

MATJHABENG MUNICIPALITY

ANNEXURES

OF THE

**RULES COMMITTEE
MEETING**

CONVENED FOR

TUESDAY, 14 NOVEMBER 2017

AT

10:00

IN THE

**SPEAKER'S BOARDROOM, 4TH FLOOR,
MAIN BUILDING, WELKOM**

**MATJHABENG LOCAL
MUNICIPALITY
WARD COMMITTEE BY-
LAWS**

PREAMBLE

The Municipal Manager of the Matjhabeng Local Municipality Council in terms of subsections 156 (2) of the Constitution of the Republic of South Africa, 1996, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the by-laws as set forth hereafter as by-law made by the Council.

SCHEDULE

WARD COMMITTEE BY-LAW

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DEFINITIONS

1. In this by-law, unless the context otherwise indicates, the words/phrases below have been assigned the following meaning -
 - “**CBO**” a community-based organisation;
 - “**Chairperson**” a ward councillor of the Municipality appointed to chair the ward committee meetings in terms of section 73 (2) (a) of the Municipal Structures Act;
 - “**Chief Whip**” a municipal councillor who is appointed to this position by the Council in terms of section 12 of the Municipal Structures Act;
 - “**Community**” residents of a ward, i.e. the ward community;
 - “**Council**” the Municipality's body of elected ward councillors and proportionally representative councillors; (comprising the local government) as established in terms of the Municipal Structures Act;
 - “**Electoral Committee**” a committee established by the Speaker and MEO to conduct the election of members of the ward committee;
 - “**Election Officer**” a person appointed by the Electoral Committee to assist with the election of ward committee members
 - “**IDP**” the integrated development plan of the Municipality as adopted by the Council in terms of the Municipal Systems Act;
 - “**IEC**” Independent Electoral Commission;
 - “**Interest group or sector**” an organised formation that takes an active interest in the affairs of a ward;

“Member” a person elected or co-opted into a ward committee;

“MEO” Municipal Election Officer;

“Municipality” the Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Municipal Manager” the head of the administration and accounting officer of the Municipality as appointed by the Council in terms of section 82 of the Municipal Structures Act;

“Municipal Structures Act” the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

“Municipal Systems Act” the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“NGO” a non-governmental organization;

“PR Councillor” a proportionally representative municipal councillor appointed in terms of section 22 (1) (a) of the Municipal Structures Act, by a political party to represent that party in the Council;

“Speaker” the chairperson of the Council and a municipal councillor elected to this position by the Council in terms of section 36 of the Municipal Structures Act;

“Ward Committee” a committee of a municipal ward, established in terms of Section 73 of the Municipal Structures Act;

“Ward Coordinator” a member appointed by the ward councillor to assist him/her in ensuring the smooth running of the ward committee and the community's affairs; and

“Ward Councillor” a municipal councillor elected in terms of section 22 (1) (b) of the Municipal Structures Act, to represent a demarcated council ward.

Establishment of Ward Committee System

2. (1) Ward committees for all wards of the Municipality are hereby established in terms of the Municipal Structures Act.
- (2) The ward committees established come into effect once committee members have been elected, as set out below.

Composition of Ward Committees

3. (1) Each ward committee must comprise of the ward councillor, as chairperson, and 10 (ten) elected community members.
- (2) The 10 ward committee members must be residents of the ward to whose ward committee they have been elected.
- (3) Notwithstanding the provisions of section 3(2), any person who is not a resident of that ward, may become a ward committee member: Provided that the person represents an interest group or sector stationed in the ward, or owns a business or property in the ward.
- (4) No person may be a member of more than 1 (one) ward committee at the same time.
- (5) The composition of the ward committee must reflect the following factors:
 - (a) Female representation;
 - (b) Population diversity and interests;
- (6) The elected ward committee members must assume office upon election.
- (7) PR councillors appointed to serve in the Municipality are *ex officio* and non-voting members of the ward committee of the ward they reside in, or any other ward committee assigned to them by the Chief Whip in consultation with the Speaker.
- (8) In the course of the term of office of the ward committee, any person deemed to be necessary for the success of the committee, or who could add value to the ward committee system as a whole, can be co-opted by the committee in consultation with the ward councillor to serve *ex officio* in an advisory capacity on that ward committee without the right to vote.

Political Affiliation in Ward Committees

4. (1) Ward committee members must not be elected to represent political parties, or for the unofficial benefit of any political party.
- (2) Canvassing for election of ward committee members must not be motivated by political party concerns.

Role and Functions of the Electoral Committee

5. (1) The Office of the Speaker must, in collaboration with the Municipal Electoral Officer, form the election body and appoint the Electoral Committee. The Electoral Committee will conduct and oversee the election of members of the ward committee.
- (2) The Electoral Committee will appoint a presiding officer, one or more election officers and counting officers for each of the municipal wards to manage and administer the ward committee elections in their respective wards.
- (3) A person may not be appointed as an officer in a ward committee election if that person -
 - (a) is a ward committee member contesting the election;
 - (b) holds political or executive office in a political party.
- (4) An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the Electoral Committee.
- (5) The Electoral Committee must determine in writing the terms and conditions of appointment of an officer, including remuneration payable to that officer.
- (6) The area agent, presiding, election and counting officers -
 - (a) must manage, co-ordinate and supervise the voting process at the voting station concerned;
 - (b) must take all reasonable steps to ensure orderly conduct at the voting station;
 - (c) may order a member of security services to assist in ensuring orderly conduct of the voting station.
 - (d) may order any person within the boundary of the voting station whose conduct is not conducive to a free and fair election at that voting station, to leave the premises;
 - (e) must count and announce the votes received for each nominee from the ward community members present at the voting station;
 - (f) must secure the number of votes received by each nominee in writing on the relevant nomination form.
 - (g) must declare the voting process open and closed
 - (h) must submit the election results and the report to the Election Committee for submission to the office of the speaker.
- (7) If a person refuses to comply with an order of a presiding, election or counting officers presiding, in ward committee election or counting officers in charge may order member of security services to forcefully remove the person or declare the voting process closed and submit report to the election committee.

Nomination and Election Process

6. (1) (a) The Office of the Speaker must invite all CBOs and NGOs in every ward to nominate individuals as their representatives on the ward committee. Only persons 18 years and older, and representing an interest group or sector stationed in the ward, or owning a business or property in the ward may be nominated.
- (b) The Electoral Committee must give public notice of the time, venues and mode whereby nominations for ward committee members must be accepted. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each ward committee election.
- (c) Only persons 18 years and older, and who represent an interest group or sector stationed in the ward, or own a business or property in the ward will have the right to nominate candidates for the ward committee of that ward.
- (d) Nomination forms must be available to the ward residents at the Office of the Speaker or any other municipal office. After completion of each nomination form, it must be handed to the Electoral Committee, which will designate offices for this purpose and formally acknowledge receipt of each nomination.
- (e) The Electoral Committee must keep a register of the nominations received as well as the completed nomination forms in a safe place until the day of the ward committee election, when they will be handed over to the presiding officer at the voting station.

- (2)
 - (a) The Electoral Committee must, in consultation with the Speaker and the ward councillor, give the ward community written notice of the date, time and venue of the election of ward committee members in each ward at least 30 (thirty) calendar days before the election. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each ward committee election.
 - (b) If an election should be postponed for any reason, a written public notice of the time and venue of the postponed election must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before the new date of the ward committee election.
 - (c) The election must be conducted in accordance with the Council's-approved policy in this regard.
 - (d) Only persons 18 years and older who are residents or owners of businesses and/or property in each ward have the right to vote.
 - (e) The election procedure must ensure that at least 3 (three) of the 10 (ten) community members elected onto the ward committee are women. Should no women be elected, the first 7 (seven) elected male members will qualify to serve on the ward committee and the remaining 3 (three) positions must be reserved for women, to be appointed later by the Electoral Committee after consultation with the ward councillor.
 - (3) The Electoral Committee must keep the records of nominations and the ballot papers in a safe place for 1 (one) year after the election.
 - (4)
 - (a) The term of office of the ward committee members is 3 (three) years, unless extended by the Speaker for a period of no more than 6 (six) months.
 - (b) Elected members may not stand for election for more than two consecutive terms.
 - (5) The ward councillor must be the chairperson of the ward committee.
 - (6)
 - (a) The ward councillor must appoint a ward coordinator from among the elected ward committee members.
 - (b) The ward coordinator will be responsible for the administration of the committee and ensure that the committee is functioning in the proper manner.
 - (c) The ward coordinator will oversee the minute taking of the committee and the record keeping of the minutes.

Vacation of Office by a Ward Committee Member

7.
 - (1) A ward committee member vacates his or her office if a member -
 - (a) Absents him or herself from 3 (three) consecutive meetings without an apology.
 - (b) Absents him or herself in an *ad hoc* fashion from 6 (six) meetings with an apology.
 - (c) Is proven to be actively involved in campaigns for the removal of the ward councillor without having raised grievances against the ward councillor in the ward committee meeting.
 - (d) Acts in a manner that undermines the authority of the ward councillor, the Council and/or the ward committee.
 - (e) Commits a crime that results in a conviction without the option of a fine.
 - (f) Consistently exhibits violent, abusive and intimidatory behaviour towards other committee members and/or the community.
 - (g) Attends a meeting under the influence of alcohol and/or illegal drugs.
 - (h) Is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward.
 - (i) Is proven to have used his or her membership of the ward committee to extract, or attempt to extract, favours of any kind.
 - (j) Is elected as a councillor in the Municipality.
 - (k) Is appointed as a staff member of the Municipality.
 - (l) Without good cause, acts against the decision(s) of the ward committee.

- (m) Is involved in party political canvassing or similar activity during ward committee meetings.
- (n) Resigns.
- (o) Dies.
- (p) Is guilty of an infringement of this by-law.
- (q) If, after being found guilty of an infringement of this by-law, is ordered by the Speaker to vacate his or her office.
- (r) Is ordered to vacate the office by an order of the High Court of South Africa.
- (2) The Speaker will appoint a disciplinary committee to deal with matters of discipline.

Filling of Vacancies

- 8. (1) Vacancies of a ward committee will be filled as follows -
 - (a) When a vacancy occurs as a result of the departure of a sectoral representative, the affected sector must be requested to nominate their sectoral replacement. The sectoral nominee will then be part of the ward committee.
 - (b) When a vacancy occurs as a result of the departure of an unorganised sector representative, the ward councillor must nominate 2 (two) people from the affected group, which nomination will be put before the ward committee for a decision. The ward committee must, after deliberations, appoint 1 (one) person who will be part of the ward committee.
 - (c) The ward committee must fill vacancies only if they do not exceed the majority of elected members. In the event of 50% (fifty percent) plus 1 (one) of elected members ceasing to be ward committee members, the ward councillor must notify the Speaker to arrange for the election of a new ward committee.
- (2) It is the responsibility of the ward committee, together with the ward councillor, to fill vacancies on the ward committee.

Powers, Functions, Duties and Obligations of Ward Committees

- 9. (1) A ward committee has the following powers, functions, duties and obligations -
 - (a) Giving inputs towards the preparation, implementation and review of the integrated development plan (IDP);
 - (b) Participating in the establishment, implementation and review of the Municipality's management system;
 - (c) Monitoring and reviewing the Municipality's performance, including the outcomes and impact of such performance;
 - (d) Participating in the drafting of the Municipality's budget;
 - (e) Giving inputs on strategic decisions relating to the provision of municipal services;
 - (f) Supplying inputs in the form of recommendations to the Municipality through the ward councillor;
 - (g) Making recommendations on matters affecting their ward through the ward councillor;
 - (h) Acting in an advisory capacity to the ward councillor;
 - (i) Acting as a consultative body for the Municipality and its departments and provincial and national government, and canvassing community opinion on any matter;
 - (j) Exercising any power and authority delegated in writing by the Council to the ward committee;
 - (k) Acting as a consultative agent for NGOs and CBOs, without incurring any liability for the Municipality, unless the consultation is part of a specific official municipal project.
 - (l) Co-opting members to the ward committee in the event of vacancies.
 - (m) Co-opting non-voting members with specialist skills to the ward committee.
- (2) The above functions and powers may not be interpreted as to permit interference with the Council's right to govern and to exercise its executive and legislative authority.

Ward Committee Meetings

10. (1) The ward councillor must convene meetings of the ward committee at least once a month, and a list of the meeting dates must be supplied to the Office of the Speaker for inclusion in the official municipal calendar not later than 31 January of the year following the election of ward committees.
- (2) The ward councillor must decide on the place, dates and times of ward committee meetings in consultation with members of the ward committee and the Office of the Speaker.
- (3) Notice of the time and place of every meeting of the ward committee must be served on every member at least 7 (seven) days before the meeting.
- (4) The validity of a meeting is not affected if the notice of the meeting is mistakenly not served on a member.
- (5) Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.
- (6) (a) A quorum of the ward committee must be 50% plus 1 (one) members of the ward committee.
- (b) If a quorum is not formed within 10 minutes after the time appointed for a meeting, the meeting will not be held unless it is decided by the chairperson that a further ten minutes should be allowed to enable a quorum to be formed.
- (c) If a quorum is still not formed after the extended time contemplated in paragraph (b), the chairperson may rule to adjourn the meeting until another time.
- (d) Notice of an adjourned meeting must be given in accordance with section 10 (3).
- (7) (a) A ward committee must strive to reach decisions through consensus.
- (b) If a matter remains unresolved after thorough discussion, the matter will be decided by a vote.
- (c) If the votes are equal, the chairperson will have the deciding vote.
- (8) (a) If the ward councillor is unable to attend a ward committee meeting, he or she must appoint a ward committee member to chair the meeting.
- (b) If the ward councillor is unable to appoint a substitute chairperson, the ward committee must do so at the start of the meeting.
- (9) Ward committee meetings are open to interested parties in an observer capacity.

Dissolution of Ward Committees

11. (1) The Council may dissolve a ward committee based on the recommendation of the Speaker. Instances that might lead to such a recommendation include, but are not limited to, the failure to fulfil its objectives as set out in legislation, non-adherence to this by-law or resignation of more than 50% (fifty percent) of the members of a ward committee.
- (2) Procedure for dissolution of a ward committee -
 - (a) The Speaker must investigate the circumstances surrounding actions of the ward committee and report his or her findings and recommendations to the Council.
 - (b) After the Council has resolved to dissolve the ward committee, notice of the dissolution of the ward committee must be given to the ward councillor and the ward committee, at which time the ward committee will cease to exist.
 - (c) Notice of the reconstitution of the ward committee will be given in terms of section 6 of this by-law.
 - (d) With the exception of the ward councillor, members of the ward committee that has been dissolved will not be eligible for re-election to the ward committee for a period of one year after its dissolution.

Sub-Committees of Ward Committees

12. Each ward committee must form sub-committees to advise the ward committee on special issues, handle sectoral matters or form working groups to research any matter that needs special attention in the ward.

Role of Council Officials on Ward Committees

13. (1) No municipal official may stand for election on the ward committee.
- (2) Should a municipal official wish to stand for election as a ward committee member, he or she must first resign his or her position as a municipal official.
- (3) Ward committees must invite municipal officials within their scope of work and other people with specialised knowledge to advise them on matters affecting their wards when deemed necessary.
- (4) When the need arises for municipal officials or their departments to consult with the ward communities, they must arrange these consultations with the Office of the Speaker at least 3 (three) weeks in advance.

Administrative Arrangements, Funding and Reimbursement

14. (1) The Municipality must make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively. In doing so the Municipality must use its resources and allocate funds in its budget to the Office of the Speaker to further the objectives of ward committees.
- (2) All administrative support to enable effective functioning of the ward committees must be located in the Office of the Speaker.
- (3) The Municipality must, through the Office of the Speaker, reimburse ward committee members for travelling and out-of-pocket costs incurred as a result of attendance of ward committee meetings. This reimbursement will be done in accordance with the approved policy of the Municipality.
- (4) Membership and duties of the ward committee members must be regarded as voluntary service for the benefit of the community.
- (5) The ward coordinator appointed by the ward councillor should, as part of the voluntary service to the community, be able and willing to assist in the administration of the ward.

Dispute Resolution Mechanisms for Ward Committees

- 15 (1) Every effort must be made to deal with disputes internally if they do not involve the ward councillor.
- (2) When a dispute arises, the ward councillor should appoint a person or persons to try and resolve the dispute through mediation.
- (3) If the attempt at mediation fails, the ward councillor must arbitrate.
- (4) If one of the parties is still aggrieved, the matter must be referred to the Speaker.
- (5) If the matter involves the ward councillor, it should be referred to the Office of the Speaker, where the Speaker will be the arbiter.
- (6) The Speaker must appoint a disciplinary committee and an appeal committee to deal with matters of discipline.

Vacation of Office by the Ward Councillor

16. (1) When the ward councillor is no longer in office, the ward committee will continue to function for the rest of its term as determined by the Council.
- (2) A temporary chairperson must be appointed by the political party of the original councillor. If the councillor was an independent candidate, the Chief Whip must appoint an interim chairperson from the PR councillors assigned to the ward.
- (3) The new or interim councillor must re-appoint a coordinator for the ward.

Role of Proportional Representative Councillors in Ward Committees

17. (1) The Chief Whip must, in consultation with the Speaker, deploy PR councillors to specific ward committees.
- (2) Ward councillors must allow PR councillors allocated to their ward committees the right to freely participate in the activities of the ward committee.

Declaration of Interests by Ward Committee Members

18. (1) A member must declare his or her interests to the ward committee in those matters that are before the ward committee.
- (2) The ward councillor is responsible for the maintenance of the register of declared interests of members of the ward committee.

Code of Conduct for Ward Committee Members

19. Ward committee members are elected to represent the communities in their respective wards, to ensure that wards have mechanisms of accountability to local communities, and to meet the priority needs of the community on ward matters, including the performance of the Municipality in terms of established indicators. The Code of Conduct contained in the Annexure applies to every member of a ward committee.

Short title and Commencement

20. These By -laws are called the Ward Committee By -laws, 2017.

Annexure

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1. Definition

In this schedule, "partner" means a person who permanently lives with another person in a manner as if married.

2. General conduct of members

A member must -

- (a) perform the functions of office in good faith, honestly and in a transparent manner; and
- (b) at all times act in the best interest of the ward committee and in such a way that the credibility and integrity of the ward committee are not compromised.

3. Attendance of meetings

A member must attend each meeting of the ward except when -

- (a) an apology is rendered before or at the meeting;
- (b) leave of absence is granted by the chairperson of the ward committee;
- (c) a member is required in terms of this Code to withdraw from the meeting.

4. Disclosure of interests

A member must -

- (a) disclose to the ward committee, or to any sub-committee of which that member is a member, any direct or indirect personal or private business interest that that member, or any spouse, partner or business associate of that member may have in any matter before the ward committee; and
- (b) withdraw from the proceedings of the ward committee when the matter is considered by the ward committee.

5. Personal gain

(1) A member may not use the position or privileges of a ward member, or confidential information obtained as a member, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the Office of the Speaker, a member may not -

- (a) be a party to or beneficiary under a contract for -
 - (i) the provision of goods or services to the ward; or
 - (ii) the performance of any work done in the ward.
 - (b) obtain a financial interest in any business of the ward committee.
- (3) If more than one quarter of the members object to consent being given to a member in terms of sub-item (2), such consent may only be given to the member with the written approval of the Speaker of the Council.

6. Rewards, gifts and favours

A member may not request, solicit or accept any reward, gift or favour in return for -

- (a) voting or not voting in a particular manner on any matter before the ward committee;
- (b) persuading the ward committee with regard to the exercise of any power, function or duty; and
- (c) disclosing privileged or confidential information.

7. Unauthorised disclosure of information

(1) A member may not without the permission of the ward councillor or a committee of the Council disclose any privileged or confidential information of the ward or ward committee to any unauthorised person.

(2) For the purpose of this item, "privileged or confidential information" includes any information-

- (a) declared by the Council or ward committee to be privileged or confidential;
 - (b) that would violate a person's right to privacy; or
 - (c) declared to be privileged, confidential or secret in terms of the law.
- (3) This item does not derogate from any person's right of access to information in terms of national legislation.

8. **Municipal property**

A member may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the Municipality to which he has no right.

9. **Duty of chairpersons of ward committees**

- (1) If the chairperson of a ward committee, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must -
 - (a) authorise an investigation of the facts and circumstances of the alleged breach;
 - (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the ward committee after the provisions of paragraphs (a) and (b) have been complied with.
- (2) A report in terms of sub item (1) (c) is open to the public.
- (3) The chairperson must ensure that each member, when taking office, is given a copy of this Code and that a copy of the Code is available in every room or place where the ward committee meets.

10. **Breaches of Code**

- (1) The Speaker may -
 - (a) investigate and make a finding on any alleged breach of a provision of this Code;
 - (b) establish a special committee or appoint a person -
 - (i) to investigate and make a finding on any alleged breach of this Code; and
 - (ii) to make appropriate recommendations to the Speaker.
- (2) If the special committee finds that a member has breached a provision of this Code, the special committee may -
 - (a) issue a formal warning to the member;
 - (b) reprimand the member;
 - (c) request the Speaker to suspend the member for a period; or
 - (d) request the Speaker to remove the member from the ward committee.
- (3) If the Speaker is of the opinion that the member has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Speaker may -
 - (a) suspend the member for a period and on conditions determined by the Speaker; or
 - (b) remove the member from office.
- (4) (a) Any member who has been warned, reprimanded, suspended or removed from office may, within 14 days of having been notified of the decision of the Speaker, appeal to the Speaker in writing, setting out the reasons on which the appeal is based. The Speaker will then convene an appeal committee to finalise the matter.
 - (b) A copy of the appeal must be provided to the Speaker.

A122 of 2017

**REPORT ON THE LABOUR COURT MATTER BETWEEN SAMWU AND
MATJHABENG LOCAL MUNICIPALITY ON THE APPOINTMENT OF THE
MUNICIPAL MANAGER (EXECUTIVE MAYOR) (15/2/1/24/1)**

PURPOSE

The purpose is to report to Council regarding the challenge lodged by SAMWU (local branch) on the appointment of the Municipal Manager in the Labour Court, Johannesburg.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2017)

1. That Council **TAKES NOTE** of the report.
2. That the draft Policy: Recruitment and Selection under item A87/2006 **BE REFERRED** to the Special Committee that is dealing with by-laws to correct it and ensure that it is in line with the current regulations.

☐ A86/2006

DRAFT POLICY: RECRUITMENT AND
SELECTION (EMHR) (5/3/B)

MATJHABENG MUNICIPALITY

POLICY: RECRUITMENT AND SELECTION

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1. INTRODUCTION

The purpose of this document is to provide a regulatory framework of Recruitment and is intended to address both the procedural and substantive issues related to Recruitment and Selection in Matjhabeng Municipality.

This policy is conceived within the context of various macro and micro influences that are currently impacting on Local Government, these include inter alia:

- ❖ Municipal Systems and Structures Acts, Act 32 of 2000
- ❖ Labour Relations Act, Act 66 of 1995
- ❖ Employment Equity Act, Act 55 of 1998
- ❖ New developments in the field of Recruitment and Selection
- ❖ Basic Conditions of Employment Act, Act 75 of 1997

2. DEFINITIONS

- 2.1 **Vacant position** means an existing or newly created position which has no current job incumbent formally appointed to the position.
- 2.2 **Recruitment and Selection** is a procedure resulting in the appointment of a person in an advertised vacant position. The process is comprised of several activities beginning with manpower planning and culminating in the appointment of a suitably competent candidate in the vacant position.
- 2.3 **Assessment** refers to the process of gathering information related to predetermined criteria, about a person and the person's make-up and then relating this information to the predetermined criteria in order to make a judgement/decision within a specific context. When the scope of assessment is focused on job related competencies, it is known as a competency based assessment.
- 2.4 **Recognition of Prior Learning (RPL)** refers to the realisation that people learn in different ways, both within and outside the formal educational system. Different modes of learning, inclusive of experiential learning, can foster the acquisition of the same competence. RPL involves the assessment of current competencies against standards registered on the NQF.
- 2.5 **Competence** refers to the knowledge, skills, attitudes and capabilities necessary to deliver job related outcomes as specified in the job description..
- 2.6 **Internal Candidate** refers to a person currently employed by Matjhabeng Municipality. An external candidate conversely is one who is not employed by Matjhabeng Municipality.
- 2.7 **South African citizen** a holder of a valid South African identity document that indicates the formal status of South African citizen.
- 2.8 **Medical Test/Examination** – any enquiry, including a verbal enquiry about the specific status of a person's health/well being that is aimed at occupational decision making.

Suitably qualified: a person may be suitably qualified for a job as a result of any one of, or any combination of that person's

- ❖ Formal qualifications;
- ❖ Prior learning;
- ❖ Relevant exposure; or
- ❖ Capacity to acquire within reasonable time, the ability to do the job.

2.9 **Recruitment Agency** an agency that Matjhabeng Municipality utilises on a need services basis in order to provide suitable candidates to be considered for appointment.

2.10 **Direct temp** one who is employed on a temporary basis directly by Matjhabeng Municipality and paid by Municipality.

2.11 **BEE** means Black Economic Empowerment.

2.12 **Designated Groups** refers to Black, Women and people with Disabilities as per Employment Equity Act No 55 of 1998.

2.13 **Equity Task Team** a body that consists of unions and management

2.14 **Employment Equity Plan** – An equity plan compiled and approved by Management and Labour.

2.15 **Confidential clearance** means the level of clearance required before a person may have access to information and/or material with a security classification up to CONFIDENTIAL.

2.16 **Secret clearance** means the level of clearance required before a person may have access to information and/or material with SECRET security classification.

2.17 **Matjhabeng Municipality** means the Municipality within Allanridge, Odendaalsrus, Welkom, Virginia, Heppnerman, Ventersburg

3. RECRUITMENT AND SELECTION REGULATIONS

3.1 Principles

In achieving the vision and the mission of Matjhabeng Municipality, Recruitment and Selection will adhere to the following principles:

- ❖ Recruitment and Selection will support the Municipality.
- ❖ Alignment to applicable legislation and best practice principles.
- ❖ Recruitment and Selection processes will be fair (within the definition of fairness contained in the Employment Equity Act), transparent and consistent, both with regard to impact and outcomes.
- ❖ Focused on the affirmation of designated groups.
- ❖ Ethical and professional practice will be maintained at all times, irrespective of circumstances. The image of Matjhabeng Municipality is to be maintained at all times.
- ❖ Focus on the retention of skills, fair consideration of internal Human Resources and preference for South African citizens.
- ❖ Support for BEE and adherence to Matjhabeng Municipality BEE policies.
- ❖ Sensitive to developments in the business and Recruitment and Selection environment.

- ❖ Acknowledgement that business realities are dynamic and that this policy will be reviewed as per needs, in consultation with all relevant parties.

3.2 Scope of Recruitment and Selection Policy

This policy extends to cover all vacant positions in Matjhabeng Municipality in its entirety, with the following exceptions:

- 3.2.1 Vacant positions related to the security investigations area where publicising the vacancy will adversely impact the effectiveness of the role.
- 3.2.2 ~~Existing positions that have been evaluated at a higher level as detailed in Section 4.3.2 on page 5 of the policy.~~
- 3.2.3 Where Council needs dictate that a transfer is appropriate.
- 3.2.4 Special projects, capacity development, initiatives, succession planning, etc where alternative forms of sourcing, e.g. nominations, secondments, transfer, etc, may be more appropriate.

3.3 Order of priority regarding Recruitment and Selection

Recruitment and Selection must be conducted within and outside the Matjhabeng Municipality.

Other applicable aspects of priority include, inter alia:

- 3.3.1 Affirmation of designated groups over non-designated groups, unless otherwise specified in an approved employment equity plan.
- 3.3.2 Priority will be given to South African citizens over non-South African citizens.

4. RECRUITMENT AND SELECTION PROCESS

4.1 Determining Recruitment and Selection needs

Recruitment and Selection is a process that is triggered by a need of the Head of Department to fill a vacant position with a suitably competent person in a specific capacity, where that capacity has been defined in advance. This needs stem both from a strategic and operational perspective:

Strategic perspective:

Annual staff forecasting for the following budget year is conducted to ascertain the Human Resources required to deliver requisite outputs as per the business plan. New vacancies may be created and existing vacancies may be approved for filling and budgeted for as an outcome of this process.

The role of Human Resources in this regard is to assist Departments in manpower planning based on expert HR input, e.g. Organisational Efficiency Studies, Job Profiling, Job Evaluation, etc. in alignment with Council needs and employment equity.

NB: Job Profiling and Job Evaluation will be done by Manager: Organisational Efficiency Studies.

This serves as input for Human Resources to plan Recruitment and Selection activities for the following year.

Operational perspective:

The Recruitment and Selection process is also triggered by existing positions which become vacant as a result of natural attrition in organisation.

4.2 Authorisation for filling a vacancy

In order to control new labour costs in response to business performance and effect the EEP growth, a control mechanism known as the 'requisition or filling a vacancy' must be completed by the relevant Head of Department, with the assistance of Human Resources. Human Resources will forward the requisition to the Municipal Manager for approval, before proceeding with the filling of a vacancy. A clear motivation for the filling of the vacancies must accompany this authorisation form. The Municipal Manager as an Accounting Officer will have the right to instruct the Human Resources department to fill the vacancy as per the operational requirements of the municipality.

4.3 Creating a vacancy/verification of level

Human Resources must provide support and expertise to Line Management as regards the creation of the new vacancy and the verification of the level of new and existing vacancies.

4.3.1 Job Profiles

For both new and existing vacancies, Manager: Organisational Efficiency Studies must provide a Job Profile (as per Matjhabeng Municipality format for a Job Profile) for the specific vacant position.

4.3.2 Verification of Job Level

When a new position is created in addition to developing a job profile, Human Resources will advise the relevant Head of Department of the job size and level of the new vacancy as determined by the prevailing Job Evaluation System in Matjhabeng Municipality/SALGA. When existing vacant positions are to be filled, Human Resources will verify the level of existing vacancies as per the Matjhabeng Municipality Job Evaluation Policy.

In the event of an existing position having been evaluated at a higher level, where there is a current incumbent in the job that has been evaluated at a higher level, the following will apply:

- ❖ If the re-evaluation at a higher level is as a result of the addition of new outputs, it is to be considered a "new job" that will be subjected to this Recruitment and Selection process. The current incumbent must be requested to apply for this position along with other applicants.

- ❖ If the re-evaluation at a higher level is as a result of factors other than addition of new outputs, the current incumbent will automatically be appointed to the higher graded position.

4.4 Sourcing candidates

Upon approval of the "authorisation for filling a vacancy", Human Resources must consult the relevant Head of Department to establish service requirements, i.e. timing, urgency and priority in filling the vacant position.

- 4.4.1 A pool of potentially suitable candidates must be obtained through sourcing and communication techniques that are appropriate to the target audience being sourced from.

4.4.2 Database of candidates

In order to proactively manage sourcing costs, Human Resources Department will keep a database of information of prospective candidates whose competence may fit the profile of key areas of scarcity. Matjhabeng Municipality will reserve the right to maintain this database and to consult or not to consult this database in order to source externally when the need presents itself.

- 4.4.3 The following will apply in sourcing suitable candidates to fill a vacant position.

- 4.4.3.1 Candidates will first be sourced as per priorities indicated in point 3.3 on page 4 of this policy. Designated groups targeted will be specified in the invitation for application.

- 4.4.3.2 Invitation for application shall be open for a standard period of 14-21 working days, unless there is a Council need to extend this period.

- 4.4.3.3 Sourcing of candidates from the internally, internal adverts will be placed at the Matjhabeng Notice Boards and at any place where the advert will be visible to the employees.

- 4.4.3.4 Sourcing of candidates external to Matjhabeng Municipality will be effected through a choice from all fair and transparent manner.

4.5 Sourcing of candidates within Matjhabeng Municipality

The following will apply in this regard:

- 4.5.1 The "Internal Advert" will comprise of single, standardised stand alone advertisement.
- 4.5.2 Vacancies of positions on Entry Level (level 18/17) will not be advertised but " Head Hunting" in all possible means should be followed
- 4.5.3 No education requirement/qualification should be required for level 18/17 positions but an induction should be conducted.

4.5.4 Any other appropriated means of sourcing externally.

In deciding upon which, or a combination of which external sourcing approaches to use, the Executive Manager Human Resources will consider aspects of effectiveness and efficiency. These could extend, but not be limited to:

- ❖ The cost of the method used.
- ❖ The location and availability of the target pool of competent candidates in the market.
- ❖ The labour intensiveness of the process.
- ❖ The urgency and priority of filling of vacancy.
- ❖ The level of the vacant position etc.

The engagement of all supplementary services related to Recruitment and Selection must comply with Matjhabeng Municipality Recruitment and Selection Policy.

4.6 Processing of applications received

- 4.6.1 Upon receipt of applications, Human Resources will compile a file of all candidates that have applied, that will be separated as follows for the management EEP.

Black candidates (Women)
 Black candidates (Men)
 White candidates (Women)
 White candidates (Men)
 Disabled candidates

- 4.6.2 Human Resources will inform Management that the post has closed and plan the way forward, which will include shortlisting, assessments and interviews.

4.7 Assessment of "competence fit"

All candidates who have applied must be assessed for "competence fit" with the position. This must be accomplished as follows:

- 4.7.1 a) Establish a Selection Committee

= This is applicable to employees not directly reporting to the Municipal Manager.

The Human Resources Department must establish a Selection Committee for the filling of each vacant position. The Selection Committee must comprise of the following:

- ❖ The Municipal Manager or his/her nominee if there is any.
- ❖ The Executive Director Corporate Support or his/her nominee
- ❖ The relevant Head of Department or his/her nominee
- ❖ The appointee's Branch Supervisor (Line Manager)
- ❖ Trade Unions Representatives (1 each) = OBSERVER STATUS

NB: A Chair of the Committee should be elected, usually the Head of the Department or his/her nominee in which the position falls, or the most senior official on the committee.

(OFFICIALS ELECTED FOR THE SELECTION COMMITTEE ARE ADVISED THAT THE SELECTION PROCESS IS A CONFIDENTIAL ONE, THEY MUST NOT DISCUSS THE WORK OF THE SELECTION COMMITTEE WITH OTHER EMPLOYEES AT ANY TIME DURING OR AFTER THE PROCESS BEGINS)

The Selection Committee will ensure compliance to the provision of this policy, best practice and legislation.

b) Establish a Selection Committee (SECTION 57 EMPLOYEES)

The Selection Committee must comprise of the following:

- ❖ The Executive Mayor
- ❖ MMC responsible for Human Resources
- ❖ Municipal Manager
- ❖ Executive Director Corporate Support
- ❖ Senior Manager Human Resources
- One Labour Representative = observer status

c) The appointment of the Municipal Manager.

The Selection Committee must comprise of the following:

- ❖ The Executive Mayor
- ❖ MMC responsible for Corporate Support
- ❖ Parties will be proportionally represented
- ❖ One Labour Representative = observer status

The mandate of the Selection Committee is to arrive at a decision on the "competence fit" of the applicants through appropriate "assessment of competence fit", and make a recommendation to council for appointment/non-appointment of the SECTION 56 MANAGERS or the MUNICIPAL MANAGER.

All decisions made by the Selection Committee must be holistic and take into consideration the competence required by the position, track record, RPL, potential, etc.

The Selection Committee will agree to all assessment techniques, tools and methodologies to be used in advance of the assessment being conducted. Specific provision of the Employment Equity Act regarding prohibition of unfair discrimination through assessment must be borne in mind.

4.7.2 Shortlisting

Shortlisting from the entire pool of candidates must be conducted by the Selection Committee. Shortlisting is the first form of assessment and aspects of ethical practices and fair discrimination apply within the context of preferential treatment and numerical objectives contained in the EE plan.

Shortlisting must be accomplished as follows:

4.7.2.1 The Selection Committee must determine and document shortlisting criteria based on the specific job requirements.

4.7.2.2 The Selection Committee may utilise several approaches to shortlist. These include, but are not restricted to:

- ❖ Screening of CV's.
- ❖ Telephone interviews that are set up with the candidate in advance.
- ❖ Competency based tests that are economical and appropriate for the vacant position being assessed.
- ❖ Follow-up on references previous employer

4.7.3 Other appropriate methods

Should no suitable competent applicant be identified, a Recruitment and Selection Report must be generated, and letters of regret forwarded to unsuccessful candidates, whereupon external sourcing may be pursued.

4.7.4 Final Assessment

Upon compilation of a shortlist, appropriate final assessment based on competencies of the vacant/position, may be conducted. These may include, but not be restricted to:

Competency based interviews.

Any other assessment technique or tool that complies with Section 7 and 8 of Chapter 2 (Prohibition of Unfair Discrimination) of the Employment Equity Act No 55 of 1998.

Any relevant reference checking may be conducted by Human Resources Department, with due sensitivity for fairness.

All assessment tools will be developed by Human Resources in consultation with Line Management. Human Resources will own the process of assessment, while Line will own the content where the content is job specific.

4.7.5 Recruitment and Selection Report (Nomination Schedule)

4.7.5.1 Employees not reporting directly to the Municipal Manager (Job level 2 downwards)

A recommendation will be forwarded to the office of the Municipal Manager to approve the selection of a candidate. The report will include the following information:

1. Name of candidate and current Department
2. Position and Branch/Section (Department)
3. Previous incumbents position and Department (Branch)
4. Motivation which include date when post was advertised, advertising media used, number of applicants, number that was shortlisted and interviewed, nature of assessment, tools used, recommendation for the nominated candidate.

4.7.5.2 Section 57 employees and non-Section 57 Managers

A recommendation will be forwarded to council by the Executive Mayor who will comment before submitting the report to Council for finalisation. The report will include items mentioned above (4.8.5.1).

4.8.6 Documentation

The Personnel Manager will be responsible for keeping on file the original notes, protocols, rating and associated assessment, material for a period of one year for future reference purposes. All assessments are to be documented, with ratings based on written evidence.

4.8.7 Feedback

All candidates have the right to feedback upon request, on the outcome of their assessment. This feedback should focus on the "competence fit" of the candidate as assessed and the candidate's relative suitability, and not on why another person has been appointed.

This feedback must be provided by Human Resources, with due sensitivity for the impact it might have on a candidate and must be conducted in a professional and ethical manner.

4.9 Appointment

Human Resources will effect appointment of the recommended candidate upon a directive from the Municipal Manager.

4.9.1 Making a salary offer

The Personnel Manager will consult with and advise Line Management on the following issues regarding to the successful candidate:

- ❖ Date of appointment.
- ❖ Salary package and breakdown of salary package.
- ❖ Standard terms and conditions of employment.
- ❖ Other benefits and privileges extended to the successful candidate.

The offer to the successful candidate will be made by the Personnel Manager, with the offer being co-signed by the Executive Manager Human Resources.

NB: This process excludes Section 56 employees. (The Executive Mayor will negotiate the packages of the Section 56/ Municipal Manager and present the recommendations to council for finalization.

The acceptance of the offer by the candidate must be made in writing and returned to the Executive Manager Human Resources within the stipulated time.

4.9.2 Appointing the candidate

Human Resources Department will arrange a formal meeting with new appointee in order to:

- ❖ Effect an appointment through the signing of a contract and/or other necessary documentation.
- ❖ Ensure that the new appointee is briefed on the salary and pay process and procedures of Matjhabeng Municipality.
- ❖ Ensure that the new appointee understands the associated benefits and privileges of Matjhabeng Municipality and the policies associated with these.
- ❖ Collect all documentation required in order to process pay.

Human Resources Department will then create a new employee record for the new appointee on the system.

4.9.3 Orientation/Induction

Training Manager will arrange for and conduct induction of the new appointee.

4.9.4 Managing unsuccessful candidates

Letters of regret, per application per vacant position, must be compiled and forwarded to all candidates who were interviewed and whose applications were unsuccessful.

The candidate's right to further feedback must be respected, and a contact number of Senior Human Resources Official must be provided for the unsuccessful applicant to access feedback.

4.9.5 Follow-up Interview

The Personnel Manager will conduct a follow-up interview with the appointed employee and respective Line manager after three months from the appointment date. This will be done to ensure that the employee has settled in, training needs identified and executed as well as the fit in the position.

5. SECONDMENTS

Should an employee's services be required at a different position other than his normal post, he may be seconded to this position with his appointment for a specified period.

His post may not be filled as officially he, is still the incumbent of that post. Should such secondment be away from his home, full expenses are payable.

6. EXIT INTERVIEW

Human Resources will conduct exit interviews, with the consent of the individual to such an interview, in order to, inter alia, determine reasons/problem areas in respect of labour turnover. The exit interviewing process must ensure objectivity. A report will be compiled quarterly.

Exit interviews will be conducted by the following persons:

Job levels 1 – 2 : Executive Manager Human Resources
 3 – 5 : Personnel Manager
 6 – 18 : Senior Personnel Officer

7. TIMING OF RECRUITMENT AND SELECTION PROCESS

The standard time frame to fill a vacancy is taken to be one month. The timeframe might vary due to internal and external factors.

8. MONITORING OF RECRUITMENT AND SELECTION

Recruitment and Selection will be monitored and evaluated regularly in order to determine the effectiveness of recruitment and selection procedures.

9. DISPUTE RESOLUTION

All disputes related to Recruitment and Selection, will be resolved as per the dispute handling processes provided for in the constitution of the SALGA/SALGBC. Alternative dispute processes provided for by the Labour Relations Act, under the auspices of the CCMA, may be utilised.

10. POTENTIAL POSTS RECOMMENDED FOR SCREENING

- Municipal Manager
- Corporate Executive Managers
- Executive Managers
- Managers
- Secretaries
- Personnel in the Executive Mayor's office
- Personnel in the Speaker's office
- Personnel in the Municipal Manager's office

~~SECURITY CLEARANCE FOR EMPLOYEES~~

All employees on job level 0 - 6/7 must be subjected to the secret clearance process as per the Matjhabeng Vetting Policy.

LAW ADMINISTRATION be issued with a SECRET clearance

- Records/Registry personnel be issued with a SECRET clearance
- Security personnel be issued with a Restricted clearance
- Investigators be issued with CONFIDENTIAL clearance
- VIP Protection personnel be issued with CONFIDENTIAL clearance
- Finance and Audit personnel be issued with CONFIDENTIAL clearance

NB: Screening of Personnel is the responsibility of LAW ENFORCEMENT UNIT of the Matjhabeng Municipality.

11. OBLIGATION TO TRAIN

The Executive Manager Human Resources will be responsible to ensure that personnel dealing with Recruitment and Selection issues are trained in the proper Recruitment and Selection practice

SIGNATURES

MUNICIPAL MANAGER _____

SAMWU REPRESENTATIVE _____

IMATU REPRESENTATIVE _____

DATE _____

