



Province of the
EASTERN CAPE
OFFICE OF THE PREMIER

OFFICE OF THE DIRECTOR GENERAL

Office of the Premier Building • Independence Avenue • Bhisho • Eastern Cape
Private Bag X0047 • Bhisho • 5805 • REPUBLIC OF SOUTH AFRICA • Website: www.ecprov.gov.za
Tel: +27 (0)40 609 6369 • Fax: +27 (0)40 309 6404 • email: welekazi.sokutu@oip.ecprov.gov.za

Ref: 3/6/1/11

Enq. Adv. H Smith 043 604 6924 / 082 448 1178

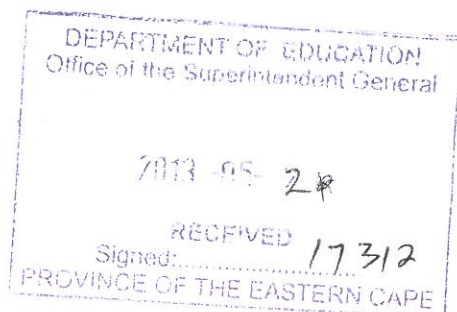
**TO : ALL HEADS OF DEPARTMENTS
OTP DDG: COS**

**SUBJECT : IMPLEMENTATION OF THE POLICY TO PROHIBIT TRADE AND
EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL
GOVERNMENT WITHOUT APPROVAL**

The Office of the Premier has commenced with the implementation of the *Policy to Prohibit Trade and Employment by Employees of the Eastern Cape Provincial Government without Approval* and it is envisaged that your office will be inundated with applications to approve trade by employees of your department.

This letter serves to inform you of the procedure to be followed before approval may be granted to an employee to trade with the Government or to perform remunerative work as follows:

1. The employee must submit an application in the format of the Application Forms which are attached hereto.
2. In terms of Clause 6 of the Policy, the MEC, as Executive Authority, must consider amongst others:
 - (a) The nature of goods or services to be supplied to Government by the business concerned;
 - (b) The nature and extent of the business interest of the employee concerned in that business;
 - (c) The nature and extent of the business to be performed
 - (d) Whether the employee will use government time and resources to do his/her business/remunerative work and that the remunerative work might tamper with his/her service delivery in serving the people or work allocated to him by his/her Department;
 - (e) Whether the approval shall not be against the public interest.
3. The MEC must consult the Premier before any approval to the employee is granted in terms of Clause 6(4) of the Policy. The consultation is done by submitting the completed Application Form to the Premier.

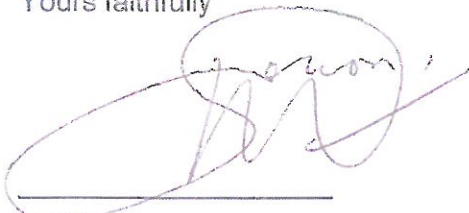


Ikarriva eliqaqanbileyo!

4. When the Application Form is returned to the Office of the MEC by the Premier, the MEC takes a decision, records it on the Application Form and advises the employee of the decision in writing.

Should you need further clarity, please contact the Office of the Chief State Law Advisor at 043 604 6924/5.

Yours faithfully



MBULELO SOGONI
DIRECTOR GENERAL

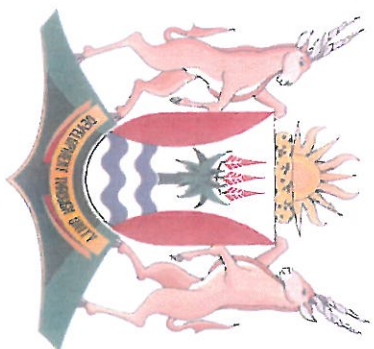
26 Apr 2013

DATE



Ikamva eliqagambileyo!

APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT



APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT
(IN TERMS OF CLAUSE 6 OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE
PROVINCIAL GOVERNMENT WITHOUT APPROVAL)

REQUIRED INFORMATION	SUPPLIED BY THE OFFICIAL	VERIFIED BY THE DEPARTMENT
Name & Surname		
PERSAL number		
Department/Entity		

APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT

Employee's official job title		
The employee's key performance areas;		
The nature of goods or services to be supplied to Government by the business concerned		
The nature and extent of the business interest of the employee concerned in that business		
The nature and extent of any adverse financial, operational and other circumstances for the state, the employee concerned, or members of the public if the application is not approved		

APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT

APPLICANT: _____

DATE _____

SIGNATURE: _____

RECOMMENDED/NOT RECOMMENDED _____

DATE _____

SIGNATURE: _____

HEAD OF DEPARTMENT

SUPPORTED/NOT SUPPORTED _____

DATE _____

SIGNATURE: _____

APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT

PREMIER

APPROVED/NOT APPROVED _____

DATE _____

SIGNATURE: _____

EXECUTIVE AUTHORITY

NOTES FOR CONSIDERATION OF APPLICATION BY THE EXECUTIVE AUTHORITY

CLAUSE 6(5) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must advise the employee within 30 days in writing whether the request is approved or not and the Accounting Officer must ensure that the request for approval is submitted to the Executive Authority timeously.

CLAUSE 6(4) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must consult the Premier before any approval in is granted.

CLAUSE 6(3) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must take into consideration:

- The nature of goods or services to be supplied to Provincial Government by the business concerned;
- The nature and extent of the business interest of the employee concerned in that business;
- Whether the employee will use government time and resources to do his/her business and that the business might tamper with his/her service delivery in serving the people or work allocated to him by his/her Department
- The nature and extent of any adverse financial, operational and other circumstances for the state, the employee concerned or members of the public if the application is not approved;

APPLICATION FORM FOR APPROVAL TO TRADE WITH GOVERNMENT

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- Whether the approval of the application will be consistent with fair, equitable, transparent, competitive and cost effective procurement of goods or services; and applicable national treasury procurement regulations and policies; and
- Whether the approval shall not be against the public interest. (public interest means the public's interest to see and/or perceive transparent, clean, corruption free and accountable government)

CLAUSE 6(6) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The decision of the Executive Authority shall be final.

APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK



APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK
(IN TERMS OF CLAUSE 8 OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE
PROVINCIAL GOVERNMENT WITHOUT APPROVAL)

REQUIRED INFORMATION	SUPPLIED BY THE OFFICIAL	VERIFIED BY THE DEPARTMENT
Name & Surname		
PERSAL number		
Department/Entity		

APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK

Employee's official job title		
The employee's key performance areas;		
A clear description of the outside work or business interests including areas of business		
The nature and extent of any adverse financial, operational and other circumstances for the state, the employee concerned, or members of the public if the application is not approved		
If work to be performed will amount to conflict of interest in relation to the constitutional mandate and/or programmes of Provincial Government;		

APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK

If work to be performed constitutes a criminal offence in terms of the Criminal Procedure Act 56 of 1977 as amended		
Any current or potential performance of remunerative work outside his or her employment		

APPLICANT: _____

DATE _____

SIGNATURE: _____

RECOMMENDED/NOT RECOMMENDED _____

DATE _____

SIGNATURE: _____

HEAD OF DEPARTMENT

APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK

SUPPORTED/NOT SUPPORTED _____

DATE _____

SIGNATURE: _____

PREMIER

APPROVED/NOT APPROVED _____

DATE _____

SIGNATURE: _____

EXECUTIVE AUTHORITY

NOTES FOR CONSIDERATION OF APPLICATION BY THE EXECUTIVE AUTHORITY

CLAUSE 8(7) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must advise the employee within 30 days in writing whether the request is approved or not and the Accounting Officer must ensure that the request for approval is submitted to the Executive Authority timeously.

CLAUSE 8(4) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: When considering an employee's request of intending to perform remunerative work outside his or her employment in the relevant Department of Provincial Government, the Executive Authority must have due regard to section 30 of the Public Service Act that provides that every employee within the public service shall commit all of his or her time to the Public Service.

APPLICATION FORM FOR PERMISSION TO PERFORM REMUNERATIVE WORK

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CLAUSE 8(5) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must consult the Premier before any approval is granted.

CLAUSE 8(3) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority of a department may not grant written permission if-

- Permission will be against the public interest;
- The remunerative work outside employment could reasonably be expected to interfere with or impede the effective or efficient performance of the employee's functions in the department;
- The remunerative work outside employment would constitute a contravention of the Code of Conduct;
- The employee has access to confidential information which may be abused in the process of outside work;
- Activities will be conducted within work hours;
- If work to be performed will amount to conflict of interest in relation to the constitutional mandate and/or programmes of Provincial Government;
- If work to be performed constitutes a criminal offence in terms of the Criminal Procedure Act 56 of 1977 as amended; or
- Departmental resources other than personal tools of trade will be used for such outside interests.

CLAUSE 8(6) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The Executive Authority must record his or her decision to grant or refuse permission in writing and may add conditions to the permission, if granted and advise the employee accordingly.

CLAUSE 8(8) OF THE POLICY TO PROHIBIT TRADE AND EMPLOYMENT BY EMPLOYEES OF THE EASTERN CAPE PROVINCIAL GOVERNMENT WITHOUT APPROVAL: The decision of the Executive Authority shall be final.