

Ethics Policy

POLICY OUTLINE

Policy Title:	Ethics Policy
Relevant Legislation:	The legislation specified in Appendix A of the Policy Management Policy; Electronic Communications and Transactions Act, No. 25 of 2002; Financial Intelligence Centre Act, No. 38 of 2001; Prevention and Combating of Corrupt Activities Act, No. 12 of 2004; Prevention and Combating of Torture of Persons Act, No. 13 of 2013; Prevention of Organized Crime Act, No. 121 of 1998; Protected Disclosures Act, No. 26 of 2000; Protection of Personal Information Act, No. 4 of 2013; Protection of Constitutional Democracy against Terrorist and Related Activities Act, No. 33 of 2004; and Regulation of Interception of Communications and Provision of Communication-related Information Act, No. 70 of 2002.
Related Codes:	The codes specified in Appendix A of the Policy Management Policy.
Related Policies:	The policies specified in Appendix A of the Policy Management Policy; Board Ethics, Services and Training Policy; Harassment Policy; Management of Debtors Policy; Resourcing Policy; and Supply Chain Management Policy.
Policy Owner:	Executive: Corporate Secretariat
Responsible Person:	General Manager: Ethics
Approval Authority:	Board (Category A)

1. Abbreviations

In addition to the abbreviations defined in Appendix A of the Policy Management Policy, the following additional abbreviations apply specifically in this Policy:

- 1.1 **CU:** refers to Compliance Functional Unit.
- 1.2 **CD:** refers to Corporate Communications Department.
- 1.3 **EA:** refers to Ethics Ambassador.
- 1.4 **EPA:** refers to Ethics Programme of Action.
- 1.5 **ERC:** refers to Ethics Review Committee.
- 1.6 **FA:** refers to Financial Accounting Functional Unit.
- 1.7 **PDA:** refers refers to Protected Disclosures Act, No. 26 of 2000.
- 1.8 **SECOM:** refers to the Social and Ethics Committee.

2. Definitions

In addition to the definitions defined in Appendix A of the Policy Management Policy, the following additional definitions apply specifically in this Policy:

- 2.1 **Affected Employee: means an Employee who:**
 - 2.1.1 Is a Claimant;
 - 2.1.2 Assists a Claimant in his capacity as a representative of the Claimant;
 - 2.1.3 Is aware of a Relative or a Friend who is a Claimant, or who is assisting a Claimant in a representative capacity;

- 2.1.4 Is married to, engaged to be married to, otherwise related to, or in a business relationship or personal relationship (romantic or otherwise) with an Attorney, in circumstances where the Employee would, in the course of the Employee's Claim Handling Tasks, deal with a Claim lodged by the Attorney; or
- 2.1.5 Is conflicted due to a Business Interest, Financial Interest or a Private or Personal Interest, including shareholding and Directorships, if the Employee deals with a particular Claim in the normal course of that Employee's Claim Handling Tasks.

2.2 Attorney: means the:

- 2.2.1 Legal representative who represents a Claimant;
- 2.2.2 Curator appointed for a Claimant;
- 2.2.3 Trustee of the trust managing the compensation paid to the Claimant;
- 2.2.4 Business entity owned by, in whole or in part, or that employs the legal representative as contemplated in paragraph 2.2.1; and, or
- 2.2.5 Business entity that instructed the legal representative contemplated in paragraph 2.2.1.

- 2.3 **Benefit:** means, without limiting the scope of this definition, an advantage, privilege or right, including a Gift or Hospitality.
- 2.4 **Business Interest:** means a direct or indirect Financial Interest derived from a commercial enterprise in which an Employee, or their spouse, or life partner, or romantic partner has an interest, irrespective of whether or not it is a controlling interest, excluding a shareholding or investment interest in a publicly listed company, unless the interest held in a publicly listed company is a controlling interest.
- 2.5 **Claim Handling Tasks:** means tasks relating to the management of Claims by Employees, including but not limited to, the origination, determination, litigation, finalisation and post claims settlement.
- 2.6 **Compliance Breach:** means non-adherence to laws, regulations, rules, policies, SOPs, codes of conduct, or failure to manage Conflicts of Interest.
- 2.7 **Confidential Information:** means any recorded information, regardless of the form or medium, in the possession of or under the control of the RAF, which information is not automatically available in terms of the provisions of the PAIA.
- 2.8 **Conflict of Interest:** means a situation where the Business Interest, Financial Interest, Private or Personal Interest, including shareholding and Directorships, of an Employee may directly or indirectly conflict with the interest of the RAF, in relation to any RAF business activity. To avoid doubt, depending on the circumstances of each case, a perceived conflict may also give rise to a Conflict of Interest.
- 2.9 **Criminal Conduct:** means actions, and, or, omissions (collectively referred to as conduct), by members of the Board, Employees, Service Providers, Stakeholders, Claimants, or any other person or entity, which conduct is criminal in nature, either due to the provisions of legislation or the common-law, including, but not limited to, fraud and corruption, and which conduct relates to the operations of the RAF.
- 2.10 **Directorship:** means both executive and non-executive directorships of the board of a company; appointment as trustee of a trust; appointment as trustee of a body corporate; appointment to any official office, or official position, appointment to any governance structure of any incorporated or unincorporated entity or association of persons including, but not limited to, non-profit organisations, religious structures, political structures, stokvels and similar groupings or entities.
- 2.11 **Ethically:** means the nature of particular conduct (actions, and, or, omissions) that gives expression to Ethics, in relation to the RAF's business operations and interests.
- 2.12 **Ethics:** means principles or standards that govern conduct (actions, and, or, omissions), and which are derived from the values enshrined in the Constitution, the King Code, the PFMA and the RAF's organisational values as determined by the Board.
- 2.13 **Ethics Hotline:** means a toll free telephone number that can be called to report any actual, or suspected Unethical Conduct by choosing to be anonymous or being identified.

- 2.14 **Financial Interest:** means the anticipated or actual receipt, either directly or indirectly, of money, goods or services, with a monetary value.
- 2.15 **Friend:** means a person, other than a Relative, with whom the Employee stands in a romantic or friendship relationship. To avoid doubt, the term friendship relationship excludes persons who are known in a social context, but who are mere acquaintances.
- 2.16 **Gift:** means, without limiting the scope of this definition, an offer to transfer property to an Employee, directly or indirectly, for no valuable consideration, or for consideration significantly less than the market value of the property. To avoid doubt, branded marketing material, regardless of value, is included in this definition.
- 2.17 **Hospitality:** means, without limiting the scope of this definition, payment or expenditure incurred in providing or supplying food, drink and, or accommodation; a ticket or voucher entitling any person to admission to any theatre, exhibition or club or to attend any show, display or performance or to use or enjoy any sporting, recreational or other facility; provision of any travel facility; any voucher entitling the recipient or any holder thereof to exchange it for food, drink or accommodation or any such ticket, voucher or travel facility, and expenditure which is incidental to or is incurred in connection with the provision or supply of any such hospitality, food, drink, accommodation, ticket, voucher or travel.
- 2.18 **Impropriety:** means, conduct which is referred to in a disclosure made in terms of the PDA by an Employee or Board member, past or present, irrespective of whether or not the Impropriety occurs, or occurred, in the RSA, or elsewhere, or whether the law applying to the Impropriety is that of the RSA, or of another country, and:
- 2.18.1 The information contained in the disclosure shows, or tends to show:
- 2.18.1.1 That a criminal offence has been committed, is being committed, or is likely to be committed;
 - 2.18.1.2 That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which that person is subject;
 - 2.18.1.3 That a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - 2.18.1.4 That the health or safety of an individual has been, is being, or is likely to be endangered;
 - 2.18.1.5 That the environment has been, is being, or is likely to be damaged;
 - 2.18.1.6 Unfair discrimination as contemplated in Chapter II of the Employment Equity Act, No. 55 of 1998, or the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000; or
 - 2.18.1.7 That any matter referred to in paragraph 2.18.1.1 to 2.18.1.6 above has been, is being, or is likely to be deliberately concealed.
- 2.19 **Misconduct:** means actions, and, or, omissions (collectively referred to as conduct), by:
- 2.19.1 Employees of the RAF, regardless of whether the conduct also constitutes Criminal Conduct or not, which conduct amounts to misconduct contemplated in the Disciplinary Policy; or
 - 2.19.2 Members of the Board, regardless of whether the conduct also constitutes Criminal Conduct or not, which conduct amounts to financial misconduct contemplated in the PFMA.
- 2.20 **Occupational Detriment:** means, in relation to an Employee:
- 2.20.1 Being subjected to any disciplinary action;
 - 2.20.2 Being dismissed, suspended, demoted, harassed or intimidated;
 - 2.20.3 Being transferred against his will;
 - 2.20.4 Being refused transfer or promotion;
 - 2.20.5 Being subjected to a term or condition of employment or retirement which is altered or kept altered to his disadvantage;
 - 2.20.6 Being refused a reference, or being provided with an adverse reference;

- 2.20.7 Being denied appointment to any employment, profession or office;
- 2.20.8 Being subjected to any civil claim for the alleged breach of a duty of confidentiality or a confidentiality agreement arising out of the disclosure of a criminal offence or information which shows or tends to show that a substantial contravention of, or failure to comply with the law has occurred, is occurring or is likely to occur;
- 2.20.9 Being threatened with any of the actions referred to in paragraphs 2.20.1 to 2.20.8 above; or
- 2.20.10 Being otherwise adversely affected in respect of his employment, profession or office, including employment opportunities, work security and the retention or acquisition of contracts to perform work or render services.

2.21 **Policy:** means this Ethics Policy.

2.22 **Private or Personal Interest:** means an interest of an Employee, other than a Business Interest or Financial Interest, which has the potential of giving rise to a conflict with the RAF's business interests.

2.23 **Protected Disclosure:** means the disclosure of an Impropropriety, which disclosure is made, amongst others:

2.23.1 According to a substantively correct procedure as provided for in the Ethics SOP;

2.23.2 Not for purposes of personal gain;

2.23.3 Without committing a criminal offence;

2.23.4 In good faith, with the reasonable belief that the information is true; and

2.23.5 To the correct authority, noting that a disclosure is not protected if the report fulfils an existing duty of the Employee.

2.24 **Protocol:** means an accepted or established code, procedure, or behaviour in a particular formal situation, including but not limited to, international and local intergovernmental or interorganizational engagements between organs of state and, or, organisations, formal award ceremonies, and the exchange of corporate gifts between organisations.

2.25 **Recuse:** means the process by which an Employee disqualifies himself from participation in a discussion, process, or decision, due to a Conflict of Interest.

2.26 **Relative:** means, in relation to an Affected Employee, all immediate and extended family, including but not limited to, spouses, children (including adopted children), brothers and sisters, parents, grandparents, uncles and aunts, nieces and nephews, mothers-in-law and fathers-in-law, brothers-in-law and sisters-in-law.

2.27 **Unethical Conduct:** means actions, and, or, omissions (collectively referred to as conduct), by Employees, Service Providers or Stakeholders, which conduct does not give expression to Ethics in relation to the RAF's operations and interests; does not conform to the law; does not accord with the policies and procedures of the RAF; or, does not align to the values of the RAF.

2.28 **Whistle-blower:** means a person who makes a Protected Disclosure.

3. Policy Statement

3.1 The governance of the RAF is informed by the principles set out in the Constitution, the King Code, the fiduciary duties placed on the Board by the PFMA, and the responsibilities placed by the PFMA on Employees.

3.2 Ethics is the foundation of good corporate governance at the RAF.

3.3 As the consoling arm of government, the RAF shall endeavor to earn and maintain the trust and respect of all the people it serves and does business with.

3.4 This Policy reaffirms the RAF's long-standing commitment to conduct its business with integrity, in pursuit of its vision and mission, and in accordance with its values and mandate.

4. Purpose

The purpose of this Policy is to establish a framework for the management of Ethics and to affirm, in a comprehensive statement, the RAF's required standards of conduct and practices with respect to its business.

5. Objectives

The objectives of this Policy are to:

- 5.1 Provide a framework of reference for Employees to act Ethically when discharging their roles, duties and responsibilities;
- 5.2 Specify the standard of conduct expected of Employees, Service Providers and Stakeholders, in relation to conducting the RAF's business;
- 5.3 Provide a framework for governance of Ethics;
- 5.4 Provide a framework for the reporting of Unethical Conduct;
- 5.5 Manage the EPA outcomes; and
- 5.6 Outline the governance, accountabilities and responsibilities of those involved in managing Ethics.

6. Scope of Application

This Policy applies to:

- 6.1 Employees and Former Employees, Service Providers and Stakeholders.
- 6.2 This Policy applies to the Board in as far as roles and responsibilities for the Board are specified in paragraph **Error! Reference source not found.**
- 6.3 The Board Ethics, Services and Training Policy regulates Ethics in relation to the Board.

7. Policy Content

7.1 Expected Business Conduct

- 7.1.1 Employees, Service Providers and Stakeholders shall:
 - 7.1.1.1 always act Ethically and
 - 7.1.1.2 comply with the framework set out in this Policy and the Ethics SOP.
- 7.1.2 Employees must use the framework established by this Policy and the Ethics SOP as a reference when discharging their roles, duties and responsibilities.
- 7.1.3 Employees who are unsure whether specific conduct is Ethically sound must engage the EO for guidance.
- 7.1.4 Employees need to discharge their roles, duties and responsibilities fully and with the necessary care, skill and expertise.
- 7.1.5 Employees shall live the values of the RAF, set out in Appendix A hereto when interacting with one another and in their interactions with Stakeholders.
- 7.1.6 Except where Protocol dictates, Employees must not accept Gifts, Hospitality or Benefits. **(The RAF therefore has a zero gift policy, except for instances where Protocol applies).**
- 7.1.7 Affected Employees must not work on a Claim contemplated in paragraph 2.1.
- 7.1.8 Employees must Recuse themselves from taking a decision in any matter, or participating in any disciplinary hearing, interview panel, bid evaluation panel, bid adjudication panel and all similar

fora, where the Employee finds himself in a Conflict of Interest situation or where a perception of bias could arise.

7.2 Business Dealings with the RAF

- 7.2.1 Employees must not have business dealings with the RAF, i.e. Employees must not stand in a concurrent Service Provider relationship with the RAF.
- 7.2.2 An Employee must not hold a Business Interest in a Service Provider.
- 7.2.3 In the event that an actual, perceived or potential Conflict of Interest is identified with regard to business dealings the matter shall be dealt with in accordance with the procedure set out in the Ethics SOP.

7.3 Managing Personal Relationships

- 7.3.1 The RAF respects the rights and freedoms of Employees as regards the right to freedom of association as provided for in the Constitution.
- 7.3.2 Employees should however ensure that their private or personal relationships, i.e. romantic or otherwise, do not adversely affect the RAF's workplace environment or operations.
- 7.3.3 Employees with private or personal relationships, i.e. romantic, relational (i.e. relatives) or otherwise should be discouraged from working in the same Department or Business Unit and must be transferred at the sole discretion of the relevant Direct Supervisor in consultation with the EU for reasonable cause.
- 7.3.4 In the event that an actual or potential Conflict of Interest emerging from private or personal relationships is identified, the matter shall be dealt with in accordance with the procedure set out in the Ethics SOP.

7.4 Managing Conflicts of Interest

- 7.4.1 Employees must always act in the best interest of the RAF and avoid Conflicts of Interest. Instances where a Conflict of Interest may arise include, but are not limited to, the following:
 - 7.4.1.1 Where an Employee participates in a process or transaction which could give rise to a complaint of actual or perceived bias, such as the participation in an interview panel and the job applicant is a Relative or Friend; or, participates in one of the committees dealing with a bid and the Employee concerned is a Relative or Friend of the bidder.
 - 7.4.1.2 Where an Employee uses RAF resources for purposes other than RAF business, such as the use of the RAF's photocopier to make photocopies for private use, or the use of an RAF fleet vehicle to transport a Relative or a Friend to a private appointment.
 - 7.4.1.3 Where an Employee divulges Personal Information or Confidential Information other than information required or authorised for official RAF business purposes, or the Employee uses information for private gain, such as the unauthorised disclosure of confidential reports to the media, or, the provision of information of a direct Claimant to an Attorney for purposes of converting the Claim to a represented Claim.
 - 7.4.1.4 Where an Employee deals unfairly with Stakeholders and, or the mismanagement of a bid procedure.
 - 7.4.1.5 Where an Employee competes with the RAF's business interests, such as where an Employee has a Private or Personal Interest in a Service Provider of the RAF, or where an Employee has a Business Interest, Financial Interest or Private Interest in a firm of Attorneys who lodge Claims with the RAF and the Employee does not declare such interest.
 - 7.4.1.6 Collusion, such as where an Employee provides interview questions to a prospective candidate or an Employee favours a bidder for personal gain during bid adjudication.

- 7.4.1.7 Where an Employee renders substandard performance due to competing commitments arising from external Business, Financial, Private or Personal Interests such as the failure to meet performance targets due to long hours spent managing an events company; or inattentiveness in the discharge of duties and responsibilities due to fatigue resulting from long hours spent typing minutes for a church governing body.
- 7.4.1.8 Where an Employee tarnishes the RAF's corporate image such as by making disparaging public statements on social media criticising the RAF, or where the unprofessional conduct of a RAF panel attorney results in an adverse judgment by a court.
- 7.4.1.9 Employees who wish to perform external remunerative work must seek prior permission to do so in accordance with the procedure set out in the Ethics SOP.

- 7.4.2 Employees must annually, in accordance with the procedure set out in the Ethics SOP, declare their Business Interests, Financial Interests and Private or Personal Interests including shareholding, Directorships, the details of Relatives employed by the RAF.
- 7.4.3 New Employees must also provide the details of their immediate previous employer in accordance with the procedure set out in the Ethics SOP.

- 7.4.4 Subject to the provisions relating to new Employees, the declarations as set out in paragraph 7.4.2 must be made:
 - 7.4.4.1 Initially, during the recruitment process by new Employees.
 - 7.4.4.2 Annually, during the first month of the RAF's financial year by all Employees.
 - 7.4.4.3 At any time when an Employee's declaration status changes.

- 7.4.5 In the event that a potential or a real Conflict of Interest is identified, the matter shall be dealt with in accordance with the procedure set out in the Ethics SOP.
- 7.4.6 Employees need to manage all potential Conflicts of Interest effectively in accordance with the requirements of the Policy. The fact that a potential or actual Conflict of Interest has been declared does not mean that it has been resolved or it no longer exists. Declared Conflicts of Interest must still be managed in accordance with the procedure as set out in the Ethics SOP.
- 7.4.7 Employees must make declarations in respect of all matters referred to in paragraph 7.4.1, even though a conflict must not exist.
- 7.4.8 Declared interests by Employees shall be verified, in accordance with the procedure set out in the Ethics SOP, on an annual basis. Any discrepancies found must be investigated, and further steps must be taken in terms of this Policy and the Disciplinary Policy as the case may be.
- 7.4.9 Employees must not visit a Service Provider's place of business or private residence whether to settle claims, assess legal bills of cost or consult on RAF business.

7.5 Managing Gifts, Hospitality or Benefits

- 7.5.1 No Employee must accept cash as a Benefit.
- 7.5.2 When the RAF offers Gifts to Employees and Stakeholders, excluding Service Providers, such Gifts must only be RAF branded Gifts of a value, which is reasonable in the circumstances.
- 7.5.3 Except for instances contemplated in paragraph 7.5.6, Stakeholders must not offer Benefits to Employees.
- 7.5.4 Employees must not request or accept Benefits from Stakeholders.
- 7.5.5 Except for instances contemplated in paragraph 7.5.6, Employees must not accept offers of Benefits. To avoid doubt, laptops, tablets and similar items offered to Employees as part of external training courses are not considered a Benefit and therefore need not be declared.

- 7.5.6 Subject to paragraph 7.5.7, Employees must only accept Benefits in situations where Protocol so dictates.
- 7.5.7 The acceptance of Benefits pursuant to paragraph 7.5.6 must be accepted, declared and disposed in accordance with the procedure set out in the Ethics SOP.
- 7.5.8 Benefits from an unknown source which are received by an Employee must be declared and disposed of in accordance with the procedure set out in the Ethics SOP.

7.6 Managing Claims in Respect of Affected Employees

- 7.6.1 Affected Employees must report Claims contemplated in paragraph 2.1 above in accordance with the procedure set out in the Ethics SOP.
- 7.6.2 Affected Employees shall not perform Claim Handling Tasks in respect of a Claim contemplated in paragraph 2.1.
- 7.6.3 Claims contemplated in paragraph 2.1 shall be managed in accordance with the procedure set out in the Ethics SOP.

7.7 Recusal

- 7.7.1 For an initial one year prior, calculated from the date of commencement of employment by the RAF of the Employee, the Employee must Recuse himself from taking part in any decision in any matter, or participating in any interview panel, bid evaluation panel, bid adjudications panel, or other fora, where the matter involves a person or entity (incorporated or unincorporated), but excluding any organ of state as defined in the Constitution, that employed or did business with the Employee during the immediate one year period prior to the Employee commencing employment at the RAF.
- 7.7.2 Employees must Recuse themselves from taking part in any decision on any matter, or from participating in any interview panel, bid evaluation panel, bid adjudications panel, or other fora, where that Employee has a Business Interest, Financial Interest, Private or Personal Interest in the matter.
- 7.7.3 A Recusal in terms of paragraphs 7.7.1 and 7.7.2 shall be reported and recorded in accordance with the procedure set out in the Ethics SOP.

7.8 Personal Information and Confidential Information

- 7.8.1 Employees shall respect and maintain the confidentiality of Personal Information and Confidential Information entrusted to them in the course of discharging their duties and responsibilities.
- 7.8.2 Processing of Personal Information must take place in accordance with the POPI and Employees must not access Personal Information and Confidential Information not required for discharging their duties and responsibilities.
- 7.8.3 Employees must only disclose Personal Information and Confidential Information to other Employees and current, or prospective, Stakeholders, to the extent necessary for the legitimate discharging of their duties and responsibilities, and only in accordance with the RAF's policies and the law.

7.9 Ethics Programme of Action

- 7.9.1 The EPA is a programme that is aimed at achieving specific expected outcomes, such as increasing awareness on ethics issues, improving decision making and reducing Unethical Conduct.
- 7.9.2 The EPA has the following characteristics:

- 7.9.2.1 It is aligned with the values of the RAF;
- 7.9.2.2 It addresses the organisational strategy;
- 7.9.2.3 It embeds the organisation's desired culture; and
- 7.9.2.4 It manages the expected programme outcomes.

7.9.3 The EPA is developed after the Ethics Strategy has been developed and is approved by EXCO.

7.10 Reporting Unethical Conduct – Ethics Hotline

- 7.10.1 Employees are required to report alleged Unethical Conduct, in accordance with the procedure set out in the Ethics SOP.
- 7.10.2 It is a form of Misconduct to willfully make malicious, false or misleading statements in reporting Unethical Conduct, and such Misconduct must result in disciplinary action, criminal charges, or civil action being taken, where appropriate.
- 7.10.3 The RAF must procure, in accordance with the Supply Chain Management Policy, a call center facility, managed by an independent Service Provider, or more than one Service Provider, where callers, including anonymous callers, can report actual, or suspected, Unethical Conduct.
- 7.10.4 Reports received from a Service Provider contemplated in paragraph 7.10.3 shall be managed in terms of the procedure set out in the Ethics SOP.
- 7.10.5 Apart from the call center facility contemplated in paragraph 7.10.3 other internal avenues for the reporting of actual, or suspected, Unethical Conduct, include reports made to an Employee's Direct Supervisor, the HRBP, ER, the CU, the EO, the FID, the Assurance Providers and to the CEO, the SECOM and the Board.
- 7.10.6 External avenues for reporting actual, or suspected, Unethical Conduct include reports to the Presidential Hotline, the AG, the Public Protector, the Public Service Commission, the South African Human Rights Commission, the Commission for Gender Equality, as well as the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.
- 7.10.7 Internal reports alleging Unethical Conduct, shall be managed in terms of the procedure set out in the Ethics SOP.

7.11 Managing Disclosures (Whistle-blowing)

- 7.11.1 An Employee who, makes a valid Protected Disclosure, is entitled to, and must receive the protection provided for in the PDA.
- 7.11.2 No Employee contemplated in paragraph 7.11.1 must be subjected to any Occupational Detriment on account, or partly on account, of having made a Protected Disclosure.
- 7.11.3 An Employee who believes that he is being prejudiced on account, or partly on account, of having made a Protected Disclosure must report the matter in accordance with the procedure set out in the Ethics SOP.
- 7.11.4 All Unethical Conduct Whistle-blowing reports or cases shall be reported for active management to the EO in accordance with the procedure set out in the Ethics SOP.
- 7.11.5 The EO shall actively manage all communications relating to investigations of the Unethical Conduct Whistle-blowing reports or cases in accordance of the procedure set out in the Ethics SOP.

7.12 Investigation of Unethical Conduct

- 7.12.1 The activities of the EO, the CU and the FID, in relation to the investigation of alleged Unethical Conduct, shall not be conducted in a manner that intentionally inflicts severe pain or suffering, whether physical or mental, on any person, for purposes of —
- 7.12.1.1 Obtaining information or a confession from him or any other person;
 - 7.12.1.2 Punishing him for an act that he or any other person, has committed, is suspected of having committed or is planning to commit; or
 - 7.12.1.3 Intimidating or coercing him or any other person, to do, or to refrain from doing anything.
- 7.12.2 The investigation of alleged actual, or suspected, Unethical Conduct shall be undertaken in accordance with the procedure set out in the Ethics SOP.

7.13 Remedies available to an Employee who has made a Protected Disclosure

- 7.13.1 Notwithstanding the remedies available to an Employee in terms of section 4 of the PDA, an Employee who has made a Protected Disclosure and who reasonably believes that he may be adversely affected on account of making the Protected Disclosure, may request, and if reasonably possible, be transferred from the post or position occupied by him to another post or position in the same division or another Department of the RAF or where the Employee is employed by another organ of state, to another organ of state.
- 7.13.2 The terms and conditions of employment of an Employee transferred in terms of paragraph 7.13.1 above, must not, without the Employee's written consent, be less favourable than the terms and conditions applicable to the Employee immediately before his transfer.

7.14 Duty of the RAF to inform Employees and Former Employees who have made Protected Disclosures

- 7.14.1 Subject to paragraph 7.14.2, the RAF must, within the prescribed time periods, acknowledge receipt of the Protected Disclosure, and must inform the Employee or Former Employee who made the Protected Disclosure of the RAF's decision to:
- 7.14.1.1 investigate the Protected Disclosure and of the anticipated timeframe to complete the investigation;
 - 7.14.1.2 not to investigate the Protected Disclosure and of the reasons for the decision; or
 - 7.14.1.3 refer the Protected Disclosure to another person or body.
- 7.14.2 The RAF need not comply with the duty to advise an Employee or Former Employee of its decision on whether or not to investigate the relevant matter if it is necessary to avoid prejudice to the prevention, detection or investigation of a criminal offence.
- 7.14.3 In a situation contemplated in paragraph 7.14.2, the RAF is required in terms of the PDA to inform the Employee or Former Employee of the outcome of any investigation undertaken at the conclusion of the investigation.

7.15 Collaboration with Assurance Providers

- 7.15.1 The same act, or omission, may concurrently give rise to Criminal Conduct, Unethical Conduct and a Compliance Breach, therefore the EO, the CU and the FID shall manage reporting of such matters to the relevant functionaries, in accordance with the procedure set out in the Ethics SOP.

- 7.15.2 In addition to the reports contemplated in paragraph 7.15.1, representatives from the EO, the CU, the RMD and the FID shall meet, as often as circumstances require, but not less than once in every two months, to discuss the reports.

7.16 Collaboration with the ER

- 7.16.1 The EO shall report to the ER, in accordance with the procedure set out in the Ethics SOP, the relevant facts relating to any matter where the EO has investigated Unethical Conduct involving an Employee, where the aforementioned facts establish grounds for a possible disciplinary action under the Disciplinary Policy.
- 7.16.2 The ER shall, on a monthly basis, provide disciplinary and CCMA reports on matters that have been reported and, or concluded to the EO, for training and awareness purposes.

7.17 Collaboration with the FA

- 7.17.1 In accordance with the procedure set out in the Ethics SOP, the EO and the FA shall, collaborate to recover debt related to Unethical Conduct.

7.18 Collaboration with the HRIS

- 7.18.1 The Manager: HRIS shall, monthly, provide the EO with Employees' data or information for active Ethics reporting by the EO to EXCO and the Board.

7.19 Collaboration with the FID

- 7.19.1 In accordance with the procedure set out in the Ethics SOP, the EO and the FID shall collaborate to address reports, complaints and, or investigations related to Unethical Conduct.
- 7.19.2 The FID must provide forensic and investigative resources to the EO to address reports, complaints and, or investigations related to Unethical Conduct.

7.20 Collaboration with the CU

- 7.20.1 In accordance with the procedure set out in the Ethics SOP, the EO and the CU shall collaborate to the address reports, complaints and, or investigations related to Unethical Conduct.
- 7.20.2 The CU must provide compliance resources to the EO to address reports, complaints and, or investigations related to Unethical Conduct.
- 7.20.3 The EO must refer all Compliance Breaches to the CU for investigation, resolution and reporting.

7.21 Collaboration with ICT

- 7.21.1 The EO and ICT shall collaborate to enable the EO's Ethics management systems and processes to function optimally to meet the operational and governance requirements and to meet the expectations of managing organizational Ethics.
- 7.21.2 The ICT must provide technological resources and support to the EO to enable Employees optimal access to the Ethics management services for compliance.

7.22 Collaboration with the RMD

- 7.22.1 In accordance with the procedure set out in the Ethics SOP, the EO and the RMD shall collaborate to ensure that identified Ethics risks are actively managed, and identified Ethics opportunities are utilised across the organisation.
- 7.22.2 The RMD must provide risk management tools and support to the EO to optimally address the identified organizational Ethics risks in accordance with the stipulated timelines as well as reporting to EXCO and the Board.

7.23 Collaboration with the CD

- 7.23.1 In accordance with the procedure set out in the Ethics SOP, the EO and the CD shall collaborate to ensure Employees' compliance with the Ethics Policy and promotion of organizational Ethical standard to safeguard the RAF's reputation.
- 7.23.2 The CD must provide marketing and communication tools and support the EO in creating awareness and communicating all EO's successes and risks.

7.24 Collaboration with the Assurance Providers

- 7.24.1 The EO and the Assurance Providers shall collaborate to ensure that the EO's Ethics management systems and processes or services are optimally assured to meet the operational and governance requirements or expectations in managing organisational Ethics.

7.25 Reporting and Access:

- 7.25.1 The EO reports to the CoSEC who functionally reports to the Board.
- 7.25.2 The EO must have unrestricted access to all relevant information and to Employees.

7.26 Ethics Review Committee

- 7.26.1 The ERC is established in terms of this Policy to review matters of Unethical Conduct and to attend to matters connected therewith.
- 7.26.2 The ERC performs its functions in terms of this Policy and the Ethics SOP.

8. Roles and Responsibilities

8.1 The Board must:

- 8.1.1 Set the tone and lead Ethically;
- 8.1.2 Ensure that Ethics is managed effectively; and
- 8.1.3 Ensure that the RAF is a responsible corporate citizen.

8.2 The SECOM must:

- 8.2.1 Consider reports and recommendations from the CoSEC;
- 8.2.2 Provide oversight over the EPA; and
- 8.2.3 Inform the Board of any organisational reform required to enhance Ethics management.

8.3 **The EXCO** must:

- 8.3.1 Approve the EPA;
- 8.3.2 Oversee the implementation of the EPA; and
- 8.3.3 Endorse the Ethics Policy for approval by the Board.

8.4 **The Chief Executive Officer** must:

- 8.4.1 Endorse reports from the CoSEC for submission to the SECOM;
- 8.4.2 Refer reports received pursuant to paragraph 7.9.5 for investigation in accordance with the procedure set out in the Ethics SOP;
- 8.4.3 Act as final arbiter of disputes related to Conflicts of Interest in accordance with the procedure set out in the Ethics SOP;
- 8.4.4 Appoint organisational ECs; and
- 8.4.5 Appoint EAs for Business Units.

8.5 **The Executive Corporate Secretariat** must:

- 8.5.1 Oversee the administration and operations of the EO.

8.6 **The ERC** must:

- 8.6.1 Assess matters of Unethical Conduct in terms of this Policy.

8.7 **The GM: Ethics** must:

- 8.7.1 Oversee the implementation of and compliance with this Policy and the Ethics SOP;
- 8.7.2 Ensure that the necessary measures, systems and processes are in place in order to give effect to this Policy and the Ethics SOP;
- 8.7.3 Respond to Ethics-related internal and external audit reviews and consider and address management recommendations;
- 8.7.4 Oversee the management of the activities of the EAs;
- 8.7.5 Prepare reports to the CoSEC for submission to EXCO, SECOM and the Board;
- 8.7.6 Manage reports received pursuant to paragraphs 7.10.4 and 7.10.5 in accordance with the procedure set out in the Ethics SOP;
- 8.7.7 Provide advice and guidance to Employees and Stakeholders on queries related to this Policy and the Ethics SOP;
- 8.7.8 Issue Management Directives on Ethics as may be required for the EO's operations;
- 8.7.9 Raise standards related to Ethics through:
 - 8.7.9.1 Marketing of the Hotline contemplated in paragraph 7.9;
 - 8.7.9.2 Managing of Whistle-Blowing contemplated in paragraph 7.10;
 - 8.7.9.3 On-going and regular training and awareness initiatives;
 - 8.7.9.4 Induction of new Employees on Ethics;
 - 8.7.9.5 Development and publication of guides on Ethics; and
 - 8.7.9.6 Stakeholder engagements on Ethics.
- 8.7.10 Maintain the Register of Unethical Conduct, Whistle-blowing reports or cases as provided in this Policy and the Ethics SOP;
- 8.7.11 Verify, annually, declared interests of Employees in accordance with the procedure set out in the Ethics SOP; and

8.7.12 Preside over all ERC meetings.

8.8 The **Ethics Ambassador** must:

- 8.8.1 Promote Ethics in their respective business areas;
- 8.8.2 Assist in all Ethics management initiatives under the umbrella of the Ethics Programme in their respective business areas; and
- 8.8.3 Report to the EO on all significant Ethics developments in their respective business areas.

8.9 The **Direct Supervisors** must, in their respective areas of responsibility:

- 8.9.1 Ensure the implementation of this Policy and the Ethics SOP;
- 8.9.2 Ensure that Employees attend all training (induction, values and Ethics), and Ethics-related events;
- 8.9.3 Support EA's Ethics activities;
- 8.9.4 In accordance with the procedure set out in the Ethics SOP:
 - 8.9.4.1 Approve and manage Declarations of Interest;
 - 8.9.4.2 Endorse requests for permission to perform external remunerative work;
 - 8.9.4.3 Seek guidance from the EO before approving requests for permission to attend events arranged by existing and potential Service Providers;
 - 8.9.4.4 Approve, manage and report on Benefits accepted in terms of paragraph 7.5 of this Policy;
 - 8.9.4.5 Approve, manage and report on Benefits provided to Employees; and
 - 8.9.4.6 Manage Claims in respect of Affected Employees effectively.
- 8.9.5 Ensure that appropriate consequence management is effected, in accordance with the provisions of the Disciplinary Policy, for non-compliance with this Policy and the Ethics SOP.

8.10 **Employees** must:

- 8.10.1 In terms of the procedure set out in the Ethics SOP:
 - 8.10.1.1 Pledge their commitment to act Ethically;
 - 8.10.1.2 Report actual, or suspected Unethical Conduct;
 - 8.10.1.3 Avoid Conflicts of Interest and act in the best interests of the RAF;
 - 8.10.1.4 Declare their Business Interest, Financial Interest, Private or Personal Interest, including Shareholding, Directorships, the details of their immediate previous employer (new Employees) and the details of Relatives employed by the RAF;
 - 8.10.1.5 Obtain approval to perform external remunerative work;
 - 8.10.1.6 Report Claims in respect of which they are Affected Employees;
 - 8.10.1.7 Declare the details of Relatives employed by the RAF;
 - 8.10.1.8 Recuse themselves in situations contemplated in paragraph 7.7;
 - 8.10.1.9 Declare Benefits received in accordance with Protocol and Benefits received anonymously; and
 - 8.10.1.10 Seek and obtain ethical guidance for the attendance of Stakeholders' events.
- 8.10.2 Attend induction, values and Ethics training including Ethics-related events by the EO;
- 8.10.3 Cooperate with the EO, the ER, the CU and the FID in relation to investigations into reported actual, or suspected, Unethical Conduct; and
- 8.10.4 In respect of their respective areas of responsibility, comply with this Policy and the Ethics SOP.

9. Non-compliance

Non-compliance with this Policy or any applicable regulatory requirement through any deliberate or negligent act or omission, including allowing any staff, either expressly or impliedly, not to comply with this Policy or any applicable regulatory requirement, will be considered serious and will be dealt with in terms of the RAF's disciplinary policies and procedures.

10. Policy Effective Date


This Policy comes into effect on the date when approval of this Policy is communicated to RAF staff *via* email, provided that if the email communication does not fall on a business day then the Policy comes into effect on the first business day following the date on which the email communication was sent.

11. Policy Management and Review

This Policy shall be managed and reviewed in accordance with its provisions and that of the Policy Management Policy.

12. Approval

The signatory hereof, duly authorised in terms of the DPFP, approves this **Category A** Policy.

Signature:	 <u>TN Msibi (Aug 10, 2021 20:33 GMT+2)</u>
Name and surname:	Ms. Thembelihle Msibi
Capacity:	Chairperson of the Board
Date:	6th AUGUST 2021

Appendix A

I CARE

INTEGRITY

- We will conduct ourselves in a manner that is fair transparent and ethical, honouring our commitments and communicating honestly.

COMPASSION

- We care for and support our customers. We care for and support each other.

ACCOUNTABILITY

- We will account for our activities/actions; accept responsibility for them and disclose in a transparent manner.

RESPECT

- We will treat our stakeholders impartially and with respect; recognising our responsibility to them.

EXCELLENCE

- In the performance of our duties; we will consistently apply our knowledge, experience and best effort to deliver relevant and professional service of an exceptional standard.



RESOLUTION

EXTRACT FROM THE MINUTES OF A MEETING OF THE BOARD OF THE ROAD ACCIDENT FUND ESTABLISHED IN TERMS OF THE ROAD ACCIDENT FUND ACT, 56 OF 1996, AS AMENDED, And HOSTED ON THE MICROSOFT TEAMS VIRTUAL PLATFORM ON 28 JULY 2021.


“10.4.2 Revised Ethics Policy

Resolved that

1. The board approved the revised Ethics Policy subject to the inclusion of the Protection of Personal Information Act (POPIA) under relevant legislation.”

Certification

I confirm that the above resolution is a true extract of the original. The minutes have not yet been approved by the Board of the Road Accident Fund.



TN Msibi (Aug 3, 2021 08:37 GMT+2)
Signature
Chairperson of the Board

02 August 2021
Date






Ethics Policy to Board revised incorporating POPI

Final Audit Report

2021-08-10

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