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Department:
Community Safety and Transport Management
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT

OTHER REMUNERATION WORK OUTSIDE PUBLIC SERVICE POLICY 2025/2026

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1. GLOSSARY OF TERMS

#	TERMS	DEFINITIONS
1.	Act	means the public service act 1994 (Proclamation 103 of 1994)
2.	Applicant	Refers to an employee who requests permission from the relevant authority or delegated authority to perform other remunerative work.
3.	Business	Includes any business, trade, occupation, profession, calling, industry or undertaking of any kind, or any activity carried on for gain or profit by any person within the Republic or elsewhere, and includes all property derived from or used in or for the purpose of carrying on such activity, and all the rights and liabilities arising from such other activity.
4.	Conflict of interest	refers to a conflict between the public duties and private interests of an employee, in which the employee has a private interest which could improperly influence him/her, and or negatively impact on his/her disposable time to work, and/or negatively impact on his/her official obligations or official duties, and or negatively impact on the public interest;
5.	Days	Means any other days other than Saturday, Sunday and Public Holidays as defined in the Public holidays act 1994 (Act 36 of 1994)
6.	Delegated Authority	means the functionary to whom the power is duly delegated or authorized in terms of section 42A of the act.
7.	Department	means the North West Department of Community Safety and Transport.
8.	EPMDS	means the Employee Performance Management and Development System of the Department;
9.	Executive Authority	means the Member of the Executive Council responsible for the Department as contemplated in the Act;
10.	Ethics Officer	refers to the ethics officer designated by the executive authority as required in terms of regulation 23(1) of the Public Service Regulations, 2016;

11.	Management	Refers to all executive and senior management of the Department
12.	GPSSBC	means General Public Service Sector Bargaining Council;
13.	HRM	means the Human Resource Management Unit in the Department;
14.	Official	means a person who has been appointed permanently or on fixed contract, notwithstanding that such appointment may be on probation, to a post contemplated in section 8(1)(a) of the Public Service Act, and includes a person contemplated in section(8)(b) or 8 (3)(c) of that act. Has been appointed on contract in terms of section 8(1) (c) (ii) of the Public Service Act
15.	Organ of the state	<ul style="list-style-type: none"> (a) Any department of state or administration in the national, provincial or local sphere of government; or (b) Any other functionary or institution – <ul style="list-style-type: none"> (i) Exercising a power or performing a function in terms of the constitution or a provincial constitution; or (ii) Exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer
16.	Other remunerative work	means any business carried out or services rendered for gain or personal benefit by an employee outside his or her employment in the department, for which remuneration is received
17.	Remuneration	means any payment or benefit in cash or in kind. And remunerative has a corresponding meaning;

2. INTRODUCTION

- 2.1. In terms of section 30(b) of the public service Act, 1994 (Proclamation 13 of 1994), officials must ensure that they place all their time at the disposal of the employer to perform the work they have been appointed for in compliance with their performance Agreements.
- 2.2. Provisions exists for an official to perform remunerative work outside the public service; however, the performance of such must be monitored and controlled
- 2.3. The North West Department of Community Safety and Transport Management must therefore management applications for remunerative work by officials outside the public service in a consultative and non-discriminatory manner, in order to meet the specific and distinct needs of different officials.
- 2.4. Officials must apply to the Executive Authority or Delegated Authority for approval to conduct such remunerative work outside the public service and enhance uniformity, professionalism and confidence in the public service.
- 2.5. All official in the public service who receive permission to perform remunerative work and who are designated as a category to disclose their financial interest, are required in terms of the PSR 2016 (Chapter 2. Part 2 Regulation 19) to disclose on the e-Disclosure system all income-generating assets, benefits or remuneration received from trusts, directorships and partnerships, remunerated work outside the employment in his or her department, benefits deprive from consultation and retainerships, value of sponsorships, ownership or other interests in immovable property and details of vehicles.

3. PURPOSE

The purpose of this policy is to provide measures to be utilised in regulating and considering application or requests by officials to perform remunerative work and aims to-

- a) Inform officials on what is expected of them when undertaking remunerative work
- b) Enhance uniformity and transparency in the processing of applications for remunerative; and
- c) Ensure Conformity to the norms and standards prescribed by the act, the regulations promulgated in terms thereof and the Code of Conduct.



4. SCOPE OF APPLICATION

This policy applies to all employees of the Department, including interns, learners and contract employees.

5. LEGISLATIVE FRAMEWORK

Remunerative work is governed by-

- a) The Public Service Act
- b) The Labour Relations Act, (Act No. 66 of 1995);
- c) The Basic Conditions of Employment Act (Act No. 75 of 1997)
- d) The Public Finance Management Act (Act No. 1 of 1999) and regulations;
- e) The Employment Equity Act (Act No. 55 of 1998);
- f) Public Service Regulations 2016
- g) The Public Service Amendment Act 2007 (Act No. 30 of 2007)
- h) The Senior Management Service Hand book and
- i) GPSSBC Collective Agreement No. 2 of 1999
- j) Public Administration Management Act No 11 of 2014
- k) Constitution of the Republic of South Africa, 1996
- l) Employment of Education Act No 76 of 1998

6. PERFORMANCE OF REMUNERATIVE WORK

Unless otherwise provided for in the conditions of employment of an official-

- a) Each official must place a whole of his or her time at the disposal of the Department;
- b) No official may perform any remunerative work without prior authorisation of the Executive Authority/Delegated Authority. Authorisation should be obtained well before other remunerative work is conducted. There is no process that allows for post facto authorisation for other remunerative work conducted by an official outside his or her employment in the Department.
- c) Approval will be effective from the date of signature of approval by the Executive Authority/Delegated Authority.
- d) No official may be given time off to attend to remunerative work during official working hours, whether it is for political party related matters or not;
- e) No official may claim additional remunerative in respect of any official duty or work performed voluntarily unless such is dealt with by the EPMDS Policy;

- f) Any additional remuneration. Allowance or other reward received by an official in connection with his or her work in the public service, other than in accordance with the Act or this Policy, must be paid into the Provincial Revenue Fund, provided that where the remuneration allowance or rewarded does not consist of money, the value thereof as determined by the Head of Department, may be recovered from the official by the way of legal proceedings or in such a manner as the Provincial Treasury may approve and
- g) Any unauthorised salary, fee, bonus, or honorarium, which may be payable in respect of the service of an official working at the Provincial Revenue Fund.

7. CONDITIONS FOR PERFORMANCE OF REMUNERATIVE WORK

The following must be taken into consideration prior to granting authority to perform remunerative work and in any subsequent evaluation of the permission granted:

- a) The work must not be performed with any organ of the state e.g. that which provides services for the state's/Department;
- b) The nature and extent of the business interest of the official concerned, which may not hamper the performance of the official duties;
- c) The remunerative work must be performed entirely outside the prescribed hours of duty;
- d) The remunerative work may not be such nature that it negatively affects the Department;
- e) There must be no conflict of interest between the work that will be performed outside the public service and the person's duties within the public service. If conflict of interest is discovered after granting of permission for the remunerative work outside the public service, the permission the permission must be withdrawn immediately;
- f) The remunerative work may not rely in any way on the Department resources or Government property or equipment or require the utilisation of such;
- g) The maximum remunerative time to be worked by the applicant per week including normal working hours, overtime and ORW may be prescribed by the executive authority or his/her designee, with due consideration to be possible impact on the official's duties and overall performance in the Department.
- h) The granting of permission must be subject to compliance with any legislative provisions that may regulate the additional remunerative work e.g. maximum hours of overtime per day/week;

- i) The application agrees that his/her first commitment is to meet the operation objectives of the Department.

8. APPLICATION PROCEDURE

8.1 Officials applying for authority to perform remunerative work must-

- a) Completes section A to D of the application form attached hereto as **Annexure A**;
- b) Submit the completed form to his or her Supervisor for assessment and recommendation.

8.2 The permission to perform ORW shall not exceed a period of 12 months and shall be aligned with the financial year (between 01 April of the year in question – 31 March of the following year).

8.3 The 30-day period as required in terms of Section 30 (3)(a) of the Public Service Act commences on the date the application form is received by the Executive Authority/Delegated Authority.

8.4 The applicant's immediate supervisor completes section E of the application form within **5 days** of receipt. Using the supervisor analysis tool in the application form.

8.5 The Ethics Officer completes section F of the application form within **10 days** of receipt. Using the ethics officer analysis tool in the application form.

8.6 The Ethics Office should issue an acknowledgement letter to the applicant upon the receipt of the application.

8.7 The Ethics Officer must liaise with necessary role players to obtain all relevant details about the application of the official. Once the Ethics Officer has gathered all relevant facts, the application together with a report containing the Ethics Officers recommendations will be submitted to the Executive Authority/Delegated Authority for a decision.

8.8 The Executive Authority/Delegated Authority completes section G of the application form within **30 days of receipt** considering the supervisor and Ethics Officer recommendations, the executive authority/ delegated authority makes a final decision either to grant permission or decline the request.

8.9 The Ethics Officer must formally communicate the decision of the applicant with reasons being furnish for an unsuccessful application and an approval certificate being issued for a successful application.

8.10 The certificate must state the nature of work that was approved, the period of approval (i.e.: twelve (12) months) and the conditions attached to the approval N.B Only upon the certificate being issued may the official commence within the other remunerative work.

8.11 The remunerative work certificate shall bear the signature of Executive Authority or Delegated Authority.

8.12 The approval will also be linked to the official's post at that point of time meaning when an official is promoted or transferred, his or her permission to perform other remunerative work terminates.

8.13 Should a decision not be made within the thirty (30) working days' period the official automatically receives permission to perform other remunerative work (called "deemed approval"). In this case the Ethics Officer must sign and provide the official with a deemed approval certificate (**Annexure D**) but only after assessing that the deemed approved work will not contravene Section 30(2) of the public Service Act 1994. If a contravention is indicated, the Ethics Officer must submit a request to the Executive Authority / Delegated Authority to withdraw the approval.

8.14 If approval is granted by default permission must still be evaluated and can be withdrawn at any time when conflict of interest or any other disqualifying criterion is detected.

8.15 The confidentiality of applications should be maintained at all stages of the application process.

8.16 All approved applications must be captured on PERSAL.

8.17 If the employee wishes to continue performing ORW after the approved period, a new application (herein after referred to as a re-application) should be submitted at least 60 days before expiry of the approved period.

8.18 Re-applications for ORW shall be made using the re-application form Annexure B.

8.19 Newly appointed officials must apply to perform remunerative work within 30 days of assuming duty.

8.20 The employees are restricted to submitting only one application per financial year.

9. ROLES AND RESPONSIBILITIES

9.1 Employee / Applicant

The official must ensure that he/she-
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9.1.1 Completes in full an application form requesting permission to perform other remunerative work

9.1.2 Submits the completed application form to their supervisor for recommendation

9.1.3 Submits the completed application form with the recommendation of the supervisor to the Ethics Office.

9.1.4 Starts performing other remunerative work only after permission has been granted.

9.1.5 Informs the Ethics Officer when he/she is promoted, transferred, ceases to perform the remunerated work or there are other changes in conditions relating to the permission granted Honour the conditions of approval and not venture into performing other activities for which permission was not obtained.

9.1.6 If necessary apply for renewal of the application to perform remunerative work outside the public service prior to the expiration of the existing approval.

10.2 Supervisor

10.2.1 The Supervisor must furnish comments and recommendations with due consideration on the following:

10.2.1.1 The performance of the official

10.2.1.2 Whether the performance of the additional remunerative work would have any negative effect on any other official.

10.1.2.3 Whether the performance of the official would be adversely affected by the remunerative work.

10.2.2 The Supervisor must also ensure that:

10.2.2.1 The official seeking permission to perform remunerative work is reminded that he/she may not commence such work prior to obtaining the required authority.

10.2.2.2 He/she monitors the official who has been granted permission to perform other remunerative work, especially for possible abuse of state resources, other contraventions of the code of Conduct and negative impact performance.

10.2.2.3 He/she brings any abuse of state resources, other contraventions of the code of Conduct and / or negative impact on performance to the attention of Ethics Officer.

10.3. Ethics Officer

The Ethics Officer must ensure that-

10.3.1 The system relating to remunerative work performed by officials outside their employment in the Department is adequately managed.

10.3.2 He/she submits the completed assessment, supported by all relevant information to the Executive Authority/Delegated Authority for a decision.

10.3.3 He/she assesses all applications for perceived, potential or any actual conflict of interest.

10.3.4 He/ she makes recommendations to the Executive Authority / Delegated Authority based on the assessment of the application and includes any information relating to the conflict of interest that is detected.

10.3.5 All steps in the approval process are captured on PERSAL.

10.3.6 A register is kept and applications are monitored/ reviewed for any conflict of interest and any conflict of interest that is reported to the Ethics Committee.

10.3.7 The Ethics Committee is kept informed on the other remunerative work process such as the number of applications received, the identified conflicts of interest, the outcome of the application process and the number and nature of monitoring reports completed.

10.4 HRM

The HRM must ensure that-

10.4.1 Performance information such as performance agreements, work plans, and any other relevant information in the personnel file that may be needed to guide the Executive Authority / Delegated Authority in deciding on an application is provided to the Ethics Officer in report format, upon request.

10.4.2 Prospective officials are informed during the recruitment phase that they would be required to request permission to perform other remunerative work if they successfully join the public service.

10.5 Ethics Committee

The Ethics Committee must act as an advisory body to the Executive Authority/ Delegated Authority

10.6 Executive Authority/Delegated Authority

The Executive Authority / Delegated Authority must ensure that:

10.6.1 A decision to grant or refuse permission for an official to perform other remunerative work is made within thirty (30) days from the date of receipt of an application from the Ethics Officer.

10.6.2 He/ she signs the certificate when permission has been granted.

10.6.3 He/ she considers revoking permission based on reports of the Ethics Officer outlining conflicts of interest or a violation of the conditions under which permission had been granted.

10.6.4 He/she bases the decision to grant or refuse permission on the criteria outlined in section 30 of the public service Act, 1994 and be guided by the comments of the Supervisor and the recommendations of the Ethics Officer.

10.6.5 The full reason/s for refusal of permission must be provided so that the applicant may be informed accordingly.

10. GRANTING AUTHORITY

The granting of authority to perform remunerative work before is subjected to the performance of the official as contemplated in the EPMDS policy and such authority may be revoked in the event that the additional work has a negative effect on the health and /or work performance of the official.

11. CESSATION OF REMUNERATIVE WORK

Where an official cease to perform remunerative work before expiry of the approval period the said official must submit written notice to the HRM indicating the date on which remunerative work ceased, for submission to the Ethics officer before it is returned to HRM for recording in the personal file of the relevant official.

12. REVOCATION OF PERMISSION

Permission already granted will be revoked in the following instances:

12.1 If the official to whom permission was granted is found to be performing ORW during official working hours

12.2 If the ORW being performed is affecting the official's performance in terms of their official duties.

12.3 If the official is promoted or transferred to another position.

13. IMPLICATION OF NON-COMPLIANCE WITH THE POLICY

Officials who contravene any provision of this policy will be subject to disciplinary proceedings in accordance with the Disciplinary Code of Procedures contained in GPSSBC Collective Agreement No.2 of 1999 and the Senior Management Service Handbook.

14. MONITORING AND EVALUATION

- 14.1 The Head of Department is the custodian of this policy and is supported in its implementation, monitoring and evaluation by Ethics Office and all Responsibility Managers.
- 14.2 The Ethics Office will continuously monitor officials performing other remunerative work to detect any conflict of interest or deviation from the certificate of approval.
- 14.3 The monitoring process must be recorded using the reporting format provided **Annexure E**).
- 14.4 When a conflict or deviation is detected a report must be compiled and submitted to the Executive Authority/delegated Authority to revoke the approval to perform other remunerative work.
- 14.5 The Ethics Office must inform the Ethics committee on a quarterly basis of the application process and the number of monitoring reports completed.

15. REVIEW OF THE POLICY

This policy shall be reviewed annually or as and when it is deemed necessary to reflect any changes that may occur in the Department.


16. DATE OF EFFECT

This Policy comes into Effect on the date of signature by the Head of Department.

17. RECOMMENDATION AND APPROVAL


DISCUSSED AND ADOPTED DURING	MEETING HELD DATE
EXECUTIVE MANAGEMENT COMMITTEE	24/03/2025
RISK MANAGEMENT COMMITTEE	26/03/2025

RECOMMENDED



MS VT LETEANE
CHAIRPERSON
DATE: 28/03/2025

APPROVED



DR HANS KEKANA
HEAD OF DEPARTMENT
DATE: 31/03/2025

