, the researcher will show respect to the respondents in the way the interview questions are formulated and asked. In interviewing the respondents, the researcher will acknowledge their privacy and feelings, and not be insensitive when they are hesitant to answer. Maintaining the confidentiality of the data, preserving the anonymity of respondents, and using the information collected only for research purposes are all part of being sensitive to ethical issues (Nation 2014:96).

According to Schurink (2005:43), ethical issues are the concerns and dilemmas that arise over the proper way to execute research; more specifically not to create harmful conditions for the respondents in the research process. The researcher will ensure the following throughout the study by:

- Explicating the objectives of the study as well as the procedures to be followed upfront to everybody taking part in the research;

- Informing the participants that the study is voluntary, and further informing them of their right to withdraw if they feel uncomfortable;
- All the participants will complete a consent form; and
- The participants will be informed of their right to privacy, and everything shared with the researcher will be treated in confidentiality.

Schurink (2005:44) stipulates that it is useful for the researcher to follow a practical approach in which he/she asks questions and pushes hard to get answers. The researcher should also be honest about the purpose of his/her research.

When planning a research project, it may be necessary to obtain permission for the study. It is the responsibility of the researcher to determine whether permission should be obtained and, if necessary, to obtain written permission for the research project from the appropriate authorities (Creswell 2008:88).

### **5.3. DATA ANALYSIS**

After the researcher has collected the data, it must be analysed and presented in the form of a report, to be accessible to others. The procedure followed and interview results used should also be reported. Lastly, the researcher identifies the interview feedback to be used to compare the answers of the research questions or objectives of the study (Bethlehem 2009:127).

In this chapter, the feedback emphasises an improved understanding of human behaviour and personal experiences as the researcher is interested in the ways in which individuals make sense of their lives and describe those meanings. In this study, the researcher will analyse and interpret the same open-ended questions asked in the focus group interviews with the respondents.

All fifteen officials (senior management, middle management, and lower level positions) from different sections Department of the Premier were approached to be interviewed. All of them agreed to be interviewed.

The interviews were conducted with the nominated officials at the offices of the Department of the Premier. The results were analysed and recommendations and conclusions will be formulated in Chapter six.

#### **5.4. THE INTERVIEW AS COLLECTION OF DATA**

Interviews are done to gather more information, or to collect data. In this study, the researcher asked open-ended questions during the structured interview. Because a qualitative researcher wants to listen to the participants, the questions can change during the interview to reflect an increasing understanding of the issue.

Qualitative research is undertaken in a natural setting, and the researcher is an instrument of data collection who gathers words, analyses them inductively, focusing on the meaning given by the participants, and describes a process that is expressive and persuasive in terms of the language used (DePoy and Gilson 2008:108). Patton (2015:61) defines an interview as “a process in which a researcher and a participant engage in a conversation focused on questions related to the research study”. An interview is also described as a verbal interchange, often face to face, in which an interviewer tries to elicit information, beliefs or opinion from the other person (Burns 2007:329).

Diesoline (2012:139) states that an interview focuses on gathering stories and that concrete biographical material is gathered through interviews. These stories are then organised around themes that indicate significant events in the individual’s life (epiphanies) and the researcher explores the meaning of these stories. He/she relies on the individual to provide explanations and to search for multiple meanings.

The four basic types of information that Creswell (2008:19) identified are interviews, observation, documents, and audio-visual materials. In this case study, the researcher will be applying a scheduled structured interview using an open-ended research questionnaire to collect data from the respondents. In a research process, the researcher conducts interviews with individuals until the data is saturated (Ivancevich 2012:261).



#### **5.4.1. Data collection method using open-ended questions**

The collection and analysis of the data is an ongoing process. The interview method helps to ensure the reliability and replicability of the study. A general rule is that the analysis of the data by the researcher must correspond by 80% or more (De Vos 2008:398).

Kumar (2014:178) states that in a structured interview the researcher asks a predetermined set of questions, using the same wording and order of questions as specified in the interview schedule. The interviews for this case study were scheduled from 05/09/2016 until 07/09/2016. The Director of the Department of the Premier in the Free State Provincial Government gave the researcher permission to conduct the interviews. Furthermore, the Skills Development Manager compiled a list of candidates who would be part of the interviews, and all candidates agreed to take part in the interviews.

With regard to questions, all the participants who held different positions or were at different levels were interviewed using the same questions. Thus, the researcher categorises them into three groups: Senior Management as Group A, Middle Management as Group B, and Lower levels as Group C. All the participants hold a university qualification, apart from the two messengers who have senior certificates and internal training certificates. Among the participants, 80% were female and 20% male.

**Table 1: Number of participants according to age and position**

<b>GROUP</b>	<b>Participants</b>	<b>Age</b>	<b>Current Position</b>	<b>Period (Years)</b>	<b>Number of participants</b>
<b>A</b>	<b><u>Senior management</u></b>				
	Participant 1	42	Director	8	5
	Participant 2	47	Director	8	
	Participant 3	37	Deputy Director	5	
	Participant 4	52	Deputy Director	10	
	Participant 5	35	Assistant Director	3	
<b>B</b>	<b><u>Middle management</u></b>				
	Participant 1	32	Admin officer	8	5
	Participant 2	32	Chief Registry	4	
	Participant 3	40	Senior Admin clerk	5	
	Participant 4	39	Senior Human Resource officer	12	
	Participant 5	28	Administration Officer	7	
<b>C</b>	<b><u>Lower level</u></b>				
	Participant 1	55	Messenger	15	5
	Participant 2	40	Messenger	9	
	Participant 3	25	Admin clerk	3	
	Participant 4	28	Human Resource Officer	3	
	Participant 5	25	Secretary	1	

Source: Own construction

The interview questions were designed in such a way that the Senior Management respondents answered Question 1, 2 and 3, Middle Management answered Question 4, 5 and 6, and the Lower levels answered Question 7 and 8. Although the interviews were conducted in English, the researcher gave the participants an opportunity to express themselves in Setswana or Sotho.

The following questions were asked during the interviews:

1. How can senior management develop mechanisms to encourage ethical behaviour throughout the Department?
2. Should public managers and public officials in a provincial department have to practice ethical conduct?
3. How will ethical guidelines be identified in the work environment?
4. Can ethics be taught to employees and, if so, how should such training be undertaken?
5. What mechanisms could be used to enforce codes of conduct?
6. What are the principles that the training and education providers in the public sector need to follow at government institutions?
7. What are the measures and mechanisms to ensure ethical conduct in a provincial department?
8. How can you make sure that proper behaviour is rewarded, not punished, in provincial government?

## **5.5. ANSWERS TO THE INTERVIEW QUESTIONS AND INTERPRETATIONS GROUP A: Senior management**

Questions 1

***How can senior management develop mechanisms to encourage an ethical code of conduct throughout the Department?***

### **Participant 1**

According to the respondent, mechanisms should be developed in an ethical manner that are reflected in different ways, such as compliance to rules and laws, desisting from fraud, theft, corruption, and the inappropriate use of public property for personal benefit. He further cautioned that in the South African context of human resource management in the Department of the Premier, the consideration of different values system should be essential. The reason for this is that South Africa is a heterogeneous society, implying that the society is multicultural with different cultural groups or ethical groups maintaining their cultural identities and value systems.

He concluded that managing in such an environment requires the skills of managing diversity. Management of diversity requires from managers to draw strength from the diverse value systems prevalent in the Department without undermining the values of the different groups.

### **Participant 2**

The respondent indicated that the code of conduct was poorly implemented in provincial departments; therefore, measures should be taken so that employees follow the content of the code of conduct in the Department. She stressed that senior managers must ensure that rules are clear statements that indicate what should and should not be done, such as a sign reading “No smoking in the building” or a sign in offices, “Cell phones must be switched off”.

She said that inaccurate information could indicate errors in the job analysis information, the human resource plan, or parts of the personnel management information system.

Reliance on inaccurate information may lead to inappropriate unethical hiring, training or counselling decisions.

She further emphasised that regarding rules, no latitude should be left for your own judgement or discretion; you may use your cell phone or you may not use it. Rules are explicit, said the respondent.

### **Participant 3**

The respondent suggested a paradigm shift in job design in the Department, which should include a broad definition of jobs, employee rotation, pay for skills mastered, emphasis on self, or peer supervision, the removal of status differentials, and allowing substantial employee influence and participation. Such a paradigm shift in job design could result in job satisfaction and ultimately improve productivity. Failure to consider this could result in unethical behaviour, such as increased turnover, absenteeism, dissatisfaction, and sabotage.

The respondent further mentioned that competent and motivated employees should be considered as an important asset for an organisation. However, the ability to deliver services of high quality by such employees should not be taken for granted; therefore, senior management should ensure that employees are trained and developed on a continual basis. Experts differentiate between education, training, and development.

### **Participant 4**

This respondent pointed out that the lack of the implementation of the code of conduct in the provincial department had a direct influence on other activities, such as recruitment, selection, placement, performance evaluation, career planning, promotion, transfer, dismissal, retirement, training, development, motivation, and remuneration. She further stated that appropriate affirmative action mechanisms for recruitment in the public sector must involve awarding more bursaries, offering internships, headhunting, referrals, and accessing a national database on people with disabilities where they can register their skills and competencies for possible employment.

She also mentioned that the Department of the Premier in the Free State had a database of unemployed qualified students. However, most of the students were unaware of the database. She said the Department should create awareness of the database by putting up notices at the different academic institutions in the Free State, as well as at the annual career days.

### **Participant 5**

The respondent reasoned that moral norms and values encouraged the general welfare of people and made it possible for human behaviour to be regulated by laws and regulations. This guaranteed stability and orderly conduct in the Department.

He further pointed out that the majority of South Africans are Christians. It is necessary to consider the values espoused by other religions because, according to his observations, religion is necessary in a South African context as it has a rich diversity of faiths, and the knowledge and understanding of this fact is essential in the public sector. In an abstract sense, said the respondent, norms cannot be separated from community values. He made an example of how in a community that values democracy, the upholding of democratic principles such as openness, freedom of expression and movement could serve as behavioural norms, the violation of which could lead to societal censorship.

He further said that management within the Department must practice personnel management practices based on abilities, skills and knowledge as the merit system. It is expected from management to address aspects like suitable qualifications and experience as the basis for appointment, remuneration and promotions in the Department.

### **Interpretation of respondents' answers: Question 1**

The respondents answered the question expressing their opinions, which differed from one another. Among the five respondents, three agreed that senior managers should develop mechanisms to encourage an ethical code of conduct within the Department, whereas two respondents disagreed with the question. Although their views differed, they pointed out issues of poor implementation of the code of conduct in provincial

government, which was not up to standard because of corruption and fraud. They added that more training would be beneficial, as well as activities to motivate and encourage personnel in the work environment. Stability within the provincial departments had to be considered to avoid unethical behaviour, such as dissatisfaction and absenteeism.

The planning and implementation of policies within the Department should be taken into consideration to assist public service officials in rendering a more efficient service to the public; this could definitely enhance ethics in the public sector with the necessary control and coordination. It was said that many people did not recognise the significance of ethics and how it influenced their daily life decisions. The public good should be chosen above self-interest, which would increase the caring in communities as everyone would consider each other's interests and would not harm them in any way. Good feedback should be provided for subordinates by performance evaluation, training, development, and remuneration.

## **Question 2**

***Should public managers and public officials in a provincial department have to practice ethical conduct?***

### **Participant 1**

This respondent was of the opinion that the many layers created in top management might promote better control and ethical conduct because of a smaller span of control, but it remained contrary to the principles of rationalisation. Another aspect of the transformation process was representativeness. In short, the respondent said that the code of conduct was a reference guide; for instance, when there was doubt about the propriety or stability of a public official's behaviour. It also enforced a work ethic that promoted professionalism in a provincial department.

In the transformation phase of the public service, both public managers and public officials in provincial departments could be exposed to many influences, which could lead to malpractices such as nepotism. A clear understanding of government personnel policy should form a basis for honest action to practice ethical conduct. The respondent further

said that the misinterpretation of personnel policy could lead to confusion, as this misinterpretation would not correlate with the objectives of other policies.

### **Participant 2**

The respondent stated that practicing ethical conduct in a provincial department should improve the productive contribution of employees to the Department in a way that is strategically, ethically, and socially responsive. It should also reinforce the highest standards of personal conduct and professional standards among the employees.

The respondent said that she often read or heard about corruption in the provincial department. She felt that corruption was overwhelming in the Department. She asked what could be done to solve the problem. She said everyone must ensure that their decisions and consequent behaviour measured up to the guiding principles of the code of ethics.

### **Participant 3**

The respondent agreed that both public managers and public officials should practice ethical conduct. He referred to the Batho Pele principles, saying that the workplace was where public servants did their work. He emphasised that it could be an office or a building site. An office with poor ventilation and dirty floors, which is too small to accommodate all workers comfortably, could have an adverse effect on service delivery. He made an example of poor ventilation in the office leading to officials feeling drowsy and not being capable of delivering proper services.

### **Participant 4**

The respondent stated that public officials and managers should be polite, helpful and reasonable in their dealings with the public, and at all times treat the public as customers entitled to receive high standards of service. Furthermore, she said poor communication lines within the provincial department affected efficient, effective, and economical service delivery. The communication lines are part of the formal internal environment and



influenced the effectiveness of the institution to deliver services. Miscommunication could result in actions being undertaken that differed from what was supposed to be done.

She used the example of the inhabitants of a township failing to pay their electricity over a long period. As a result, the chief executive officer of the municipality gave the instruction that their electricity supply should be disconnected. However, she is the person who must disconnect the electricity supply and she receives the instruction that she must cut the electricity supply to all municipal users, and not only the inhabitants of that particular township. Can you imagine the dissatisfaction and anger of the citizens in the other townships, as well as the management? Her action has a negative effect on the municipality's effectiveness to deliver services.

### **Participant 5**

The respondent raised the issue of ensuring that the provincial government executes its duties according to expected professional standards and that employees of the provincial department are employed subject to the terms and conditions that comply with the basic values and principles set out in Section 195 of the Constitution. He raised another point, stating that the functional field of a provincial department determines largely what the formal internal environment will be like. He made an example, saying that the functional field of the human resources unit in a provincial department or a government department is all related to human resources. This could include recruiting, training, and other labourrelated matters.

The Labour Relations Act 66 of 1995 plays an important role in the nature of ethical conduct of the formal internal environment at provincial government level. As a phenomenon of the ethical conduct of both public managers and public officials, the implementation of the Act affects service delivery in the Department. The mere fact that employees have the right to strike, in terms of the Act, illustrates how service delivery could be affected. When employees exercise their right to strike, services cannot be delivered.

## **Interpretation of respondents' answers: Question 2**

All five respondents agreed with the question, raising issues on the importance of public managers and public officials practicing ethical conduct. If ethical conduct is the norm in the Department, it will improve their image.

One of the respondents mentioned that for better control, the top management had to see to it that layers are created within the Department. Professionalism, which includes personal conduct, was important to ensure that employees/officials practice ethical conduct in their behaviour towards customers and clients. Moreover, the respondents agreed that the government's personnel policy should form the basis for ethical conduct in the Department.

## **Question 3**

***How are ethical guidelines identified in the work environment?***

### **Participant 1**

The respondent referred to the morality of public officials, and how they exercised power in an office of public trust. He also said that ethics, both in society and the work situation, enabled public officials to serve the public interest and made them partners of the government.

Although the Department was responsible for service delivery to citizens to improve their general welfare, public officials stood between the government and members of the public, who expected to receive quality services. Dissatisfied clients complained to public officials about the quality of service delivery. Thus, public officials should look for remedies to rectify the situation, said the respondent.

He further stated that public officials, who complied with normative guidelines when executing their tasks, experienced few problems with dissatisfied clients. Complying with normative guidelines implied that officials carried out their task in terms of the framework set by legislation, the value system, rules, and the Batho Pele principles.

## **Participant 2**

The respondent opined that ethics enhanced the quality of professionalism. The attitude of public officials was another factor affecting efficient, effective and economical service delivery, said the respondent. In this regard, managers were responsible for ensuring that public officials do not reflect a negative image to their clients. They must also instil in their subordinates the importance of positive attitudes towards their work. She said that attitudes that could good service delivery to citizens could also damage interpersonal relationships in the office. According to her, a negative attitude included the following: an attitude of irresponsibility, disregard for discipline, lack of pride in one's work, disregard for punctuality, carelessness about the choice of words, a hostile body language, or an attitude of "I will report you to the trade union, or go on strike".

## **Participant 3**

The respondent mentioned that there was the need to establish a provincial committee to ensure that all public officials in provincial departments in the Free State complied with all relevant rules and regulations, as prescribed by legislation and government regulations. She said that every public official must consider democratic values when conducting his/her work. If these are neglected, public officials are in fact overstepping the boundaries of the framework within which they are to carry out their work.

She explained that the pursuance of fairness and being reasonable would ensure that the actions of public officials were within the law and within the spirit of the law, in the sense that they would be above unethical conduct, and in support of promoting the general welfare of the community. She added that fair and reasonable treatment should not be reserved for the rich and educated members of the community because of their status, but should be extended to the poor, the destitute, and the uneducated without discrimination or favour.

## **Participant 4**

The respondent stated that public service training should be aimed at enhancing ethical service delivery and preparing accountability centres to ensure accountability for the

training done. The respondent also said that the commitment and loyalty of employees required that the Department should place information, power, knowledge, and respect in the hands of those individuals who actually performed their work. She further argued that human resource managers could enhance the commitment of employees of the Department by establishing systems of work, which foster high commitment.

### **Participant 5**

According to the respondent, it is possible to train employees in ethics. She emphasised the point that the Department must ensure that it has the training function in public human resource management to ensure that those who are involved in the provision of services receive training in ethics. Only when direct service providers are trained in ethics can it be expected of them to provide ethical service delivery.

The respondent asserted that training was important to all the employees in the Department, including the managers, to deliver good service to clients and stakeholders.

In her opinion, the Department must identify its own key processes in their work environment so that it could be present them to the management committee. She said planning was one of the guidelines that could be identified in their workplace. In addition, an operational plan was necessary for when the Department wanted to enter a new market or develop a new product. She also mentioned the use of operational guidelines for restructuring the finances of the Department, or improving the overall working conditions. She was adamant that planning was vital because it avoided problems, or solved them.

### **Interpretation of respondents' answers: Question 3**

All five respondents understood the question. However, their views and opinions differed. Issues like morality, the work environment, public interest, professionalism, and integrity were named as the most important guidelines to be identified in the work environment.

The respondents' answers emphasised that officials should do what was in the best interest of the public to ensure public accountability. Moreover, those who were involved

in the provision of services should be trained in ethics. They concurred that identifying ethical guidelines in the work environment would solve the issues surrounding ethical behaviour. The respondents further stated that human resource managers should show commitment in the work environment.

## **GROUP B: Middle management**

### **Question 4**

***Can ethics can be taught to employees and, if so, how should such training be undertaken?***

#### **Participant 1**

The respondent mentioned that group discussions should be allowed among all employees in the Department; they should be allowed to express their opinions on selected topics so that they develop self-confidence, as well as the ability to speak in front of a group of people. She also referred to other modes of training that form part of ethics, which could provided to employees, particularly programmed training and lifelong learning.

She said that supervisors should provide training opportunities to employees under his/her supervision, and in accordance with the Department's training plan. For the training to be undertaken, the supervisor must ensure that sufficient funds are available, and senior management must make themselves available to train employees in the Department.

#### **Participant 2**

The respondent stated that in order for training to become an interactive process, they would need to move away from the undue emphasis on the role of experts in the learning process of ethics. This implies that training will have to recognise and be built on the experiences of the trainees. Moreover, the Department and provincial administration should develop their own training strategies, in close collaboration with the Public Service Commission, and provincial training bodies.

The respondent added that the most important aspect was education; stating that education in aspects of ethics was a long-term endeavour and its sustainability should be manifested in further training in ethics.

This type of training is a departure from training public officials to fulfil roles as instruments of state power and controllers of the public, into being service providers. This shift essentially implied that the public service should move from being servants of the government to being servants of the people. It also placed public officials in a position to assess the environment within which services were provided in terms of social events, such as poverty and violence, and to empower them to take actions based on real life situations.

### **Participant 3**

The respondent referred to the setting of new trends for government and its employees and suggested intensive training in ethics over and above the expected professional accountability. She agreed that training should be undertaken because, according to her, understanding ethics was concerned with the right, the good, and the desirable in respect of human conduct. She further stated that training would be an application of knowledge, and it gave employees an awareness of the rules and procedures to guide their behaviour.

Moreover, she asserted that it was possible to train employees in ethics, emphasising the point that the institution or the Department should ensure the following:

- That it had systems of justice and equity in the context of the different cultures that existed in South Africa;
- That all employees were trained to make ethical decisions;
- That policies were communicated well and understood by all employees; and
- That there was a policy on ethics, in which it was described what the Department perceived as ethical behaviour and what was expected of its employees.

She concluded that the training function in the Department could ensure that those who were involved in the provision of services received training on ethics. Only when direct

service providers were trained in ethics, could it be expected of them to provide ethical service delivery.

#### **Participant 4**

The respondent emphasised that training in ethics should be provided in a systematic way and should be a process and not a once-off exercise. Moreover, training in ethics should include democratic values, transparency, responsibility, accountability, equity, justice, and fairness.

She provided the following reasons for training:

- Value would be added to the existing employees by developing them;
- Rapid changes in the systems due to technology changes meant that staff needed to be kept up to date;
- There was a need for greater responsiveness to service delivery and the speed of action; and
- The motivation and commitment of staff would improve, and individual, team and organisational performance would improve.

#### **Participant 5**

The respondent mentioned greater and enriched job responsibilities, further stating that this method entailed giving an employee added duties, and increasing the autonomy and responsibilities associated with the job. In this regard, the Department allowed an employee to learn a lot about the job, the Department, and the organisation.

The respondents added that managerial and front-line employees should be allowed to grow in their jobs and to take more personal responsibility and control. This was a popular approach in modern organisations. The respondent further emphasised that training should be aimed at enhancing ethical service delivery, and preparing accountability centres to ensure accountability for the training done or left undone.

#### **Interpretation of respondents' answers: Question 4**

It is clear that the respondents' answers did not differ much from each other; they all agreed that training in all aspects of ethics was a long-term endeavour and its sustainability should be manifested in further training in ethics.

Their statements suggested that, whereas training approaches should be aimed at enhancing the ability to link theory to practice, the training of public officials should emphasise innovativeness and the importance of values. Public officials would also develop self-confidence if more training were provided.

#### **Question 5**

##### ***What mechanisms could be used to enforce codes of conduct?***

##### **Participant 1**

The respondent said the media could be used as a mechanism through which signals could be sent to the public sector that citizens were serious in their attempts to discourage the culture of unethical conduct and to enforce professional conduct. He added that procedures and methods were essential in ensuring that ethics was promoted in government institutions, as ensuring ethical conduct was essential in the public sector.

He argued that to make mistakes was human, and public human resource managers were exposed to many temptations, which could lead to them stealing money, embezzling funds, accepting bribes, and doing particular favours for particular people. However, government actions must take place according to the law; therefore, control must be exercised over the actions taken by public officials to ensure that they occurred within the parameters of ethical behaviour.

##### **Participant 2**

This respondent said that the positive aspect of a code of conduct, as it pertained to public officials, was that it reassured the public, as it was proof that public servants had strict rules of acceptable conduct that they had to adhere to. He added that as much as it was



essential that a good leader be a person of integrity, it was also essential that all administration in the public sector be conducted in an ethical manner, as the public service had to provide services to the community, for which public funds were used. All officials in government should thus be beyond reproach and should have high ethical standards.

### **Participant 3**

According to the respondent, measures should be put in place to prevent information from being made available to private individuals to further their interests at the cost of others. Officials should also disclose to management any unethical, dishonest, fraudulent, or illegal behaviour of which they become aware. If officials are entrusted with confidential or sensitive information, they should ensure that it is safeguarded and treated with discretion.

### **Participant 4**

This respondent indicated that public servants needed to know what their rights and obligations were in terms of exposing actual or suspected wrongdoing within the public service or within the Department. According to the respondent, when people were confronted with moral dilemmas, they responded in different ways, demonstrating that ethical judgement was essentially personal, based on individual beliefs and attitudes.

### **Participant 5**

The respondent stated that there were rules concerning reasonable and fair actions towards both colleagues and the public. Officials must follow the specific legislation, regulations and procedures, which govern the actions of public officials. This would prevent officials from performing their daily task as they saw fit.

### **Interpretation of respondents' answers: Question 5**

The respondents' answers were positive and they all mentioned the mechanisms to be used to enforce a code of conduct. An analysis of the excerpts of the code of conduct indicated that it was not a set of "don't", but that it instead emphasised what a public

employee should do. In this sense, the respondents agreed that code of conduct was enriching in guiding public employees' actions towards positivity. Moreover, they indicated that reasonable and fair action should be taken if someone in the Department was suspected of a wrongdoing.

## **Question 6**

***What are the principles that the training and education providers in the public sector need to follow in government institutions?***

### **Participant 1**

The respondent explained that misunderstandings because of habits, existing knowledge of practices, or a lack of trust could cause people to be concerned about what will happen during and after change occurs. In such cases, the best solution is to educate those involved so that they can accept the reasons for change.

The respondent also asserted that people who are appointed in the public service do not always fit in with the sector. The public sector requires particular behaviours and attitudes, which are in line with the basic ethical principles of public administration; thus, there was a need for training.

### **Participant 2**

According to this respondent, the process of training was important so that public managers or public facilitators could follow a suitable style and play a particular role. For example, not all opposition or resistance could be settled by using the same approach, and the public manager/facilitator must decide which role would work best under the particular circumstances. In the case of resistance because of personal interests, the public manager/facilitator should play the role of negotiator, whereas the role of educator is more appropriate in the case of misunderstanding and insufficient knowledge. The respondent added that as far as education and training was concerned, the public manager/facilitator could choose one of the following styles: prescriptive, supportive, consultative, cooperative, or delegative.

### **Participant 3**

The respondent explained that they have the major responsibility of educating, training and developing the staff and improving the performance of the Department. They are in an ideal position to identify gaps in performance that could be addressed by training.

The respondent added that top management had the final say in human resource development policy development and implementation and provided the resources to ensure effective education, training, and development. Without their support and commitment, education, training and development could be eliminated or side-lined.

### **Participant 4**

This respondent pointed out that employees came to workplaces with patterns of behaviour, attitudes, views and prejudices, which might not fit into their working circle; such behavioural patterns and attitudes might be dysfunctional in a workplace and needed to be changed through training. She said training was necessary because the process of socialisation was not ideal. In fact, it could lead a person in the wrong direction. She surmised that if the process of socialisation was ideal and perfect, then there should supposedly be no crime or corruption. According to her, training in public sector ethics should be built on the premise that the public expected a higher standard of ethics of public officials than of ordinary people.

### **Participant 5**

The respondent stated that the civil service was in a state of flux, and an ideal opportunity was presenting itself for training in public service ethics. He argued that a new training methodology was essential to break from the past practices of maladministration and corruption. The principles of Batho Pele required that the behaviour of all public officials should be optimally raised through training in public service ethics. He added that when considering training methods, provincial departments should distinguish between training for public managers and training for appointed officials.

## **Interpretation of respondents' answers: Question 6**

Four respondents reacted in a positive manner, agreeing that education and training was important for both public managers and public officials to empower them with knowledge on ethics in public institutions. They concurred that the behaviour and attitudes of public officials should be raised through training.

### **GROUP C: Lower level**

#### **Question 7**

***What are the measures and mechanisms to ensure ethical conduct in a provincial department?***

#### **Participant 1**

This respondent mentioned the Intergovernmental Relations Framework Act, which determined equitable sharing and the allocation of nationally and provincially raised revenue. The process for revenue sharing among the spheres of government was stipulated in the Act. He further stated that effective control measures were needed to prevent things from going wrong, and not just to correct them afterwards. Control should not be regarded as a negative measure, but rather as an uninterrupted monitoring process for comparing planned results with what actually happened. Furthermore, public managers should implement rational control and problem solving in order to reduce the need for crisis management. The respondent explained that control was one of the most effective measures, which ensured that the analysis phase was done correctly before goals were set.

#### **Participant 2**

The respondent stated that according to the Prevention and Combating of Corruption Activities Act, corruption and maladministration should be reported. She added that although the general level of conduct of public officials was of a high standard, corruption by public officials was usually very subtle. Thus, a holistic approach should be developed to the prevention of corruption.

Political will, administrative reforms, watchdog agencies, Parliament, the judiciary, the media, the private sector, international business, and civil society are important cornerstones of a holistic approach.

She further emphasised that in developing a holistic approach in departments, accountability should be translated into daily practice. Accountability helps to prevent the abuse of power and it ensures that power is directed towards the achievement of efficiency, effectiveness, and transparency. Corruption thrives on secrecy and corruption in all its forms will be undermined by the extent to which justice is promoted.

### **Participant 3**

This respondent referred to the Protected Disclosures Act, mentioning that one of the most difficult ethical-moral problems in the public sector was when the public were convinced that government departments were pursuing a course of action that was unethical and damaging to them. Whistleblowing is one of the alternatives that are legally available to all people in South Africa. It is an activity of drawing attention to any illegal, immoral or otherwise wrongful practices with the purpose of changing or stopping such a practice.

### **Participant 4**

The respondent stated that the Treasury regulations for a department were issued in terms of the Public Financial Management Act of 1999. Financial management therefore gives expression in monetary terms to possible future activities and provides the quantitative basis for the choice. It is based on planning in all departments, as well as a careful financial analysis.

The National Treasury is able to stop the transfer of funds to an organ of the state if it is of the view that the funds are not going to be spent wisely and for the planned purpose. However, the Treasury can only stop the transfer of funds for 120 days at the time, said the respondent.

The respondent added that regulations also served to ensure that certain functions, such as cash management, should be carried out equitably and honestly, ensuring that the foundations of the public sector, such as transparency and accountability, were adhered to. It could also be argued, according to the respondent, that these regulations served as an instructional guide to the various role-players in the public sector by ensuring that they understood the procedures to be followed in cash management and other general issues relating to public finance. The regulations also created an understanding of the necessity for consistent procedures, which ensured that the cost-effective utilisation of resources remained a priority.

### **Participant 5**

This respondent stated that the Human Rights Commission was one of the mechanisms to ensure ethical conduct because it had the power to educate public officials about their rights. It further prevented the violation of the rights of public officials. She added that some employees had the tendency of humiliating the rights of others. It was important to respect others and, in that way, public officials would show that they respected each other, she asserted.

She said that she usually told people that everyone was equal before the law and that each individual had the right to protection and to benefit from the law. She added that it would be good if all public officials ensured or adhered to ethical conduct.

According to the respondent, conflict of interest would always exist in a society where people had to live together who did not agree on everything, and where one party was in power, conflict would occur. However, conflict was necessary for growth and the development of new ideas. Because the balance of power and authority in government was on the side of the majority party, the parties who did not receive the majority vote would be at a disadvantage (thus, they would have little power or authority), she said.

Methods of communication should be created for different people to talk to one another so that conflict was managed effectively and so that positive results could emanate from

it. The government did have channels of communication in place, she added, providing the examples of human resource management and the Constitutional Court.

### **Interpretation of respondents' answers: Question 7**

The respondents answered the question differently but were keen to answer it. They appeared to believe in the mentioned mechanisms and regarded prescriptions as a positive way of ensuring ethical conduct by means of communication. The focus was on ethical conduct and urging people to do the good or right thing – to act in an ethical way. Like prohibitions, prescriptions are usually in writing – sometimes in legislation, for example, acts, regulations and rules that are legally enforceable to avoid conflict in workplaces. Prescriptions are also sometimes contained in code or manuals that do not carry the sanction of law. The respondents felt that although these prescriptions had a role to play, ultimately officials should respect each other and the citizens they serve.

### **Question 8**

***How can you ensure that proper behaviour is rewarded, not punished, in provincial government?***

#### **Participant 1**

This respondent said that managers in provincial departments should be responsible for motivating employees to do the job they were assigned to do. She also stated that employees might be reluctant to do a job, unless rewards and/or punishments gave them a reason to work.

She asserted that managers should motivate employees by controlling the rewards and punishment subordinates received for performing their tasks. These elements of human resources management of specialisation by skills, coordination through hierarchy, and motivation by reward and punishment prevailed through the Middle Ages and into the Industrial Revolution, said the respondent.

## **Participant 2**

The respondent explained that public officials might not see change in the same light as their managers.

Changes in procedures in service delivery could improve the image of provincial government, but could leave public officials with the perception that their existing working methods were unplanned and they might feel incompetent.

The respondent agreed that public officials should be punished in accordance with their unethical behaviour. But, those who behaved ethically should be rewarded.

According to the respondent, punishment should be in a form of disciplinary action that could be used by managers to discourage undesirable behaviour. However, the negative side of punishment was that it could lead to bitterness and animosity, which made it an undesirable form of behaviour in the workplace.

## **Participant 3**

The respondent argued that public officials were resistant to change the image of the provincial department because they thought that they would not be able to do their work according to the new procedures. They might even feel that their jobs were on the line. Usually when a person does not understand the reason for change, but adjusts to it emotionally, it could lead to unethical behaviour.

The respondent further stated that esteem needs were known as the higher-order needs. They involved an employee's need for self-respect and recognition from others. The need for success, self-confidence, recognition and appreciation of achievement were examples of esteem needs. Management could play a role in satisfying these needs by rewarding achievement with recognition and appreciation.

## **Participant 4**

This respondent pointed out that public officials tended to cling to their preferences for the way in which matters should be dealt with, especially where image in the Department is



concerned. She said that public officials remembered when issues were dealt with successfully in the ways that they preferred, but they conveniently forgot the number of times when these were unsuccessful.

She further stated that officials who acted unethical should be punished. She made an example of the misuse of stationary and the abuse of service benefits, which is a major manifestation of unethical conduct.

### **Participant 5**

This respondent stated that all employees should be trained in public service ethics and in the necessity to abide by the prescribed codes of conduct. He made the point that transparency concerned itself with the extent to which the actions of public officials and public human resources managers were open to public scrutiny. In his supporting statement, he said that it was necessary to have interventions because behaviour had a significant impact on the personal growth of employees. Performance problems should however be discussed privately as public confrontation was humiliating and provoked defensiveness and anger, making it unlikely that the intervention would be successful.

He further said that one of the solutions for this dilemma would be to reduce the amount of task behaviour gradually by taking calculated risks, using small steps, and not enforcing punishment. Motivation and assurances concerning their careers could serve to dispel uncertainties among the remaining employees, thereby promoting prospects of ethical conduct among them. The most important way was to use relationship behaviour as reinforcement so that the reward was appropriate.

### **Interpretation of respondents' answers: Question 8**

All respondents agreed that proper behaviour should be rewarded. Punishing officials would concentrate on their unethical conduct and prohibit them from doing certain things that are seen as wrong or unethical. There should be an employer-employee relationship in support of the employees. The recognition and motivation of public employees should be taken into consideration. In most cases where employees were punished, it ended up as a personal feud between the manager and the employee.

## **5.6. FOCUS GROUP INTERVIEW**

### **5.6.1. Checklist for the group interview**

- a) The researcher contacted all the participants by phoning beforehand to check their availability and to obtain confirmation from them prior to the session.
- b) The researcher will ask questions in a logical sequence, limit the use of why questions, and questions will focus mainly on the critical issues.
- c) Before the interview, the researcher will check the interview room and provide nametags for the participants.
- d) The researcher will make use of notes to record and write up what is discussed during the session. He will ask follow-up questions, if needed, and avoid giving personal opinions.
- e) After the session, the researcher will prepare a written summary.

## **5.7. ANSWERS TO FOCUS GROUP INTERVIEW**

### **SENIOR MANAGEMENT: DAY 1**

#### ***1) How can senior management develop mechanisms to encourage an ethical code of conduct throughout the Department?***

Respondents highlighted the following issues:

- Public management must be accountable. The respondents made the point that unaccountable public management would be unconstitutional and therefore open it to legal attack. They argued that accountability in the Department should therefore be viewed as a matter of ethics, in addition to the devising and application of control measures. Moreover, citizens have a final say in the evaluation of the performance of public institutions and can therefore bring about public accountability in public human resource management.

- The system approach is the feedback mechanisms. Through these mechanisms, the manager can measure his/her ethical performance in terms of satisfaction/dissatisfaction to the ethical questions that may arise.
- The feedback to the environment, which consists of community workers, politicians, business and labour unions, could serve as further input in the form of queries, complaints, and/or even compliments, which further serve as a measure of ethical performance.
- Governance, leadership, and ethics form a major part of public administration, business management, and organisational behaviour for both civil and non-profit organisations. Without effective leadership and good governance at all levels in private, public and civil organisations, it is arguably virtually impossible to achieve and sustain effective administration, to achieve goals, to sustain quality, and to deliver first-rate services. An added factor driving senior managers to encourage ethical behaviour is the pressure from global communication information technology and social media channels, which have given individuals and others (whether activists, lobby groups, consumer groups or community interest groups) the means to mobilise the general public against an organisation that is perceived to behave unethically.
- Public power is able to affect profits adversely, and has the effect of linking issues of ethics and ethical behaviour directly to the Department's economic bottom line. Senior managers should encourage ethical behaviour throughout by managing ethics in focus areas. Ethical awareness can promote ethical behaviour by providing a constant reminder of what is acceptable behaviour within the Department. This is especially effective when the visible examples stem from the positive behaviour of the leader of the Department.
- In addition to the awareness created via the measurement and monitoring of ethical status and consequent actions, other ethics initiatives can raise the profile of ethics within the organisation and maintain the necessary level of ethical awareness. This can include staff talks, training, workshops, or newsletter articles on ethics. Further positive actions are the inclusion of ethics as an agenda item for

board meetings, executive committee meetings, departmental meetings and at strategy sessions, as well as a performance management criterion.

**2) *Should public managers and public officials in provincial departments have to practice ethical conduct?***

The respondents highlighted the following issues:

- The respondents answered in the affirmative because, according to them, employers and employees are engaged in a power struggle, which might result in unethical behaviour. The government intervenes through the positioning of labour legislation, which spells out the rights of each party. Human relations as an ethical approach to personnel problems is more appropriate in the sense that it highlights the importance of ethical reflection in dealing with personnel problems. Practicing good human relations means getting employees to work together harmoniously, productively and cooperatively to achieve economic as well as social satisfaction. To achieve this, a win-win situation has to be created in which both the satisfaction of employees' needs and achieving organisational objectives are fused as priorities in human resource management.
- Christian ethics emphasise a person's motives, will and desires; thus, the inner character of man. Such ethics are the exact opposite of externally imposed ethics such as laws and codes of conduct. It appeals to a man's sense of duty, uprightness, and obligation as espoused by deontological ethics. In this sense, an action may not be right simply because of its effects as espoused by utilitarian ethics. According to Christian ethics, actions that benefit the majority may still be judged wrong. For example, a person who steals money in order to build a church, although his/her motive of building a church is noble, the act remains ethically unacceptable because stealing is considered wrong.
- The respondents made the point that after the financial and other scandals in the public service, ethics has become a feature on management development programmes and an aspect of growing importance for all types of managers. Managers have to be acquainted with ethical reasoning and departmental structures and practices should be geared towards the promotion of ethics.

- Workplace values should apply to all public managers and public officials because these workplace ethics expresses itself in its relationship to the self and others. It is important because they reflect the breadth or narrowness of the scope of the organisation's ethics.
- A question that needs to be asked and answered in relation to ethics is who the organisation's shareholders are. Are they employees, trade unions, customers, suppliers, local communities, regional and central government department, international organisations? Although organisations are rarely obliged (for example, by law) to include all these stakeholder groups formally within their ethical boundaries, they are facing increasing pressure to do so.

### **3) How will ethical guidelines be identified in the work environment?**

The respondents highlighted the following issues:

- Besides the normative guidelines that are applicable in public administration, there is one aspect that one cannot escape scrutiny, namely, the leadership and accountability function of the governmental superstructure. It was emphasised that officials should never ignore the representatives of the people.
- Officials face moral dilemmas in the workplace. For example, anyone might claim that he/she does not know that a certain practice is illegal, or may just keep quiet in order to win the favour of his/her manager.
- Ethical dilemmas are a constant reality in the workplace. When people are confronted by moral dilemmas, they respond in a variety of ways, demonstrating that ethical judgements are essentially personally based on individual beliefs and attitudes.
- The obligations to stakeholders and the employer, and the official's relationship with and commitments to stakeholders and/or employers should be clear and balanced. These should not compromise their commitment to morality and the law and the maintenance of standards commensurate with official integrity.

- The values that drive workplace actions can be expressed and documented in various ways: in an organisation's mission statement, code of ethics, or code of conduct.
- The term "code of conduct" was used in this study as it is a clear term and it is commonly used in the workplace. The appropriate workplace terminology, however, is whatever makes sense within a specific organisation, provided it is shared among employees.
- The measurement and monitoring of unethical maturity should aim to identify the officials' commitment to the department's values, which values they are least and most committed to, and the perception of the extent to which the leaders live the department's values, as well as the factors that drive and improve ethical behaviour, and the relative strength of these factors.

## **MIDDLE MANAGEMENT: DAY 2**

### ***1) Can ethics be taught to employees and, if so, how should such training be undertaken?***

Respondents highlighted the following issues:

- Supervisors can directly observe the limitations of their subordinates, which can be corrected through training. Aspects of the subordinates should be identified, such as their skills levels, their education and experience, and whether they have received training before.
- All employees should be trained in public service ethics and in the necessity to abide by the prescribed codes of conduct. Technical training helps the incumbent of a position to learn various aspects of his/her job and provides specialised knowledge and skills that enhance productivity. Such training does not take place in a vacuum, but is a result of a training needs analysis at both operational and individual level. Once the training needs have been identified, the next step is to develop a training programme to achieve the objectives, and to select appropriate training methods.

- The commencement phase of a newcomer to the Department is important. This phase lasts from the time he/she reports for duty until he/she feels at ease in the post.
- The incumbent is familiarised with the department, its mission, vision, the section where he/she will be working, and he/she is introduced to superiors and colleagues.

## **2) *What mechanisms could be used to enforce codes of conduct?***

The respondents highlighted the following issues:

- In August 2003, the Cabinet approved the establishment of the National AntiCorruption Hotline through a memorandum (45 of 2003). The purpose of the hotline was to prevent and combat corrupt practices by promoting or encouraging reporting on corruption.
- The Constitution encourages the actions of public officials to be in line with the values of the South African Public Service. All those who practice public administration should adhere to the principles in public administration.
- There is legislation that guides ethical conduct. However, human resources managers must be imaginative and innovative in order to reconcile the different religious values, value systems, and cultures of the different communities and the personnel corps. Concerning the codes of conduct, it was said that managers should not compile such a code in isolation, but through participation, and make them effective. Thus, some form of enforcement mechanism is essential. The Public Service Act promotes a high standard of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials. Furthermore, it aims at provides guidelines for the management of the public service, the regulation of conditions of employment, discipline, and the discharge of members of the public service.

## **LOWER LEVEL: DAY 3**

### **1) *What measures and mechanisms ensure ethical conduct in a provincial department?***

The respondents highlighted the following issues:

- Goal achievement is virtually impossible without work procedures and methods, and in a provincial department, these need to be standardised. The standardisation of work procedures and methods serves to eliminate confusion and to ensure uniformity. It also serves as a control mechanism and promotes responsibility and accountability among employees. In a work situation, it would appear to be easier to impose external control measures, such as codes of conduct, on members of other religions because of their submissiveness to authority. Hinduism and Buddhism emphasise exemplary behaviour.
- The policies made at administrative level should deal with the practical steps for executive policies and should be made by the directors-general of functional departments. An example of such a policy is departmental rules and regulations, which will ensure ethical conduct in a provincial department. It was further stated that public managers in the public sector must execute policies that are made at government and executive level, and decisions regarding the execution of these policies must be taken at various managerial levels.
- Understanding the extent of employees' commitment to the Department's values provides valuable insight into an important facet of ethical status. This can be done with a performance management system, which includes the Department's values as a key performance criterion. This enables the Department to assess employees' support of and commitment to the Department's value, as well as their commitment to the advancement of the values. This approach is based on the recognition that an employee's contribution to the Department derives both from the output of his/her functional position and from his/her behaviour relative to the institution's values.
- Laws and regulations state the values of a government department and should provide the framework for guidance, disciplinary action, and prosecution. Codes of



conduct and codes of ethics are important for the promotion of public trust and confidence in the ethical performance of public officials. Codes of conduct can only truly be successful if there are mechanisms in place to enforce these principles, as a code does not in itself guarantee ethical behaviour.

**2) How can you ensure that proper behaviour is rewarded, not punished, in provincial government?**

The respondents highlighted the following issues:

- Behaviour is determined by a combination of forces in the individual and the environment because people have different needs, desire and goals. Therefore, people choose between alternative plans of behaviour and the choice will depend upon the required result. Proper behaviour should be rewarded because physiological needs are the most basic of human needs, such as the need for rest periods like tea breaks and lunch. If these needs are not satisfied, a person's behaviour will be directed towards satisfying these needs. When these needs are satisfied, they will no longer influence behaviour.
- The only way to reward employees is to motivate them by offering economic incentives, in other words, the more workers produce, the more they earn. Adequate reward and motivation should be based on equity, fairness and comparability in the workplace. Employees' perceptions of how fairly they are being treated by their institution depend on their perceived equity of rewards and their comparable worth.
- If public personnel perceive that equity, the dictum of a fair day's work for a fair day's pay, does not prevail they will be demotivated and may seek to restore equilibrium through other means, such as exerting less effort in their work. Strong leadership is needed and it should be backed up by management practices that reflect clear disciplinary measures for ethical offences.

## 5.8. CONCLUSION

This chapter dealt with the case study of a department in the Free State Provincial Government. The interview schedule utilised in this study consisted of eight questions. These questions were addressed to 15 respondents, who were divided into three groups.

The questions intended to tackle the issue of ethical behaviour in the Department of the Premier. The same 15 participants participated in the group interview.

It was confirmed by the study that ethical behaviour should be practiced in the public service. In practice, however, ethical behaviour of participation and involvement is in contrast to the bureaucratic values of top-down decision making and authority.

Ethical behaviour should be promoted and managed by top or senior management. In large organisations, it can be conducted in conjunction with the human resource function. Ethics-related concepts, such as values, respect, fairness and integrity, should be explained to subordinates. Ethics is best promoted through discussions and by leading through example.

Moreover, the ideal of sustainability can only be achieved when a department succeeds in gaining and retaining the support of various stakeholders. Their ongoing support of the institution will ultimately determine whether it will be able to continue as a “going concern”.

Furthermore, it is recognised that there is a dearth of knowledge in the field of ethics, particularly in the provincial department context where it is needed the most. The ongoing media reports on corruption, fraud and theft in the public sector accentuated the need for research, education, and training in the field of ethics. Various respondents in the study were quoted in support of the fact that ethics was part of the management function. It was further confirmed that ethical dilemmas could be experienced in the different functional activities covered in human resource management. The only way to eradicate unethical behaviour and corruption in the workplace is to make ethical decisions and to act in accordance with those decisions.

The public service emphasises ethical conduct; thus, public officials' decisions and consequent actions should be based on sound and acceptable grounds.

Various ways of promoting ethics in the management of human resources in the public sector were also discussed in this chapter. Promoting and maintaining ethics could serve as one of the means to achieve the ideals of a transformed public service. Leadership, communication and training were singled out as crucial aspects in this respect. Moreover, it was argued that ethics in human resource management in the public sector should be maintained and promoted. Beside the legal framework provided, aspects such as leadership, communication and training uphold democratic values.

The chapter concluded by examining the answers provided by the respondents. Most of the answers from the respondents did not relate to the questions, but the researcher made sure that they understood the phenomenon under study. Even though the questions were answered and elaborated on by the respondents, it did appear at times that the respondents did not understand the questions. The researcher accepted the answers as is because if the researcher did not accept the answers it would have been an unethical for him to tell the respondents what he wanted to hear. The next chapter will provide the findings, recommendations, and conclusion.

## CHAPTER 6

### FINDINGS, RECOMMENDATIONS AND CONCLUSION

#### 6.1. INTRODUCTION

Ethics is an all-embracing concept concerning human behaviour. In work situations, ethical behaviour is important in the sense that it can affect the productivity of a department, as well as the quality of the goods produced and services rendered. In the public sector, ethical behaviour is even more important in view of the high public profile of the activities of this sector. In the light of this, it is necessary to review what has been written in the previous chapters and weigh the accumulated evidence against the problem stated in Chapter one. This will lead to the drawing of some salient conclusions in the endeavour to promote ethics in public management in the public sector.

##### 6.1.1. Overview of the study

This dissertation is divided into six chapters, which form a sequential whole. Chapter one served as an introduction to the study. In this chapter, the research problem of the study was identified and the research method explained. It is recognised that there is a dearth of knowledge in the field of ethics, particularly in the South African public sector context where it is needed most. The ongoing media reports on corruption, fraud and theft in the public sector accentuates the need for research, education and training in the field of ethics.

In Chapter two, the definitions and explanations of relevant terms were provided. Ethics is by nature judgemental of human behaviour. As a result, such conduct excludes children who lack life experience concerning right and wrong, proper and improper, good and bad. Principles, norms and values are fundamental to ethics, and were fully explained. It is argued, for example, that managers of human resources should strive for common values in their management style in order to be accommodative of the values of a diversified personnel corps.

Aspects that could cause unethical behaviour in the public sector during the period of the transition were discussed in Chapter three. Transition causes uncertainties and it can manifest in loss of morale and subsequent unethical behaviour, such as inefficiency. Chapter three further dealt with measures and mechanisms to ensure ethical conduct in South Africa. The possible causes of unethical conduct were also discussed in detail. This aspect is essential in order to ensure management excellence in the public sector.

Guidelines and codes of conduct are central to ethics, and for this reason, they were addressed in Chapter four. The guidelines and codes of conduct discussed included South Africa's constitutional and legal framework, the Employment Equity Act, the White Paper on the Transformation of the Public Service, as well as honesty as an ethical guideline.

The case study of a department in the Free State Provincial Government was fundamental to this research, which dealt with quality service delivery and the looming challenges posed by the political and administrative environment in as far as ethics is concerned. For this purpose, Chapter five was devoted to a discussion on the interviews conducted with the respondents on ways of promoting and maintaining ethics in the department under study. Various aspects were discussed in this respect, and the chapter concluded by highlighting aspects that caused the lack of ethical behaviour.

### **6.1.2. The problem**

It was noted in Chapter one that incidents of unethical behaviour were high in the South African public sector. It was stated in Chapter four that the perceptions and attitudes held by public managers towards internal factors in their institutions affect activities either positively or negatively. This indicates that the perceptions and attitudes on ethics in public human resource management in the public sector, which influence behaviour, should be accepted. The literature indicates that the truthfulness of the problem can be explained in three different ways. These will be elaborated on below.

### **6.1.2.1 Theories of ethics**

In Chapter two, the literature study indicated that theories of ethics could be divided into two broad types, namely, the teleological and deontological theories. The teleological theory is categorised into two sub-types. Directive utilitarianism refers to the law and codes of conduct, while the situational sub-type could be when a decision is dictated to by prevailing circumstances, such as pressure from an interest pressure group. The deontological theory pertains to values such as accountability, transparency, fairness, efficiency, and responsiveness.

In the performance of their duties, public managers are confronted by ethical dilemmas that can be classified in the above-mentioned categories. How managers perceive the dilemmas and their attitudes towards them determine their decisions and ultimately their actions. Research evidence in this study reveals that codes of conduct play an important role as guides for action in the public sector (see Chapter 4: 4.8). However, for codes of conduct to be well received, there should be wide consultation (e.g. with labour unions) when they are drawn up, and the need for enforcement mechanisms in cases of the violation of codes. In decision-making, human resources managers combine both ethical theories to address ethical situations, although many are not aware of the mental process they use.

### **6.1.2.2 Values**

Values are an integral part of ethics. In Chapter two, some of the values that underpin ethics in public sector were discussed. These include the shared values and the practical values of ethics. In the theories of ethics, values are described in the deontological theory. Human resources managers combine both the teleological and the deontological theory of ethics in their day-to-day practice.

In the South African context of human resource management in the public sector, consideration of different values systems is essential. The reason for this is that South Africa is a heterogeneous society.

This implies that the society is multicultural, with different cultural groups or ethnic groups maintaining their cultural identities and value systems. The attitude human resources managers hold towards the different value systems will determine how they treat their subordinates and the public. This statement is crucial in the sense that, should a manager be negatively predisposed towards one group, he/she is likely to treat it badly. Such treatment could be interpreted as discrimination. In South Africa, with its history of individual right abuses that extended into the workplace, human resource managers' actions should be characterised by caution concerning value systems. Their action should be characterised by fairness and impartiality (see Chapter 2: 2.2.5).

From what has been stated above, it can be inferred that values have a role to play in public human resource management. The decisions and actions by public human resource functionaries are based on the values they hold onto as guides in their decisionmaking processes. However, values could present problems in a heterogeneous public personnel corps. This aspect is dealt with below (also see Chapter 2: 2.2.5).

In a plural democratic society like South Africa, divergent individual and group values could be an issue in the management of human resources. Public human resources managers in the transforming South African public sector will encounter divergent values emanating from a culturally diversified society. The South African society from which public personnel are recruited is heterogeneous in nature. It consists of members who are very different from one another, for example whites, blacks, Indians, and Coloureds. Even among the different population groups, one finds different ethnic groups, such as Afrikaners and English-speaking people among whites, and Zulus and Sothos among blacks. These groups have different value systems, which have to be reconciled in public institutions for them to be described as ethical (see Chapter 2: 2.2.5).

Values lie at the heart of all public institutions. Likewise, human resources managers could be affected by value judgements and it can be expected that they try to understand the values held by groups or individuals within the institution.

The obligation faced by public managers is to endeavour not to substitute their personal values with individual or group values, but to try at all times to put the values first, which will benefit the institution as a whole. Examples of such values include honesty, efficiency, loyalty, and responsibility. Public human resource management should embrace this challenge, based on transparency, accountability, fairness and professional ethics (see Chapter 2: 2.4.1.2).

### **6.1.2.3 Promotion of ethics**

Chapter two explained the promotion of ethics in human resource management in the public sector and raised questions whether ethics could be taught, whether it was possible to train people in ethics, and whether such education and training could contribute to the enhancement of the quality, efficacy, and effectiveness of service delivery. Literature evidence is inconclusive on the aforementioned questions. However, in the South African public sector, many White Papers provide guidelines on the promotion of ethics. The most important guidelines are those in the White Paper on the Transformation of the Public Service (see Chapter 2: 2.4.1.4).

## **6.2. FINDINGS**

The findings include the processing and the analysis of the data. In this section, the empirical research findings and literature are compared, and must be reported qualitatively:

- Management in the public sector should be imaginative and innovative in order to reconcile the behaviour, religious values, and cultures of the different communities and the personnel corps. This finding implies that no values espoused by one group should enjoy priority over the values espoused by other groups.



- In the transformation of the public service, the aspect of affirmative action should be approached cautiously. This statement implies that unplanned implementation of affirmative action, which does not take into consideration merit and efficiency, could have the effect of demoralising some employees and thereby affecting their performance and service delivery (see Chapter 4: 4.6).

Ethics in management depends on everybody making a concerted effort to promote and uphold ethical conduct. This study reveals that the will to expose unethical conduct, such as corruption by employees, is not something that should be taken for granted (see Chapter 2: 2.2.4).

- The study further found that unethical conduct by employees will not be revealed as long as a public manager is not directly involved. This may explain the reasons for the occurrence of corruption in the Department in that public managers are reluctant to blow the whistle on each other (see Chapter 4: 4.12.1).

In Chapter 3, the findings led to the suggestion that strong leadership was needed, and it should be backed up by management practices that reflect:

- Zero tolerance for unethical conduct;
- Training in ethics;
- Clear disciplinary measures for unethical conduct, regardless of status or position; and
- Analysis and evaluation of training courses to ensure their relevancy to work situations and serving a society in transition. Training and development should be aimed at improving skills, attitudes, and ethics and be beneficial to both the individual, institution and the community at large (see Chapter 3: 3.2.3).

Moreover, it should be investigated if ethics in the public service satisfied the values of efficiency and effectiveness. In the South African context, it is hoped that a transformed and representative public service will be able to satisfy the need for responsiveness and the values of efficiency and effectiveness.

However, it should be borne in mind that efficiency and effectiveness are influenced by a variety of factors, such as the level of training, motivation, management style and the commitment displayed by an employee to his/her work. In assessing these values *vis-avis* responsiveness, these factors should be taken into account. Presently, the South African Public Service is in transition, with many in it still trying to find their footing (see Chapter 2: 2.4.1.3). Empirical research undertaken in this transition period to establish the relationship between the abovementioned values may not yield the same results as when undertaken in a more stable public service.

The democratisation of public institutions necessarily implies tampering with their bureaucratic nature. The long-winded manner of doing things prevalent in a bureaucracy should be substituted by innovativeness, experimentation, and creativity. Turning public institutions into organisations with a clear vision, mission, flexible flat structures, and a participatory type of decision-making may serve to achieve the above objectives, and to promote ethics. This is based on the fact that such organisations have the effect of promoting a sense of ownership among all concerned, a sense of commitment and loyalty, and therefore responsibility and accountability (see Chapter 3: 3.2.8).

These aspects should be enhanced by a code of conduct that has clearly defined enforcement mechanisms:

From the findings of this study, it can be stated that codes of conduct will enjoy better support if not drawn up by a few people in isolation (e.g. management), but democratically agreed upon or collaboratively derived (e.g. by involving labour union members).

Moreover, the absence of enforcement mechanisms renders codes of conduct weak (see Chapter 4: 3.4.2). From this statement, it can be suggested that some form of sanction should be attached to the violation of codes of conduct.

- This study also confirmed political responsiveness. It was pointed out that this aspect relies on patronage in the recruiting, selecting and promotion of personnel,

with the result that appointed public officials are usually those who are sympathetic to the ruling party's policies.

### **6.3. RECOMMENDATIONS**

After definitions of ethics were presented in Chapter two, it was also important to discuss principles, norms, and values as they manifested in a plural society. Because South Africa is a religious country, no single religious values should be emphasised above others. This aspect necessitates that public managers strive to find commonalities in the values espoused by the different religions so as not to offend some members of their personnel corps.

A mere concentration on developing positive attitudes while neglecting organisational culture, organisational climate, job design and management style is likely to fall short of achieving the required commitment and loyalty from employees. Moreover, the subversion of the legal prescriptions on the health and safety of employees could be considered as both illegal and unethical.

In Chapter three, it was explained that subversion could be the result of unilateral or transactional corruption for personal gain, and could be due to discontent with one's position in your work situation. Public managers have to keep abreast of the latest amendments to legislation relevant to their field and advise line managers accordingly (see Chapter 3: 3.3).

Public administration and management is taking place within a changing environment. Such an environment demands that the administration and managers be alert to changes and possible changes and consider them when making decisions. The modern public service places great importance on ethical conduct within the prevailing environment.

It is recommended that the following human factors be considered when making decisions:

- Personal value systems

The decisions that people make should be subject to the limitations imposed by human behaviour, which are determined by value systems. All decisions should be influenced by attitude, prejudice, and personal point of view. Furthermore, decisions should be based on what the community considers to be “right or wrong”, as well as on the interactions between the various subcultures and values. For example, staff should generally be expected to be honest, trustworthy, and hardworking.

- Perceptions

Problems and solutions “are like beauty: they exist in the eye of the beholder” - what a person perceives will determine how he/she will act. Discernment determines which problem is perceived and discretion determines which solution is eventually chosen. However, discernment and discretion are determined largely by individual perception. Individual perceptions are influenced by a person’s value system, experience and ability to interpret what is occurring in his/her environment.

This means that each person perceives what he/she would like to perceive, based on his/her individual background.

Example: A prominent person has stated that people can get AIDS from poverty, whereas poverty is arguably just one predisposing factor in HIV/AIDS. This created the misleading perception that people who are not poor could continue with reckless/unsafe sexual practices and not contract HIV/AIDS.

- Human ability

It is not always possible to make a completely rational decision, not always having all the relevant information at your disposal. In fact, the decision will be made in an environment of bounded rationality.

The information considered important is gathered from the environment. This does not reflect a weakness; it is merely the reality of human limitations.

Another limitation is that it is not always possible to gather information directly. If decisions are made higher up in the hierarchy, an employee must usually rely on information supplied by a supervisor. The higher the person is in the hierarchy, the more they become dependent on supervisors for the supply of information. As not all information can be checked, decisions must be made based on filtered information. This information is filtered mainly through the perceptions of others.

- Political power

Political power also influenced the decisions made, as vested interests needed to be protect. This could result in satisfying a need for the purposes of political power, instead of making the right decision. Although quantitative techniques could be used when making decisions, the influence of political power will remain dominant. It is good short-term strategy to furnish solutions to obvious problems. Managers who follow this strategy should find favour in many institutions, and many of them are promoted rapidly. Those who succeed them must solve the critical problems. Sometimes, the manager must make decisions that could bring his/her own position into jeopardy. That could be one reason why many officials are opposed to change.

- Time constraints

Decisions that need to be made are always time-bound. This means that sometimes decisions have to be made on the grounds of partial information only. In most cases, this is a result of the time constraint placed on someone. Example: A line manager asked to be provided with certain information within 24 hours. However, an official is still waiting for some of the statistical information and this will be available only in a week's time. Thus, the official decided to give the line manager the information that was available now.

The challenges of ethical conduct in a decision-making environment, with reference to certain ethical dilemmas and models, should be considered as a recommendation to the

public sector before considering how to overcome barriers to decision-making, general behaviour patterns or responses that people should display when confronted with a problem or challenge in the workplace. Some officials will recognise themselves in these behaviour patterns:

- **Complacency**  
This behaviour occurs when an official does not see signs of danger or opportunity, or chooses to ignore them. This type of behaviour generally results from inadequate scanning of the environment. Where people ignore the signs of danger or opportunity, they behave like an ostrich sticking its head in the sand and hoping that the problem or opportunity will go away or resolve itself.
  
- **Defensive avoidance**  
This is a condition in which individuals either deny the importance of a danger or an opportunity, or deny any responsibility for taking action. Different defensive avoidance tactics include:
  - Rationalisation (“It can’t happen to me”)
  - Procrastination (“It can be taken care of later”)
  - Buck-passing (“It’s someone else’s problem”)
  
- **Panic**  
Panic is a reaction in which individuals become so upset that they frantically seek a way to solve a problem. In their haste, however, they often choose a quickly formulated alternative, without noticing its possible disadvantages and without considering better alternatives.  
Officials sometimes react in a way that is known as “deciding to decide”. Panic can also be a response in which decision-makers accept what to do about a problem and follow an effective decision-making process.

Attention should also be paid to how decision-makers can overcome barriers to effective decision-making and to the code of conduct of the South African Public Service, which

has been accepted by the government. Particular institutions have been created to control specific aspects of the generic administrative and management processes, for example financing is a function that is performed by the National Treasury. Other institutions have been created to render domestic service to other departments, for example Public Works, the Government Printers, and the Government Garage. Public officials will have to consult with these institutions from time to time in respect of any decision that affects them. Most of these institutions have legal provisions approved by Parliament to regulate the relations between themselves and the other government departments.

Chapter 2: 12: 2.2.4, which covered the strategies to overcome corruption in the public service, should also be considered:

- Departments should identify their core values and indicate how these values are related to their everyday working practices.
- Leadership, communication channels, and an organisational vision should be developed in order to support and nurture these values.
- Strategies, structures, systems, policies, procedures, skills and resources should be tailored to support these ethical values.
- A culture of shared responsibility should be established; those who comply to this should be rewarded, while those who do not should be punished.

Apart from the above-mentioned strategies, people should develop a holistic approach to the prevention of corruption. Issues such as political will, administrative reforms, watchdog agencies, Parliament, the judiciary, the media, the private sector, international business and civil society should become important cornerstones of such a holistic approach.

In addition to developing a holistic approach in departments, accountability must be translated into daily practices. Accountability could help to prevent the abuse of power and it should ensure that power is directed towards the achievement of efficiency, effectiveness, responsiveness and transparency – corruption thrives on secrecy. Therefore, corruption in all its forms should be undermined by the extent to which justice is promoted, inequality should be addressed, and poverty should be eliminated.

It is inconceivable that an acceptable level of ethics can be attained in the public sector while the majority of citizens are apathetic towards ethics. To bridge this gap, it is proposed that aspects of ethics be included in the school curricula. Ethics need not to be a formal school subject, but ethical aspects can be integrated into different school subjects, such as Business Economics, Economics, and Accountancy. Many subjects offered at tertiary level, among them Public Administration, Human Resource Management and Business Administration, could accommodate aspects of ethics. At this level, knowledge of ethics should be intensified regardless of the study direction a student follows.

In this way, professional codes of conduct will assume special status when a student eventually qualifies as a professional. Assuming that ethical behaviour in the form of corruption is prevalent among people in higher positions, empowering them on ethics throughout their educational careers can contribute to the promotion of ethics in their work life.

#### **6.4. CONCLUSION**

Ethics are important tools for explaining and predicting phenomena. In this dissertation, theories of ethics in the management of human resources in the public sector were discussed. These formed the core of the discussions throughout the dissertation.

In this chapter, promoting the ethics, values and theories of ethics in the management of human resources in the public sector were discussed.

In Chapter two, it was said that promoting ethics could serve as one of the means to achieve the ideals of a transformed public service. Leadership, communication, and training were singled out as crucial aspects in this respect.

The purpose of the study was to find a solution and seek for answers to the problems caused by a lack of ethics in provincial governments, and to determine whether professional standards of ethics were being promoted and maintained by public managers and public officials. Because of the challenges, lack of commitment and discipline,



greediness and lack of effective leadership by senior officials, it was found that moral ethical consensus in provincial institutions needed to be improved. In addition, the moral ethical culture within government departments should be promoted in order to deliver services effectively and efficiently. The outcome of the study proved that provincial government does not promote good ethics and professionalism in service delivery. Hence, public officials still fail to act ethically.

The researcher answered the research questions based on the data gathered from the respondents. It was found that there is poor ethical behaviour in provincial departments. The situation is aggravated by corruption in the public sector or government because people conceive of public service corruption as a symptom that can be eradicated by prayers and blessings of forgiveness.

The researcher conducted face-to-face interviews with 15 officials from the Department of the Premier in the Free State Provincial Government. The respondents were asked to express their views and sentiments on the questions posed to them.

Hence, the researcher achieved the aims of the study by utilising the answers of the respondents, enabling him to reach the findings, as well as make the recommendations.

It is evident from the conclusion that not only those in the public service need to be trained and educated in ethics, but the public also needs to be educated in ethics. An informed public is vitally important, as they will register their protest in the event of unethical behaviour in the public sector.

## **6.5. FUTURE AND FURTHER STUDIES**

Chapter Ten of the Constitution outlines the basic values and principles governing public administration in South Africa. There is also a code of conduct for public servants to guide their conduct in dealing with members of public. In addition, the White Paper on the Transformation of the Public Service (1997:15-23) identifies eight broad principles for application by national and provincial departments to ensure the promotion of ethics in

the public sector. In the light of the above, it is evident that ethics in the public sector should receive much more attention than ever before.

Important questions that stem from this research are:

- Could ethics be taught to employees and, if so, how would such training be undertaken?
- What mechanisms could be used to enforce codes of conduct?

## ANNEXURE 1

471 Haartser Street  
Batho Location  
Bloemfontein, 9301

04 March 2016  
Department of the Premier  
Bloemfontein 9300  
Dear Me. Kabane

### **REQUEST FOR PERMISSION TO CONDUCT RESEARCH INTERVIEW TO MANAGEMENT AND OFFICIALS AT THE DEPARTMENT OF THE PREMIER.**

I hereby request to conduct research interview at your office. The purpose of this request is to conduct research interview for Masters Qualification in Governance and Political Transformation field of study at University of the Free State. The title of this study is "***AN INVESTIGATION INTO THE IMPACT OF POOR ETHICAL BEHAVIOUR ON THE ACHIEVEMENT OF OBJECTIVES AT PROVINCIAL DEPARTMENT***". The interest is to examine the theoretical terrain of ethics in government through the use of a code of conduct that regulates the conduct of officials and managers

### **THE PURPOSE OF THE INTERVIEW.**

The means of the interview will be in a form of face to face. The interview will be conducted in person to respondents. The researcher will conduct the interview in person during October 2016

### **CONFIDENTIALITY**

As indicated above, your responses will be used for scholarly purpose only. Your personal details and feedback will not be shared with any other person. Confidentiality and anonymity on individual responses will be maintained.

### **CONTACT DETAILS**

Mr Ogopoleng Nicholas Motshwane  
051 506 1356 (Office)  
074 433 6199 / 073 764 8159 (Cell) [omotshwane58@gmail.com](mailto:omotshwane58@gmail.com)

I trust that you will kindly grant me the consent in conducting my interview to officials and managers within your office.

Warm regards  
Ogopoleng Motshwane



**TO ALL STAFF**  
Department of the Premier  
BLOEMFONTEIN

Dear Colleagues

**PERMISSION TO CONDUCT RESEARCH INTERVIEW TO  
MANAGEMENT AND OFFICIALS AT THE DEPARTMENT OF THE  
PREMIER**

I have granted permission for Mr Ogopoleng Nicholas Motshwane to conduct research interview to management and officials at the Department of the Premier.

The list of officials who will be interviewed is herein attached.

Kind regards

  
**KOPUNG RALIKONTSANE**  
**DIRECTOR GENERAL**

**29 SEPTEMBER 2016**

Office of the Director General  
Private Bag X517, Bloemfontein, 9300  
OR Tambo House, 4<sup>th</sup> Floor, Cnr St Andrew and Markgraaff Street, Bloemfontein  
Tel: +27(0)51 405 5803 Fax: +27(0)51 405 5671 Email: [motsamai.mokoena@fspremier.gov.za](mailto:motsamai.mokoena@fspremier.gov.za)  
Free: 0 800 600 224



**the premier**

Department of  
the Premier  
FREE STATE PROVINCE

**TO ALL STAFF**  
Department of the Premier  
BLOEMFONTEIN

Dear Colleagues

**PERMISSION TO CONDUCT RESEARCH INTERVIEW TO  
MANAGEMENT AND OFFICIALS AT THE DEPARTMENT OF THE  
PREMIER**

I have granted permission for Mr Ogopoleng Nicholas Motshwane to conduct research interview to management and officials at the Department of the Premier.

The list of officials who will be interviewed is herein attached.

Kind regards



**KOPUNG RALIKONTSANE**  
**DIRECTOR GENERAL**

**29 SEPTEMBER 2016**

Office of the Director General  
Private Bag X517, Bloemfontein, 9300  
OR Tambo House, 4<sup>th</sup> Floor, Cnr St Andrew and Markgraaff Street, Bloemfontein  
Tel: +27(0)51 405 5803 Fax: +27(0)51 405 5671 Email: [motsamai.mokoena@fspremier.gov.za](mailto:motsamai.mokoena@fspremier.gov.za)  
Free: 0 800 600 224

[www.fs.gov.za](http://www.fs.gov.za)

## REFERENCES

Andrews, Y. 2015. *The Personnel Functions*. (6<sup>th</sup> Ed.). Pretoria: Haum Tertiary.

Anon. 2012. National Anti-Corruption Forum. [http://www.nacf.org.za/government\\_index.html](http://www.nacf.org.za/government_index.html). Retrieved on 23 April 2016.

Association of Certified Chartered Accountants. 1990. *Effective Management*. London: BPP.

Auditor-General South Africa. 2009. Report of the Auditor-General to the Free State Legislature on the Financial Statement and Performance Information of Vote No.1: Department of the Premier for the year ended 31 March 2009.

Auditor-General South Africa. 2009. Report of the Auditor-General to the Free State Legislature on the Financial Statement and Performance Information of Vote No.11: Department of Agriculture for the year ended 31 March 2009.

Baai, S. 1999. Analysis of ethics, corruption and the issue of gifts in public sector. *Journal of Public Administration*, 34(4).

Babb, S. 2010. Implementing Skills Development. *The Inner Labour Brief*, 11(3).

Babbie, E. and Mouton, J. 2001. *The Practice of Social Research*. Cape Town: Oxford University Press.

Baofu, P. 2011. *Beyond Ethics to Post-Ethics: A preface to a New Theory of Morality and Immorality*. Charlotte: information Age.

Bateman, T.S. and Zeithaml, C.P. 2013. *Management Function and Strategy*. (5<sup>th</sup> ed.). USA: Richard D. Irwin.

Bayat, M.S. and Meyer I.H. 2014. *Public Administration: Concepts, theory and practice*. Halfway House: Southern Book Publishers.

Bekker, H.J. 2009. Public Sector Governance – Accountability in the State. (Paper delivered at the CIS Corporate Governance Conference on 10 to 11 September.) Bekker, J.C. 1991. Nepotism, corruption and discrimination: A predicament for a postapartheid South African public service. *Politikon*, 18 (2).

Bendix, S. 2015. Labour Relations: A South African perspective (6<sup>th</sup> ed.). Cape Town: Juta.

Bethlehem, J.G. 2009. Cross-sectional research. In Ader, H.J. and Mellenbergh, G.J. (eds.) Research methodology in social, behavioural and life sciences. London: Sage.

Bless, C., Higson-Smith and Kagee, A. 2006. Fundamentals of Research Methods – An African Perspective. Cape Town: Oxford University Press.

Botes, P.S. 2015. Aspects of Supervision: A Guide for the Contemporary Public Manager. Halfway House: Southern Books.

Botes, P.S. 1995. The Central Government Structure. An analysis of the Constitution 1993 for the study of public administration. Pretoria: Kagiso Publishers.

Botes, P.S., Brynard, P.A., Fourie D.F. and Roux, N.L. 2006. Public Administration and Management. A Guide to Central, Region and Municipal Administration and Management. (4<sup>th</sup> ed.). Pretoria: Kagiso Tertiary.

Brien, A. 1998. Professional Ethics and the culture of trust. *Journal of Business Ethics*, 17(4), 391-409.

Brown, M.T. 2015. Corporate Integrity: Rethinking Organizational Ethics and Leadership. New York: Cambridge University Press.

Burns, R.B. 2007. Introduction to Research Methods (2<sup>nd</sup> ed.). Melbourne: Longman Cheshire.

Calhoun, C., Light, D. and Keller, S. 1995. Understanding Sociology. USA: Glencoe/McGraw-Hill.

Campbell, R. and Kitson, A. 2008. The Ethical Organisation (2<sup>nd</sup> ed.). New York:

Palgrave Macmillan.

Cascio, W.F. 2014. *Applied Psychology in Personnel Management*. (6<sup>th</sup> ed.). Prentice Hall: Englewood Cliffs New Jersey.

Chang, H, 2011. *Analysis of Outsourcing of Services in the Free State Provincial Government Departments*. Master's dissertation. University of the Free State: Bloemfontein.

Chapman, R.A. (ed.). 2012. *Ethics in Public Service*. London: Edinburgh University Press.

Cheminairs, J., Van der Waldt, G. and Bayat S. 2012. *Public Personnel Management*. Kenwyn: Juta.

Cheminairs, J., Bayat, S., Van der Waldt, G. and Fox, W. 2013. *The fundamentals of public personnel management*. Kenwyn: Juta.

Clapper, V.A. 2006. Codes, Morality and Competence. *Publico*, 23.

Clapper, V.A. 2015. Codes, Morality and Competence. *Publico*.

Clapper, V.A., De Jager, J. and Fourie, W. 2002. The state of Public Service ethics, an exploratory study. *Politeia*, 21(9): 25-26.

Cloete, J.J.N. 1991. *Personnel Administration and Management*. 3<sup>rd</sup> ed., Pretoria: Van Schaik.

Cloete, J.J.N. 1995. *Public Administration and Management*. Pretoria: Van Schaik.

Cloete, J.J.N. 2010. *South African Public Administration and Management*. Pretoria: Van Schaik.

Cody, W.J. and Richardson R. 2015. *Honest Government: An Ethical Guide to Public Service*. Westport: Praeger.

Colliers Encyclopaedia. 1992. New York: MacMillan

Collins English Dictionary. 2012. London: Collins.



- Cooper, T. 1994. Handbook of Administrative Ethics. New York: Marcel Dekker.
- Copper, T.L. 2012. The Responsible Administrator. An Approach to Ethics for the Administrative Role (10<sup>th</sup> ed.). San Francisco: Jossey-Bass.
- Craythorne, D.L. 2006. Municipal Administration: The Handbook. Cape Town: Juta.
- Creswell, J.W. 2008. Qualitative inquiry and research design: choosing among five traditions. London: Sage.
- De Baros, H. 2015. To do or not to do. *Publico*. August, 6.
- Delport, C.S.L. and Roestenburg, W.J.H. 2011. Qualitative data collection methods:
- Denhardt, K.G. 1998. The ethics of public service. Resolving Moral Dilemmas in Public Organisations. New York: Greenwood Press.
- Denhardt, R.B. 2013. The Pursuit of Significance: Strategies for Managerial Success in Public Organisations. Florida: Harcourt Brace & Company.
- Denscombe, M. 2008. The good research guide for small-scale social research projects: Buckingham: Open University.
- Department of Public Service and Administration. 2002. Public Service Anti-Corruption Strategy. <http://www.dpsa.gov.za>. Retrieved on 24 March 2007.
- DePoy, E. and Gibson, S. 2008. Evaluation practice: how to do good evaluation research in work settings. London: Routledge Taylor & Francis Group.
- De Villiers, B. 2011. Birth of the Constitution. Kenwyn: Juta.
- De Vos, A.S. (ed.) 2008. Research at grassroots: a primer for the caring professions. Pretoria: Van Schaik.
- De Vos, P. 2012. Balancing Independence and Accountability: The Role of Chapter 9 Institutions in South Africa. In Chirwa, D.M and Nijzink, L. Accountable Government in Africa: Perspectives from Public Law and Political Studies. Claremont: UCT Press.

- Dictionary of Contemporary English. 2007. Singapore: Longman.
- Diseloane, V.P. 2012. Reception of a code of conduct at the Capricon District Municipality in Limpopo Province. Doctoral Thesis. Pretoria: Unisa.
- Doris J.M. 2012. Lack of Character: Personality and Moral Behaviour. New York: Cambridge University Press.
- Doyle, M. 2014. Policy Studies III. University of South Africa: Florida.
- Drewry, G. and Butcher, T. 2015. The Civil Service Today. (4<sup>th</sup> ed.) Oxford: Basil Blackwell.
- Du Toit, D.F.P. and Van Der Waldt. 1999. Public Management. The Grassroots. Kenwyn: Juta.
- Du Toit, D.F.P., Van der Waldt, G., Bayat, M.S. and Cheminais, J. 2008. Public Administration and Management for Effective Service Delivery. Kenwyn: Juta.
- Du Toit, D.F.P. and Van der Waldt, G. 2009. Public Administration and Management: the grassroots. Kenwyn: Juta.
- Edgett, R. 2015. Toward and Ethical Framework for Advocacy in Public Relation. *Journal of Public Relations Research*, 14.
- Esterhuyse, W. 1991. Sake-etiek in die praktyk. Pretoria: Van Schaik.
- Fourie, D. 2009. Institutional Mechanisms and Good Governance: A perspective on the South African Public Sector. *Journal of Public Administration*, 44(4):1118.
- Fox, W. 2010. A Guide to Public Ethics. Claremont: Juta.
- Fox, W. and Meyer, I.H. 1995. Public Administration Dictionary. Kenwyn: Juta.
- Fox, W. and Meyer, I. 2015. Public Administration Dictionary. Kenwyn: Juta.
- Fox, W. Shwella, E. and Wissink, H. 2010. Public Management. Cape Town: Juta.

- Garnett, J.L. 2012. *Communication for results in government: a strategic approach for public managers*. San Francisco: Jossey-Bass.
- Gerber, P.D., Nel, P.S. and Van Dyk, P.S. 2015. *Resource Management*. (3<sup>rd</sup> ed.). Halfway House: Southern Book.
- Geuras, D. and Garafolo, C. 2011. *Practical Ethics in Public Ethics in Public Administration* (3rd ed.). Virginia: Management Concepts.
- Gildenhuys, J.S.H. 1991. *Ethics and Public Sector*. Cape Town: Juta.
- Gildenhuys, J.S.H. 2004. *Ethics and Professionalism: The battle against public corruption*. Stellenbosch: Sun Press.
- Gortner, H.F. 2014. *Administration in the Public Sector*. New York: John Wiley and Sons.
- Goss, R.P. 1996. A Distinct Public Administration Ethics? *Journal of Public Administration Research and Theory*, 6(4), 573-579.
- Gurevitch, Z.D. 2015. The Dialogic Connection and Ethics of Dialogue. *British Journal of Sociology*, 4.
- Hanekom, S.X. 2014. Ethics in the South African Public Sector. *Politeia*. 6(2).
- Hanekom, S.X. and Thornhill, C. 1993. *Public administration in contemporary society: a South African perspective*. Halfway House: Southern.
- Hanyane, B. 2013. *Fundamentals of Research*. Pretoria: Van Schaik.
- Helander, V. 2003. Public Sector Reforms and the Third Sector. *Finnish Local Government Studies*, 31(4), 290-297.
- Heyns, J.A. 2011. *Teologiese etiek*. Pretoria: NG Kerk Boekhandel.
- Hill, I. (ed.) 2015. *The Ethical Basis of Economic Freedom*. USA: Praeger.
- Hugo, P. 1996. Affirmative Action. *Politeia*, 15(7).

Institute of Democracy in South Africa. 1996 Parliamentary ethics and government corruption: playing with public trust. *Public Opinion Service*, No. 3.

Ivancevich, J.M. 2012. Human Resources Management Foundations of Personnel. USA: Richard D. Irwin.

Jennings, D. and Wattam, S. 1994. Decision making: An integrated approach. London: Pitman.

Johannesen R.L., Valde K.S., and Whedbee K.E. 2015. Ethics in Human Communication. Waveland Press.

Kant, S. 2014. Preamble, Founding Principles and the Bill of Rights. *Politeia*, 15(2).

Kernaghan, K. and Dwivedi. O.P. (eds.). 2013. Ethics in the Public Service: Comparative Perspectives. Brussels: IIAS.

Kidder, R.M. 1997. How good people make tough choices: resolving the dilemma of ethical living. Maine: Harper Collins.

Kroukamp, H. 2006. Corruption in South Africa with particular reference to public sector institutions: The evil all evils. *Journal of Public Administration*, 41(2.1): 208-206.

Lawton, A. 1998. Ethical Management for the Public Services. Buckingham: Open University Press.

Lekoomo. 2010 Free State Department of Education, 2(4).

Leon, T. 2009. Good Score: Bad Survey. *Sunday Times*. 5 May p. 23.

Levy, N. 2014. *Good Character: Too Little, Too Late*. *Journal of Mass Media Ethics*, 19.

Lewis S, Carol W. and Stuart C. 2015. The Ethics Challenge in Public Service. 5<sup>th</sup> ed. San Francisco: Jossey-Bass.

Lloyd, B. and Kidder, R.M. 1997. Ethics for the new millennium. *Leadership and Organization Development Journal*, 18(3): 145-148.

Madonsela, T.N. 2010. Public Protector South Africa. Corruption and Governance Challenges: The South African Experience. Paper presented at the National Conference on Corruption and Governance Challenges, Nigeria 21 January 2010.

Mafunisa, M.J. 2000. Public Service ethics. Kenwyn: Juta.

Mafunisa, M.J. 2011. Public Service Ethics. Kenwyn: Juta.

Maree, K. (ed.). 2007. First steps in research. Pretoria: Van Schaik.

McEllrath, M. and Mark P. 2014. Managing Systematic and Ethical Public Relations Campaigns. New York: McGraw-Hill.

McKwitt, D. and Lawton, A. 2014. Public Sector Management: Theory, Critique and Practice. London: Sage.

McLeod, W.T. 2015. The Collins Dictionary and Thesaurus. London: Collins.

Meehan, E.J. 1996. Ethics and Self-government. *Politeia*, 15(1).

Mercer, J.L. 1992. Public Management in Lean Years - operating in cutback management environment. London: Quorum Books.

Mgijima, R. 2010. State of professional ethics in the public service post-1994. News official magazine of the Public Service Commission.

Mokgoro, T.J. 2000. Paradigm Shifts in Public Management Training and Development (with specific reference to leadership development). A paper presented at the Spring School in Public Policy Management. University of the Free State, Bloemfontein, 4-8 September 2000.

Mosili, D.D. 2010. Strategic Planning as a Strategic Tool for Enhancing Production in all Government Systems (MA Dissertation). Bloemfontein: University of the Free State.

Mouton, J. and Marais, H.C. 2011. Basic concepts in the methodology of social sciences. Cape Town: Oxford University.

Mthembu, B.J. 2013. Ethics and Accountability in Local Government: A Corporate Governance Perspective. (Unpublished Master's dissertation.) University of the Free State: Bloemfontein.

Mudau, F. 2015. Management of information III. University of South Africa: Florida.

Nagiah K. 2012. Code of Conduct of the South African Public Service Compared with International Guidelines. (Unpublished Master's Dissertation) University of Pretoria: Pretoria.

Nation, J.R. 2014. Research Methods. New Jersey: Prentice Hall.

Ntamu, P.M. 2011. Ethics as a Prerequisite for Professionalism in the South African Public Sector. (Unpublished Master's Dissertation.) University of the Free State: Bloemfontein.

O'Leary, R. and Miller, R. 2003. Questionnaires and structured interview schedules. In Miller, R. and Brewer, J.D. The A-Z of social science research. London: Sage.

Patton, M.Q. 2015. Qualitative Research and Evaluation Methods (4<sup>th</sup> ed.). New York: Sage.

Peters, B.G 2001. The Future of Governing. (2<sup>nd</sup> ed.). Lawrence: University Press of Kansas.

Pollitt, C. and Bouckaert, G. 2004. Public Management Reform: A Comparative Analysis. (2<sup>nd</sup> ed.). Oxford: Oxford University Press.

Rae, S.B. 1995. Moral Choices. An introduction to Ethics. USA: Zondervan Publishing House.

Republic of South Africa. Public Service Commission, 2016. (<http://www.psc.gov.za>). Retrieved on 20 March 2016.

Republic of South Africa, 1995. White paper on the Transformation of the Public Service, 1995. Pretoria: Government Printers.

Republic of South Africa, 1996. The Constitution of the Republic of South Africa, 108 of 1996: Section 195(1). Pretoria: Government Printers.

Republic of South Africa, 1996. Constitution of the Republic of South Africa, 1996 Pretoria: Government Printers.

Republic of South Africa. Auditor-General Act, 1995 (Act No. 12 of 1995). Pretoria: Government Printers.

Republic of South African Department of Public Service and Administration. 2008. Public Sector Integrity Management Framework. Pretoria: Government Printers.

Richter, W.L. and Burke, F. 2007. Combating corruption, encouraging ethics: A practical guide to management ethics. New York: Rowman and Littlefield.

Robson, C. 1993. Real World Research. Oxford: Blackwell.

Rosnow, R.L. and Rosenthal, R. 2013. Beginning Behavioural Research: A conceptual primer. New York: Macmillian.

SABPP, 2014. Ethics in HR Management, A guide to HR professionals and line managers. Houghton: South Africa.

Schurink, W.J. 2005. Lecture 13: Evaluating qualitative research. Johannesburg: Department of Human Resource Management, University of Johannesburg.

Schwella, E., Burger, W., Fox, J. and Muller, J. 2011. Public Resource Management. Cape Town: Juta.

Smith L. and Wanda A. 2014. Citizens versus Customer: Different Approaches to Public Participation in Service Delivery in Cape Town. *Urban Forum*, 14(1).

South Africa. 1992. Prevention of Corruption Act, Act 94 of 1992. Pretoria: Government Printers.

South Africa. 1994. Public Service Act 103 of 1994. Pretoria: Government Printers.

South Africa. 1995. The Labour Relations Act 66 of 1995. Pretoria: Government Printers.

South Africa. 1997. White Paper on a New Employment Policy for the Public Service. Pretoria: Government Printers.

South Africa. 1998. Employment Equity Act 55 of 1998. Pretoria: Government Printers.

South Africa. 1998. Skills Development Act 97 of 1998. Pretoria. Government Printers.

South Africa. 1999. Public Service Regulations. Pretoria: Government Printers.

South Africa. 2004. Public Audit Act, Act 25 of 2004. Pretoria: Government Printers.

South Africa. 1998. White Paper on Local Government. Pretoria: Government Printers.

Starling, G. 1993. Managing the public sector. (4<sup>th</sup> ed.). Belmont: Wadsworth.

Starling, G. 2013. Managing the public sector. (7<sup>th</sup> ed.). Belmont: Wadsworth.

Sykes, J.P. (ed.) 2006. The Concise Oxford Dictionary. (6<sup>th</sup> ed.). Oxford: Oxford University Press.

*The Star*. 2012. Moral regeneration will cure our ailing democracy. 24 April: p. 3.

Thomassen, N. 2012. Communicative Ethics in Theory and Practice. New York: St Martin's Press.

Thornhill, C. 2012. JJN Cloete's South African Public Administration and Management. Pretoria: Van Schaik.

Thornhill, C. and Hanekom, S.X. 1995. The Public Sector Manager. Durban: Butterworth.

Thornhill, C. and Hanekom S.X. 2015. The Public Sector Manager. Durban: Butterworth.

UNDESA (United Nations Department of Economic and Social Affairs). 2000. Promoting Ethics in the Public Service. New York: UN Press.

Van der Waldt, G. 2001. Ethical governance and human rights. In Van Niekerk, D., Van der Waldt, G and Jonker, A Governance, Politics and Policy in South Africa: Cape Town: Oxford University Press.

Van der Waldt, G. and Du Toit, D.F.P. 1997. Managing for excellence in the public sector.



Kenwyn: Juta.

Van der Waldt, G. and Du Toit, D.F.P. 1999. *Managing for excellence in the public sector*. Kenwyn: Juta.

Van der Waldt, G. and Du Toit, D.F.P. 2011. *Managing for excellence in the public sector*. Kenwyn: Juta.

Van der Waldt, G. and Helmbold, R. 1995. *The Constitution and a new Public Administration*. Kenwyn: Juta.

Van der Waldt, G. and Helmbold, R. 2015. *The Constitution and a new Public Administration*. Kenwyn: Juta.

Van Niekerk, D., Van der Waldt, G. and Jonker, A. 2013. *Governance, Politics and Policy in South Africa*. Cape Town: Oxford University Press.

Van Niekerk, D., Van der Waldt, G. and Jonker, A. 2014. *Governance, Politics and Policy in South Africa*. Cape Town: Oxford University Press.

Van Niekerk, T. and Olivier, B. 2012. Enhancing anti-corruption strategies in promoting good governance and sound ethics in the South African public sector. *Journal of Public Administration*, 44(3.4), 143-144.

Van Wart, M. 1996. Reinventing in the public sector: The Critical Role of Values Restructuring. *Public Administration Quarterly*, 19:4, 456.

Van Wyk, H.A. 2004. Perspective of Effective Financial Management in the Public Sector. *Journal of Public Administration*, 39(3), 411-420.

Venter, F. 2014. Implications of the Constitution for Public Administration. *SAIPA*, 32(4).

Vyas-Doorgapersad, S. 2007. Corruption in the Public Sector: a comparative analysis. *Journal of Public Administration*. 42(5).

Williams B, and Norris S, in Wessels, J.S. 2012. Training for Equal Opportunities in the Public Sector. *SAIPA*. 27(1)

Williams, B. 2015. Politics, Ethics and Public Service. London: Royal Institute of Public Administration Ghana. Asempa Publishers.

Wixley, T. and Everingham, G. 2014. Corporate Governance. Cape Town: Creda.

Yin, R.K. A Case Study Research: Design and methods. (2<sup>nd</sup> ed.). London: Sage.