

CODE OF CONDUCT



1 PREAMBLE

The need exists to provide guidelines to EMIs with regard to their relationship with the environment, fellow EMIs, the regulated community and the general public, as well as to provide guidelines to EMI institutions in instances where an EMI contravenes any provision of the Code of Conduct or fails to comply with any provision thereof.

2 PERFORMANCE OF DUTIES

EMIs shall carry out their duties within the confines of their mandates, powers and functions in an effective and efficient manner and in accordance with all relevant legislation, standard operating procedures and the compliance and enforcement guidelines adopted by the Inspectorate from time to time.

3 RELATIONSHIP WITH THE ENVIRONMENT

EMIs will, in the performance of their duties, carry out their work and conduct themselves in a manner that gives effect to Section 24 of the Constitution and the principles contained in section 2 of NEMA.

4 RELATIONSHIP WITH THE REGULATED COMMUNITY

EMIs undertake to treat all institutions, enterprises and individuals within the regulated community efficiently and objectively in the public interest, in a manner which is firm but fair, and consistent with the highest professional standards of accountability and responsibility, and in accordance with the legislation in terms of which the EMI has been designated.

5 RELATIONSHIP WITH THE PUBLIC

EMIs are committed to providing a service to the public by recognising the Constitutional right that everyone has to an environment that is not harmful to their health or well-being, and to provide a service to the public which is courteous, helpful, timely in dealing with queries and requests, and in accordance with the Batho Pele principles.

6 ETHICAL CONSIDERATIONS

- 6.1 Under no circumstances may an EMI solicit, either directly or indirectly, gifts, hospitality, employment etc. for personal use, gain or benefit. The offer of any unsolicited gifts related to compliance and enforcement activities must be declined and notified to the EMIs supervisor immediately.
- 6.2 No EMI shall initiate or accept any offer of employment while he or she is in a position to influence a decision in respect of compliance and enforcement activities related to that person or organisation.
- 6.3 An EMI shall not disclose information about any other person if that information was acquired while exercising or performing any power or duty in terms of NEMA or a specific environmental management Act, except if that information is disclosed in terms of any of the exceptions referred to in terms of Section 31Q of NEMA.
- 6.4 Any EMI who is involved with any outside organisation, whether economic, social, cultural or political, shall ensure that such involvement is not prejudicial to the interests of the Inspectorate and that it does not create a conflict of interest or potential conflict with their employment within the Inspectorate.

7 RELATIONSHIP WITH OTHER EMIS AND EMI INSTITUTIONS

All EMIs will co-operate fully with other EMIs, both from within their own institution, as well as with EMIs from other EMI institutions to advance the public interest and the Constitutional mandate.

8 CODE OF CONDUCT FOR PUBLIC SERVANTS

The provisions of this Code of Conduct are ancillary to the Code of Conduct for Public Servants and will be binding upon all designated EMIs.

9 CLOTHING AND EQUIPMENT

- 9.1 The official uniform and equipment of the Environmental Management Inspectorate are symbols of the Inspectorate's authority, mission and service commitment.
- 9.2 When using the EMI uniform or equipment, EMIs shall act in a manner that recognizes the value of, and enhances the positive image created by, the wearing of a distinctive and recognizable uniform and marked equipment.
- 9.3 EMIs must further comply with the provisions of Annexure 1 hereto.

10 BREACH OF CODE OF CONDUCT

- 10.1 A nominated MINTECH WGIV representative will become the focal point for receipt of all allegations of a breach of the Code of Conduct for all EMIs within his/her institution.
- 10.2 In the event that the complaint triggers a reasonable suspicion that the EMI Code of Conduct has been breached, the nominated MINTECH WGIV representative is obliged to investigate the matter and report such incident to DEA and the complainant.
- 10.3 Where the allegation involves a serious breach of the EMI Code of Conduct, (e.g. corruption, release of confidential information), the nominated MINTECH WGIV representative must recommend to the relevant designating authority that the EMI's designation be suspended pending the outcome of the investigation.
- 10.4 A breach of the EMI Code of Conduct must be taken into account in any internal disciplinary process initiated by the relevant EMI Institution; and where the disciplinary process results in a finding of a breach of the EMI Code of Conduct (in addition to any other charge), the nominated MINTECH WGIV representative must recommend to the relevant designating authority that the EMI's designation be withdrawn permanently.
- 10.5 The nominated MINTECH WGIV representative must ensure that a finding of a breach of the EMI Code of Conduct is reflected in the offender's employment records as well as the national EMI Register.

ANNEXURE 1

Clothing and Equipment

- EMI Institutions shall, as far as is practicably possible, adhere to the guidelines set out in the Corporate Identity Manual in the procurement, design, application and use of EMI clothing, logos and equipment.
- Each EMI Institution shall designate a person or persons who will be responsible for the issuing, management and collection of EMI uniforms and equipment. The responsible person shall ensure compliance within his or her institution with this Code of Conduct.
- EMIs are responsible for ensuring that their uniform and equipment is kept in a neat and presentable condition. In the event that the EMI uniform or equipment becomes damaged or worn, the EMI shall return the item to the responsible person with a request for a replacement. All lost EMI clothing equipment must be reported to the responsible person as soon as possible. The responsible person must then report this to the DEA as soon as possible.
- All EMIs that have been issued with official uniform and equipment must wear their uniforms and use the equipment when acting in their official EMI capacity. In the event that an EMI has not been issued with the official uniform, or is unable to wear his or her uniform for valid reasons, he or she shall wear the EMI brooch.
- The wearing of civilian clothing together with EMI uniform items is permissible on condition that the civilian items are of such a nature and condition that they do not detract from the positive and distinctive image of the wearer as an EMI.
- Formal and appropriate attire must be worn by an EMI who is required to appear at a public function or media event or any other similar occasion.
- EMIs shall only wear the official uniform whilst on duty and acting in their official capacity, including court appearances. No EMI insignia, items or logos may be worn whilst attending private social functions.
- While on duty, civilian clothing may only be worn under special circumstances such as when conducting covert operations, and then only with permission of the person in charge of such an operation.
- No alteration shall be made to the EMI uniform or logo, including the addition of unauthorized badges or other ornaments. Where EMIs are employed at institutions that have their own uniform and insignia, the EMI logo must be applied in an unaltered condition whilst adhering to the dress code of that institution.
- EMI clothing and equipment that is issued to a specific EMI shall not be lent to another person, including another EMI, without the consent of the responsible person, unless in the event of an emergency.
- EMIs shall not wear the uniform or use the equipment in a manner that will bring the Inspectorate into disrepute. This includes a prohibition on the consumption of alcoholic beverages or other intoxicating substances whilst in uniform.
- An EMI shall not use the display of uniform or insignia for personal advantage such as, but not limited to, gaining entry into facilities that levy entrance fees for entry.