Vision

An impartial and innovative champion of public administration excellence in South Africa.

Mission

To actively promote and institutionalise the constitutional values and principles as well as practices governing public administration to drive service excellence and innovation in pursuit of a capable, ethical and developmental state.
ETHICS IN RECRUITMENT AND SELECTION PROCESSES IN THE PUBLIC SERVICE

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FOREWORD

Recruitment and selection play a pivotal role in building a capable, ethical and developmental state, and yet the selection and recruitment process in the public sector is undermined by a number of challenges. In spite of the existence of sound legislative and regulatory frameworks, ethical and moral issues continue to engulf the legitimacy and efforts of building a capable and developmental state. Section 195 of the Constitution directs the Public Service to be professional, ethical, efficient in the use of resources, development-oriented, impartial in the provision of services, and responsive to the needs of the people. The Constitution further directs the Public Service to be accountable and transparent and that it must demonstrate the institutional capacity and organisational ethos to perform the tasks of government effectively. Despite these Constitutional provisions and availability of sound legislative and human resources management (HRM) regulatory frameworks in the Public Service, ethical and moral dilemmas continue to cast doubt on recruitment and selection (R&S) practices.

In many instances, the Public Service Commission (PSC) receives complaints and grievances relating to unfair recruitment and selection practices. The PSC has also, in the past, conducted various studies with regards to R&S and the findings highlighted the disregard for relevant prescripts, policies and procedures. It is against this background that the PSC decided to conduct a study on ethics in R&S processes in the Public Service.

The study is important because Human Resource Management (HRM) is key to building a capable, professional, and ethical developmental state and recruitment and selection are part of the broader activities of the HRM value chain. Ethics, therefore, play an important role in recruitment and selection processes and are integral in the promotion of meritocracy in the Public Service, whereas, unethical conduct is the antithesis of creating a capable, professional and developmental state. The PSC contends that compliance with prescripts, coupled with ethical conduct, will enhance transparent and effective service delivery as well as accountable and trustworthy Public Service governance. It is for this reason that in this study, the PSC aims to examine the nature and magnitude of ethical dilemmas in recruitment and selection processes in the Public Service.

The PSC hopes that the findings and recommendations from this report will assist recruitment and selection committees and public servants at large to have a better understanding of ethical standards and conduct when dealing with recruitment and selection processes, and further enable them to make ethical decisions. The latter will in turn contribute towards the realisation of a high standard of professional ethics in the area of recruitment and selection in the Public Service.

A GXOYIYA
PUBLIC SERVICE COMMISSION
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- National and Provincial Departments that participated in the study and capacity building workshops, and
- Their Human Resource Practitioners and Senior Management Service members.

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# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AG</td>
<td>Auditor General</td>
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<tr>
<td>BCEA</td>
<td>Basic Conditions of Employment Act</td>
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<td>CVPs</td>
<td>Constitutional Values and Principles</td>
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<td>DD</td>
<td>Deputy Director</td>
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<td>DDG</td>
<td>Deputy Director-General</td>
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<td>DPSA</td>
<td>Department of Public Service and Administration</td>
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<td>DPME</td>
<td>Department of Planning, Monitoring and Evaluation</td>
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<tr>
<td>EA</td>
<td>Executive Authority</td>
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<tr>
<td>HoD</td>
<td>Head of Department</td>
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<td>HRM</td>
<td>Human Resource Management</td>
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<td>HRM&amp;D</td>
<td>Human Resource Management and Development</td>
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<td>LRA</td>
<td>Labour Relations Act</td>
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<td>MEC</td>
<td>Member of Executive Council</td>
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<td>MMS</td>
<td>Middle Management Service</td>
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<td>NACH</td>
<td>National Anti-Corruption Hotline</td>
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<td>NDP</td>
<td>National Development Plan</td>
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<td>NSG</td>
<td>National School of Government</td>
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<td>CV</td>
<td>Curriculum Vitae</td>
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<td>PAMA</td>
<td>Public Administration Management Act</td>
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<td>PSA</td>
<td>Public Service Act</td>
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<td>PSC</td>
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<td>Public Service Regulations</td>
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<td>R&amp;S</td>
<td>Recruitment and Selection</td>
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<tr>
<td>SMS</td>
<td>Senior Management Service</td>
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<td>SOPs</td>
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EXECUTIVE SUMMARY

The Public Service faces various challenges pertaining to human resources management (HRM) practices. Despite having sound legislative and regulatory frameworks in place, ethical and moral issues continue to engulf the integrity and efforts of building a capable and developmental state.

The Public Service Commission (PSC) is mandated in terms of Section 196 (4) (a), (b) and (c) of the Constitution of the Republic of South Africa, 1996, read in conjunction with sections 9 and 10 of the Public Service Act, 1997, to promote the values and principles as set out in section 195, throughout the Public Service. In particular, section 195 (1) (a) stipulates that “A high standard of professional ethics must be promoted and maintained”; while section 196 (4) (b) mandate the PSC to investigate, monitor and evaluate the organisation and administration, and the personnel practices of the Public Service. According to section 196 (4) (c), the PSC is mandated to propose measures to ensure effective and efficient performance within the Public Service.

Informed by its mandate, the PSC has previously conducted a range of studies relating to compliance with the implementation of prescripts in the recruitment and selection (R&S) processes. Findings from these studies highlighted various challenges that have resulted in ethical violations during the R&S processes, despite having sound legislative and regulatory frameworks in place. The challenges include, inter alia, advertisements for vacant positions being crafted with certain individuals in mind, the public being deceived to pay for jobs, as well as failure to disclose crucial information during the R&S processes, thus leading to conflict of interests by panel members.

The overall purpose of this study is to explore the extent and rationale of the ethical violations pertaining to R&S processes in the Public Service; and to present measures to prevent the continuation of ethical violations through strengthening the development and implementation of an ethical framework for R&S practices. To achieve this, the study seeks to establish the basis underpinning unethical conduct relating to R&S practices in the Public Service; to assess whether HR practitioners and selection panel/committee members are equipped with the necessary skills and competencies to make ethical decisions; to establish the basis on which capacity development workshops on ethics in HRM practices could be conducted; and propose measures to strengthen the development and implementation of an ethical framework that governs R&S practices.

The methodology followed in conducting the study included documentary analysis, electronic questionnaires, information sharing and capacity building workshops across national and provincial departments. Primary data was collected from selected national departments, with specific emphasis on Human Resource Management and Development units, senior managers and other employees who normally participate in R&S processes.

The literature review and legislative analysis, which are presented in Chapter 2 of the report, emphasises the centrality of the constitutional value and principle of maintaining a high standard of professional ethics when dealing with, amongst others, HRM issues, especially
R&S. The findings of the study are presented in Chapter 3 of the report. The findings indicate that unethical practices have contributed negatively towards the effectiveness of departments and are characterised by senior managers’ covert and overt tendencies of not adhering to R&S policies and regulations as well as failure to uphold a high standard of professional ethics. Specifically, the findings highlight the following:

i. At the beginning of the R&S process (i.e. at advertising stage), R&S prescripts are followed. The challenge begins at the shortlisting and interviewing stages where abuse of power by senior managers, including Accounting Officers and Executive Authorities (for SMS positions), is witnessed by panel members.

ii. HR Practitioners have fear of reprisal, harassment, victimisation and workplace bullying by some middle/senior managers and panel members when they are vocal about unethical actions during R&S processes.

iii. Awareness of the code of conduct enables panel members to identify potential conflicts of interest; however, due to instructions and pressure from senior managers, including Accounting Officers and Executive Authorities, potential conflicts of interest are overlooked.

iv. Ethics training on R&S processes is not conducted by departments; however, ethics surveys and advocacy sessions on general ethics are conducted once or twice a year internally by departments.

v. The roles and functions of Ethics Officers and committees are well understood in departments; however, some Ethics Officers and committee members are said to be utilised as moles by senior managers and executives to identify and report whistleblowers and/or to hide dishonest R&S processes.

vi. Ethics and professionalisation of the Public Service are part of the central pillars in pursuit of a capable and developmental state.

The informed view of the PSC is that unethical practices expose employees, especially HR practitioners, to ethical conflicts, compromised HR practices and strained relations that result in employees being despondent, frustrated and emotionally exhausted. Unethical practices also contribute towards the appointment of people who are not ‘fit and proper’, low staff morale and ineffective organisational performance.

In the final Chapter of the report, it is recommended that the National School of Government (NSG), as a government training institution, with the support of the Department of Public Service and Administration (DPSA) should consistently conduct training and awareness workshops on ethics and ethical conduct in the Public Service in order to instill a high standard of professional ethics. In the quest to strengthen ethics awareness in the Public Service, the DPSA should make it compulsory for all public servants from levels 2 to 16 and Executive Authorities to sign both the constitutional values and principles and anti-corruption pledges as well as the Code of Conduct annually. Similarly, public servants who conduct themselves unethically should be held accountable and those reporting unethical behaviour should be protected. These measures are necessary because professionalisation of the Public Service provides the cornerstone for transformed and ethical-inclined cohorts of public servants.
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CHAPTER 1: INTRODUCTION

1.1 Background

The Public Service faces various challenges pertaining to human resources management practices. Despite having sound legislative and regulatory frameworks in place, ethical and moral issues continue to engulf the integrity and efforts of building a capable and developmental state, which ultimately impacts on service delivery. This research seeks to explore the extent and rationale of ethical violations pertaining to recruitment and selection (R&S) processes in the Public Service. In this context, the Public Service refers to national and provincial government departments. The significance of this research stems from section 1951(a) of the Constitution, which requires public servants to maintain a high standard of professional ethics when discharging their duties. Furthermore, as prescribed by the Constitution, public administration must be governed by democratic values and principles. Besieged by complaints and grievances relating to unethical conduct, particularly in functional areas relating to human resource (HR) practices, the Public Service Commission (PSC) deemed it paramount to conduct a study on ethics in R&S processes in the Public Service.

The HR discipline is a multi-faceted area and the overall role of HR units is predominantly supportive to core functions as it provided a wide range of HR administration and strategic HR advisory services to departments within the Public Service. The R&S process serves as a first line of interaction between potential employees/incumbents and departments. It is within this context that ethical conduct and behaviour should be upheld in the quest to professionalise the Public Service and to achieve a capable and developmental state that is much desired. Thus, the report sought to shed light on the processes and factors that impact on ethics in the R&S process in the Public Service as the basis to propose interventions and recommendations to improve service delivery.

1.2 Mandate of the Public Service Commission

The PSC derives its mandate from sections 196 of the Constitution of the Republic of South Africa, 1996, read in conjunction with section 9 and 10 of the PSC Act, 1997. The following sections of the Constitution are applicable to this report on ethics in R&S processes in the Public Service:

- **Section 196 (4) (a) – “to promote the values and principles as set out in section 195, throughout the Public Service”;** wherein section 195 (1) (a) stipulates that “A high standard of professional ethics must be promoted and maintained”;
- **Section 196 (4) (b) – “to investigate, monitor and evaluate the organisation and administration, and the personnel practices of the Public Service”;** and
- **Section 196 (4) (c) - “to propose measures to ensure effective and efficient performance within the Public Service”.**
1.3 Research problem
The Public Service has various legal and regulatory frameworks as well as the Public Service Integrity Management Framework for ethics management. The senior management echelon, ethics officers as well as internal and external auditors have a role to play in ethics management. Due to the increasing focus on service delivery, the need to fast-track service delivery often prevails over doing what is right, hence emphasis on ethics is needed. The Constitution, 1996, requires public servants to maintain a high standard of professional ethics when discharging their duties in the Public Service. In the main, the ethics management framework and programmes are more focused on the disclosure of interests during procurement processes, whereas there is limited focus on HR practices which are amenable to unethical conduct too.

Consequently, the Public Service has been experiencing ethical violations during the R&S processes. Despite having sound legislative and regulatory frameworks in place, ethical and moral challenges continue to undermine efforts of building a capable and developmental state, which ultimately impacts on performance and service delivery. HR practitioners, time and again, have witnessed advertisements for vacant positions being crafted with certain individuals in mind, the general public being deceived to pay for jobs, as well as conflicts of interest amongst panel members due to failure to disclose crucial information during the R&S processes. The PSC continues to receive complaints and grievances concerning undue influences and ethical dilemmas that bring the entire HRM profession into disrepute. The magnitude of the challenge is supported by the high number of grievances referred to the PSC by Public Service government departments and complaints received from members of the public1, as well as allegations reported through various media print2 3.

While in the past the PSC conducted studies relating to compliance with implementation of prescripts in the R&S processes, this study explores the nature and magnitude of ethical dilemmas that are prevailing in the R&S processes in the Public Service with the aim of eliminating them through appropriate measures and interventions. To do this, an analysis of data from departments was carried out. Based on the findings, appropriate recommendations are made to assist selection committees and public servants at large to have a better understanding of ethical standards and conduct in the R&S processes and enable them to make ethical decisions

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1.4 Objectives of the study

The objectives of the study are as follows:

- to establish the basis underpinning unethical conduct relating to R&S practices in the Public Service;
- to assess whether HR practitioners and selection panel/committee members are equipped with the necessary skills and competencies to make ethical decisions;
- to establish the basis on which capacity development workshops on ethics in HRM practices could be conducted; and
- to propose measures to strengthen the development and implementation of an ethical framework that governs R&S practices.

1.5 Methodology

The methodology adopted in the study is explained briefly below:

**Scope** - The study covered national and provincial departments with focus on HRM&D units, senior management and other employees who normally participate in R&S processes. The study had two phases: phase one focused on collecting primary data from selected national departments during the 2020/21 financial year, and phase two dealt with information sharing and capacity development engagements across national and provincial departments in the 2021/22 financial year. The data collected through phase one and two was analysed and a draft report on ethics in R&S processes in the Public Service was produced.

**Sampling method (including sample size)** – Purposive sampling was utilised. Researchers selected 30% of the 42 national departments to participate in the study. Within departments, participants were selected based on their involvement in R&S processes.

**Data collection** - A qualitative research approach was utilised in conducting the study and data was collected from primary and secondary data sources. Primary data was collected using an electronic questionnaire (e-questionnaire). The e-questionnaire included closed and open structured questions and statements. Secondary sources reviewed include the Public Service HRM Regulatory Frameworks, departments’ policies and plans and other publications relevant to the R&S process.

Following finalisation of the draft report at the end of phase one, information sharing and capacity development engagements were convoked across the national and provincial departments to discuss the preliminary findings for purposes of validating and enriching the findings and formulating solid recommendations.

**Data analysis** - Data gathered was analysed according to thematic areas informed by the objectives of the study.

1.6 Limitations of the study

Due to challenges created by the Covid-19 pandemic in the year 2020, it was not possible for the PSC to conduct face-to-face interviews with participants as envisaged. Instead, an e-questionnaire was administered; however, it had its own challenges as some of the
departments' employees were working remotely with limited resources to connect live on the internet and complete the e-questionnaire. Remote working challenges delayed the collection of primary data, but after repeated follow-ups and extension of submission deadlines, data was eventually received. The population for the study comprised of national and provincial government departments. However, the phase one sample was limited to national departments in order to afford provincial departments time to adjust and adapt to functioning under the new normal working standards, due to the Covid-19 pandemic. The exclusion of provinces from the primary study was raised as a concern as they believe they would have contributed immensely to the study. The size of the sample enabled researchers to obtain sufficient data to analyse, draw preliminary findings and conclusions that were deliberated upon and enhanced during phase two of the study.

1.7 Ethical considerations
The e-questionnaire had a preamble which assured participants that their responses will remain anonymous and that the PSC will secure the information provided by them. Therefore, submission of the e-questionnaire was considered as consent to voluntarily partake in the study. During the information sharing and capacity building sessions, participants were again assured that their inputs will be integrated into the report in a generalised manner and the findings and recommendations of the study are aimed at improving professional ethics in R&S processes in the Public Service.

1.8 Structure of the report
The remainder of the report is structured as follows:
Chapter 2: provides a literature review;
Chapter 3: presents the findings of the study; and
Chapter 4: presents the conclusion and recommendations of the study.
CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter provides a synopsis of the legislative and regulatory frameworks that govern and regulate ethical conduct pertaining to R&S processes in the Public Service and also provides an overview of the difference and relationship between prescripts and ethics. Furthermore, the chapter reflects on selected past and recent research and investigative work undertaken to raise the significance of ethics in the Public Service, particularly in the R&S domain. The chapter acknowledges that as a highly regulated environment, the Public Service is renowned and often criticised for being slow paced, bureaucratic and conventional. However, the available legislation and regulatory frameworks seek to minimise or eliminate subjectivity, biased and unethical practices and conduct. It is therefore important to understand the difference and relationship between prescripts and ethics.

2.2 The difference and relationship between ethics and prescripts

Ethics\textsuperscript{4,5} is a branch of moral philosophy that sets maximum standards and emphasises what is right or wrong, good or bad, virtuous or evil, just and unjust, and responsible or irresponsible in all aspects of life. It describes the agreed group of moral principles, standards of behaviour or set of values regarding proper conduct in the workplace or society. Prescripts, on the other hand, outline sets of minimum standards of behaviour and do not prohibit many acts that would widely be condemned as unethical, e.g. ‘lying to a friend’ vs ‘lying under oath’\textsuperscript{6}. Prescripts refer to systematic structured rules and principles utilised to govern social behaviour, whether persons agree or not. They tell us what we are prohibited from doing and what we are required to do\textsuperscript{7}.

Although there are differences between ethics and prescripts, there is also a relationship between the two. Ethics\textsuperscript{8} are based on the goodwill of prescripts and go hand-in-hand, and are necessary to provide guidance and stability to people in the workplace and society as a whole. Every person is equal in terms of prescripts and ethics, that is, nobody is superior or inferior\textsuperscript{9}. The relationship is complicated because often what is perceived as unethical may be considered illegal (e.g. keeping money that someone lost), but at times, what is considered to be legal can also be regarded as unethical\textsuperscript{10} (e.g. paying minimum wage even when it is not adequate to meet someone’s basic needs) or what is ethical may be illegal (e.g. leasing a property in your name to assist a person with a bad credit rating).

\textsuperscript{7} Ibid.
\textsuperscript{9} Ibid.
\textsuperscript{10} Ibid.
2.3 Legal framework governing ethics and recruitment and selection processes


2.3.1 The Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa is the supreme law of the country. It provides the legal foundation for the existence of the republic and its value system, sets out the rights (including section 23, right to fair labour practice) and duties of its citizens, defines the structure of government and outlines the values and principles that govern public administration in all spheres of government. Section 195 (1) (a) stipulate that “a high standard of professional ethics must be promoted and maintained”. In simple terms, ethics must be upheld at all times.

As an overarching legal framework, the Constitution provides for broad policy direction and decisions in relation to human dignity, the achievement of equality and advancement of human rights and freedoms, non-racialism and non-sexism. The actions of government and citizens are tested for their constitutionality as and when there is a perception that they are inconsistent with the transformational spirit and objectives of the Constitution.

The Constitution, through its legal direction, is meant to heal the divisions of the past by establishing a society based on democratic values, social justice and fundamental human rights; and ensuring the foundation for a democratic and open society in which government is based on the will of the people and every citizen being equally protected by law.

2.3.2 The Public Service Act, 1994, as amended

As stipulated in section 197 of the Constitution, 1996, “within public administration there is a Public Service for the Republic, which must function and be structured in terms of national legislation, and which must loyally and consistently execute the lawful policies of the government of the day”. As such, the Public Service Act (PSA), 1994, as amended, provides for the organisation and administration of the Public Service, as well as parameters that govern the conditions of employment, amongst other critical matters related therewith. Within the context of ethical consideration, section 3 (1) (h) of the Act and Public Administration

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12 Department of Public Service and Administration. Republic of South. Public Service Act, 1994, as amended.
Management Act (PAMA), 2014\textsuperscript{13} provide for the setting of norms and standards relating to integrity, ethics, conduct and anti-corruption in the Public Service. As contemplated in sections 9, 10 and 11 of the PSA, the Act lays down the fundamental key considerations and basis for R&S in the Public Service. More importantly, section 11 (1) of the Act places emphasis to the nine (9) underlying values and principles as enshrined in the Constitution.

\textbf{2.3.3 Public Service Regulations, 2016}

The Public Service Regulations\textsuperscript{14}, (PSR) 2016, which were enacted in August 2016, repealed the 2001 PSR entirely without disregarding the enforceability of actions that were informed by the repealed regulations. The PSR, 2016, were introduced to address gaps and shortcomings emanating from the old regulations. Of particular relevance to ethical conduct and ethics in R&S is section 13 (d) and (e) of the PSR, 2016. Section 13 (d) requires an employee to recuse himself or herself from any official action or decision-making process which may result in improper personal gain, and such should immediately be declared by the employee. Section 13 (e) compels an employee to immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration or any other act which constitutes a contravention of any law or which is prejudicial to the interest of the public. The law encourages public servants to blow the whistle on any omission or irregular practices during R&S process in the Public Service through the National Anti-Corruption Hotline (NACH) or any other channel available.

The PSR, 2016, section 23 (2) provides for the establishment of an ethics committee in each department in the Public Service. The committee should be presided by an official who should at least be at the Deputy Directors General level for providing effective oversight on the management of ethics in the department. Emphasis on an executive or senior official chairing the ethics committee is to ensure top management buy-in and commitment to the work of the committee. This is in line with the general perception and understanding that the ethical culture of an organisation is built from the top by its leaders. Furthermore, the committee should be representative of all stakeholders and multidisciplinary in order to cater for diverse views. The Ethics Committee Guide, 2019\textsuperscript{15}, provides a comprehensive description of the mandate and functions of the committee. The guide on the reporting of unethical conduct, corruption and non-compliance to the PSA, 1994, and PSR, 2016, \textit{inter alia}, further affirms the deep rooted scourge of unethical behaviour, and sends a strong message that lawlessness will not be tolerated.

Additionally, the Code of Conduct for the Public Service serves to provide guidelines and directions to employees’ conduct and interactions with others during the course of discharging their duties (see PSR, 2016 in Chapter 2). All employees in the Public Service are expected to and must comply with the Code of Conduct.

\textsuperscript{13} Department of Public Service and Administration. Republic of South. \textit{Public Administration and Management Act}, 2014.
\textsuperscript{14} Department of Public Service and Administration. Republic of South Africa. \textit{Public Service Regulations}, 2016.
\textsuperscript{15} Department of Public Service and Administration. Republic of South Africa. \textit{Ethics committee guide}, 2019.
2.3.4 Labour Relations Act 66 of 1995, as amended

The Labour Relations Act (LRA) was promulgated to promote economic development, social justice, labour peace as well as democracy in the workplace. The purpose of the LRA is to regulate the employment relations between the employer and employee by creating a sound working relationship. This is done with the premise of eliminating unfair labour practice, and therefore providing a simple procedure for labour dispute resolution through statutory conciliation, mediation and arbitration and through independent alternative dispute resolution services\(^{16}\). The translation of the LRA in the Public Service context is outlined in detail in the PSA and provides that, amongst others, recruitment and selection related grievances and complaints should be reported through internal departmental grievance procedure channels. The PSC also provides for the lodging of complaints through the PSC’s complaints procedure.

2.3.5 Basic Conditions of Employment Act 75 of 1997, as amended

In order to provide dignity to the workers as well as to ensure a fair and justified regulatory framework pertaining to employment conditions, a provision for the minimum terms and conditions of employment was enacted through the Basic Conditions of Employment Act, 75 of 1997. The Basic Conditions of Employment Act (BCEA) gives effect to the right to fair labour practices as cited in section 23 (1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment\(^ {17}\); and thereby ensure compliance with the obligations of the Republic as a member state of the International Labour Organisation; and to provide for matters connected therewith. Part of R&S entails extending an employment offer letter to a prospective successful candidate containing terms and conditions of employment, in order to eliminate any ambiguity during the tenure of employment.

2.3.6 Employment Equity Act 55 of 1998, as amended

The Employment Equity Act seeks to provide fairness and equity in the workplace through the elimination of unfair discrimination as well as redressing the disadvantages experienced by designated groups\(^ {18}\). From an ethical perspective, section 13 (j) of the PSR, 2016, compels employees to deal fairly, professionally and equitably with all other employees or members of the public, irrespective of “race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscious, belief, culture or language”. When undertaking R&S processes, the principles and spirit of this Act should be upheld. Since historically, persons from designated groups were under represented in relation to the demographics of the South African population, the Act also seeks to address this challenge. Specifically, the employment of women in senior management positions and the employment of people with disability remains a conundrum in the Public Service in its quest to achieving equal representation\(^ {19}\).


\(^{17}\) Department of Labour. Republic of South Africa. *Basic Conditions of Employment Act, 75 of 1997, as amended.*


\(^{19}\) Department of Public Service and Administration. Republic of South Africa. *Annual report on employment equity in the public service, 2018/19.*
2.3.7 PSC Toolkit on Recruitment and Selection, 2004

The PSC Toolkit\(^{20}\) is aimed at providing clear and explicit guidelines as well as practical steps on the application of R&S practices. The toolkit emanated from the findings and recommendations of an investigation undertaken by the PSC due to consistent patterns of R&S related grievances and complaints in the Public Service. Furthermore, a correlation can be drawn between the toolkit and matters of ethical behaviour as some of the challenges mentioned in chapter 1, section 1.3 highlight ethical considerations when closely observed. Given the often underestimated relationship and the linkage between good HR support functions, employee productivity and service delivery; the importance of the toolkit remains paramount for the achievement of effective, consistent, seamless legally sound and compliant, as well as uncontaminated R&S processes.

2.3.8 Executive Protocol: Principles and Procedures for the Employment of Heads of Department (HoDs) and Deputy Directors-General (DDGs) Nationally, 2020

The public service has been characterised by inconsistency and unparalleled practices in relation to the R&S of executives in government departments. The introduction of the PSR, 2016, warranted a review of the 2013 Executive Protocol in order to ensure alignment. Section 17 of the Executive Protocol, 2020, provides for the ethical conduct of HoDs when discharging their delegated responsibilities, inclusive of R&S matters that are delegated to HoDs. Previously, the qualifications requirements for appointment into executive levels varied from one department to another. Hence, the intention of the Executive Protocol, 2020, is to encourage good practice through providing an overview of the procedural issues related to R&S and appointment at the level of DDG and DG/HoD. The Executive Protocol\(^{21}\) provides for the principles and procedures for the appointment of Heads of Department (HoDs) and Deputy Directors-General (DDGs) at national level. The employment practices of HoDs and DDGs at provincial level are facilitated by the Offices of the Premier. One of the fundamental aims of the Executive Protocol is to ensure that the employment of HoDs and DDGs is in line with the values and principles enshrined in section 195 of the Constitution through encouraging good and ethical R&S practices.

2.3.9 Senior Management Service Handbook, 2003

The Senior Management Service (SMS) Handbook\(^{22}\) outlines, amongst others, the employment conditions and role of SMS members in the Public Service. In particular, chapters two, three and five of the SMS Handbook promote good practices in the R&S of members of the SMS by outlining processes and procedures to assist departments in appointing and retaining high quality candidates. As such, vacant positions at senior management level must be advertised nationally to enable eligible persons to apply. The Handbook serves as a central


\(^{21}\) Department of Public Service and Administration. Republic of South Africa. *The executive protocol: Principles and procedures for the employment of heads of department (HoDs) and deputy directors-general (DDGs) nationally*, 2020.

point of reference, which should always be read in conjunction with the PSA and PSR, 2016 as well as other pertinent frameworks, policies, directives, guidelines and the Code of Conduct for public servants. Chapter 6 of the Handbook outlines the importance of upholding high ethical standards in the senior management service.

2.3.10 Protected Disclosures Act 26 of 2000

Several initiatives have been undertaken to promote accountability and to fight corruption within the public sector. These efforts include combating and countering unethical conduct. According to the Public Service Commission’s guide for public sector managers23 to promote the Protected Disclosures Act, one of the key obstacles faced in the fight against corruption is the fact that individuals are often too intimidated to speak out or to “blow the whistle” on corrupt, unethical and unlawful activities they observe occurring in the workplace, although they may be obliged to in terms of their conditions of employment.

The Protected Disclosures Act24 sets out a clear and simple framework to promote responsible whistle-blowing by reassuring workers that silence is not a safe option, hence the framework provides strong protection for workers who raise concerns internally. Through the Act, departments are urged to develop internal whistle blowing policies in order to deal with issues of impropriety in the workplace. Whistle-blowing is an early warning system to avert possible risks to the organisation. A positive whistle-blowing culture is a critical element in the success of any risk management system. The promotion of effective risk management and whistle-blowing can help departments to prevent unethical conduct or corrupt activities during R&S processes.


The purpose of this White Paper is to provide a structured framework for the facilitation and development of human resources management (HRM) practices in support of a developmental and capable state25. As a vehicle for effective service delivery, HRM is viewed as a significant instrument for the transformation of the Public Service. Chapter 5, section 5.1 of the White Paper defines the intricacies of recruitment within the context of achieving HR capacity requirements by opening up the Public Service to all sections of society. Section 4.7 of the White Paper dealt with the meritocratic selection process. Selection on merit is fundamental to ensuring that the Public Service recruits and promotes people of the highest calibre. However, “the principle of selection on merit has been eroded and misused in the past by drawing up narrow and exclusive position requirements which turn to discriminate against both external candidates and against certain groups of internal candidates, to the detriment of the quality of HR capacity within the Public Service”26. Against the aforementioned backdrop,

26 Ibid.
the White Paper argues that the time has come to restore the word meritocratic in its true meaning, and to ensure that the principle of selection on merit underpins the filling of all posts within the Public Service.

Cognisant of the outlined constitutional, legislative and regulatory prescripts, the following section discusses ethics theoretical frameworks with specific emphasis on R&S practices, unethical conduct in the Public Service and ethical issues in recruitment and selection.

2.4 Theoretical frameworks for ethics

Ethics is a system of moral principles or standards which govern behaviour. They affect how people make decisions and lead their lives. Ethics serve as a moral compass and a framework that can be used to find a way through difficult issues. Furthermore, ethics can also be defined as moral behaviours that affect human conduct in any given circumstances. It is the study of standards and conduct of moral judgement. Ethics can arise at different levels, namely, personal level and organisational level. The personal level relates to situations that individuals face in their personal lives outside the work environment. Similarly, the organisational level refers to individual issues that carry consequences for the organisation’s reputation as well as the ethical culture that prevails on a daily basis in the organisation.

In essence, ethics theories provide a decision making foundation particularly when ethics or morals are at play because the theories represent the viewpoints from which individuals seek direction and guidance in support of decision making. The theories symbolise different viewpoints and different decision making styles such as predicting the outcome and deciding on what is ethically correct.

There are several ethics theories highlighted in the literature, however, for the purpose of this study, deontology and utilitarianism ethics theories are emphasised. Dutelle and Taylor state that the deontology ethics theory requires people to adhere to rules, their duties and obligations when engaging in decision making (pertaining to ethics). This simply means that a person will fulfil his or her obligations to another individual or party, because obeying one’s duty is considered ethically correct. A deontologist will always, at all times, deliver and follow the law to the latter. An individual who adheres to the deontological theory will produce consistent results. There are many positive attributes associated with deontology as much as there are shortcomings. The strengths of the theory include sensitivity to context, the view that unethical actions are unacceptable irrespective of their consequences, the recognition that ‘good’ intentions and motives may have unintended results as well as higher levels of personal responsibility for one’s actions. The theory appeals to intrinsic ideas or values of what is right and wrong. The weaknesses include inherent paradoxes about what is right and wrong in relation to an individual and/or broader society and the potential for subjectivity due to the lack

29 Ibid.
of absolute principles that must be applied in all contexts, hence tensions arise when there is a deviation from the guidelines/rules for reasons that are ‘acceptable’ to those who deviate, and the work context infuses unethical or immoral practices through non-action against different forms of organizational resource misuse (e.g. misuse of organizational time), abuse of positional power to ensure implementation of decisions that are not beneficial to employees and employee silence.

The utilitarian ethics theory is based on an individual’s ability to predict the consequences of an action, which is not always possible because consequence prediction requires extensive knowledge, data and facts31. A utilitarian is likely to make decisions that yield the greatest benefit for the majority of people whilst disadvantaging few and this is one of its strengths. This is also referred to as the consequentialist approach because the outcome determines the morality of the actions. The major weaknesses of this theory is that it creates the potential for the majority to rule through tyranny, and forces a person to rely on everyone else following the same moral code32.

In view of the prescripts as well as these ethics theories, public servants are urged not only to discharge their technical duties diligently and professionally, but to also act ethically and morally. It is important to understand that the behaviour or conduct of an employee can be legally sound but ethically incorrect. There are mainly two important variables when making ethical decisions. The first relates to normative decisions that are guided by conceptions of what is better or worse, right or wrong, good and bad. The second variable involves decisions that are based on morality, which refers to the accepted standard of behaviour33.

Ensuring compliance with prescripts is fairly easy, but managing and preventing unethical behaviour and practices in a work environment is a massive task. Furthermore, an ethical work environment is characterised by ethical leadership, ethical action or behaviour, ethical education and ethical awareness that leads to an ethical organisational culture. The question that arises is, what is unethical behaviour? To be able to answer this question, there should be sound measures for assessing unethical behaviour. Unethical conduct or behaviour can be regarded as behaviour that is contrary to generally acceptable norms and policies. If not managed, the risks and repercussions are high for the organisation, its stakeholders and the society at large34.

According to Van Vuuren and Rossouw35, to test for ethical behaviour, public servants should ask the following questions: Is it legal? Is it fair? Does it hurt anyone? How would it look if

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published in a newspaper? Have I been honest with those affected? Can my conscience live with this decision? Is it procedural according to our organisation’s policies and procedures? Is it consistent with our organisational values?

In the South African Public Service context, there are determinants that may serve as an impetus for ethical decision making, for example, friends, family, professional requirements, religion, culture and the law. These factors have the potential to impact an individual’s concept of right and wrong, and can thus influence ethical decision making processes. Ethical dilemmas exist when an individual is confronted with competing demands in any given situation. An ethical dilemma can be defined “as a predicament in which one is faced with choosing between competing virtues that are considered equally important, but which cannot be simultaneously honoured”\(^\text{36}\). Ethics and ethical dilemmas are found in different contexts, professions and organisations, as is the case with the HRM field.

2.5 Recruitment and Selection Practices

Recruitment and selection are part of the broader activities of the HRM value chain. Recruitment is a process of attracting suitably qualified persons with the purpose of enticing them to apply for open vacancies in an organisation\(^\text{37}\). The aim is to create a pool of potential suitable candidates that possess the necessary credentials, in response to an existing position within the organisation that is (about to become) vacant or a newly created post. An organisation is able to meet its staffing needs and HR capacity requirements through the recruitment activity. Furthermore, recruitment can be used, in line with the Employment Equity Act, 1998, as a transformation vehicle to achieve departmental employment equity targets. The quality of applicants being attracted depends on the advertisement methods as well as the medium and extent to which the methods and medium are effective to reach the intended incumbents.

Selection on the other hand is undertaken as a follow up to the recruitment process. While recruitment is seen as a positive and necessary activity, selection is sometimes viewed as a negative process because it involves selecting the best applicants who have expressed interest in working for the organisation and turning down most applicants who failed to meet the requirements. Moreover, this narration appears to be consistent with the trend of grievances and complaints received by the PSC, of which the majority relate to selection processes in departments\(^\text{38}\). Selection processes may present a dilemma for HR professionals because they may involve discrimination, nepotism or other irregular practices. According to Murage \textit{et al}\(^\text{39}\), discrimination can be a discrepancy, elimination or favouritism made on the basis of age, sex, race, religion, culture, origin, pregnancy, disability, marital status, sexual orientation, prior arrest/criminal record, all of which have the effect of nullifying or impairing

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equality at work or during selection. This is in spite of the fact that recruitment and selection should be based on merit and not on the said factors.

When R&S is influenced by unethical factors such as nepotism, sexual harassment or bribery, or an employee is selected without having the right knowledge, skills and abilities, this will not only affect the image and performance of the organisation but also staff morale in the short, medium and long term. In addition, unethical practices often lead to high employee turnover and also result in the reassignment of the duties and responsibilities of employees who left to existing employees, which may also result in conflict amongst employees as well as burnout.

2.6 Unethical conduct in the Public Service

In its 2016 factsheet on irregular appointments, the PSC found that departments continue to fail to recognise the critical importance of complying with R&S policies and prescripts. In addition, there has been an increased number of irregular practices reported in the media space within the area of R&S processes. Regrettably, the emergence of unethical conduct and behaviour has brought the Public Service into dispute and cast doubt on the good work done by dedicated and committed public servants. One of the questionable practices reported in the Sowetan newspaper article stated that “the PSC report has allegedly found a series of irregular appointments of senior managers in a certain national government department”. Also, the City Press newspaper reported that “the PSC has taken the North West Health Member of Executive Council (MEC) to task for being a referee and player in the irregular appointment of a senior manager for supply chain management in the health department. These irregular appointments violated the PSA, PSR as well as expected ethical conduct in the Public Service.

Similarly, R&S practices involving conflicts of interest are rife in the Public Service in various countries. Dutelle and Taylor (2018) contends that a conflict of interest exists when a person is in a relationship with another individual that requires that person to make judgements based on others’ behalf, or when that person has a special interest that tends to interfere with proper decision making within that relationship or incident.

2.7 Ethical issues in recruitment and selection

R&S processes are often viewed as unethical when they ignore existing policies and procedures and result in selection practices that are characterised by inconsistency, unfairness, biasness or discrimination especially if the person hired is not ‘fit for the job’. The

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most common forms of unfair practices in R&S processes are nepotism and favouritism. Therefore, in addition to applying R&S practices in line with the applicable Public Service prescripts as well as internal organisational policies, Murage et al.\(^{44}\) emphasises the vital role of ethics in R&S. It is thus imperative that R&S is also guided by ethical considerations to ensure that applicants are scrutinised and appointed based on merit.

The R&S process is the first critical step that enables an organisation to create an ethical work environment by first attracting employees with high ethical standards. Equally, selecting and socialising new employees into an ethical environment that is characterised by the desired ethical behaviour is important. Murage et al. attest that if executed correctly, ethical considerations in R&S enable organisations to appoint technically capable people who are also ethical. This has a positive and far reaching effect on employees’ performance and ultimately improves service delivery outcomes. This is the reason why Villegas\(^{45}\) argues that the decision to employ a person for any vacant position is an action that should not be taken lightly due to the considerable ethical and legal implications of such action for the organisation. Ethics, ethical conduct and moral behaviour build trust and credibility, portray an organisation as an “employer of choice” and can also enhance the organisation’s goodwill. Trust, credibility and goodwill are absolutely critical in the Public Service’s quest to contribute towards building a capable and developmental state.

Brand\(^{46}\) contemplates a model for incorporating ethics in the R&S process that condenses the entire R&S value chain into three phases, from inception until the end of the process. While Brand’ model includes familiar processes such as job analysis, advertisement, screening/shortlisting and interviews, it also places emphasis on the importance of acknowledging all applications and sending all unsuccessful applications regret letters. To ensure transparency and fairness, the model proposes that all applicants who meet criteria should be interviewed and assessed as a basis to shortlist candidates who should be subjected to a second interview. Whereas orientation and induction are often overlooked or poorly implemented in the Public Service, the model puts emphasis on the importance of orientating/inducting successful candidates as part of the last phase.

### 2.8 Building a capable and developmental state

In an effort to ensure good governance and a high standard of professional ethics in the Public Service, particularly in the R&S processes, the National Development Plan, 2030\(^{47}\) highlights the importance of the rule of law, meritocracy, professionalism and ethical leadership in the Public Service. Achieving this requires the promotion and institutionalisation of integrity.

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transparency and accountability in, *inter alia*, HRM processes and practices. Government should inculcate a culture of professionalisation and professional ethics through continuous learning in order to build a Public Service that is efficient, effective, innovative and responsive. The national implementation framework\(^{48}\) towards the professionalisation of the Public Service places the PSC at the centre of a strategy to ensure meritocratic, transparent and consistent R&S practices that will result in the appointment of committed senior employees who possess the relevant qualifications and competencies as part of restoring and building an ethical Public Service. Furthermore, the framework argues that the Public Service should be insulated from political patronage, with a clear separation between the roles of political principals and the administration head\(^{49}\). Accordingly, Dobie\(^{50}\) argues that for a Public Service to be ethical, particularly in its senior appointment processes, the removal of politics becomes paramount.

### 2.9 Conclusion

Ethics is a critical element of concern in public administration in South Africa. Consequently, the constitutional value and principle of maintaining a high standard of professional ethics takes centre stage in the Public Service when dealing with, amongst others, HRM issues, especially R&S. This constitutional principle implies that not only government institutions are required to operate on a higher ethical and moral ground, but also entities that are doing business with government. A lot has been done by the South African government to develop the required legislative and regulatory frameworks for officials to operate within, however unethical behaviour within the Public Service continues in spite of the existence of numerous prescripts. Similarly, for the Public Service to realise its vision of becoming an employer of choice amongst young graduates and prospective candidates, R&S practices should be beyond reproach because:

- In law, “a man is guilty when he violates the rights of another. In ethics he is guilty if he only thinks of doing so”\(^{51}\).
- “No matter how sound your systems, all corporate scandals start with either employees or managers, in other words, the HR of an organisation”\(^{52}\).

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\(^{52}\) Marius Meyer. *Former CEO of South African board for people practices (SABPP).*
CHAPTER 3: FINDINGS

3.1 Introduction

This chapter presents results and discusses the key findings of the study. The study aimed at exploring the nature, extent and rationale of ethical violations that are prevailing in R&S processes in the Public Service with the intention of eliminating them through appropriate measures. To achieve this, the objectives of the study were identified as follows:

- to establish the basis underpinning unethical conduct relating to R&S practices in the Public Service;
- to assess whether HR practitioners and selection panel/committee members are equipped with the necessary skills and competencies to make ethical decisions;
- to establish the basis on which capacity development workshops on ethics in HRM practices could be conducted; and
- to propose measures to strengthen the development and implementation of an ethical framework that governs R&S practices. When discussing the findings, the research problem, objectives of the study and literature review were considered.

Below is an overview of the primary data collected and the profile of the HR participants.

3.2 Recruitment and selection documents, e-questionnaire responses and capacity development engagements participants by departments

3.2.1 Recruitment and selection documents

Table 1 below shows an overview of R&S documents reviewed from 12 of the 14 national departments selected for this study.

<table>
<thead>
<tr>
<th>National Departments</th>
<th>Recruitment and Selection Policy</th>
<th>Headhunting / Executive Search Policy</th>
<th>Staff Retention Policy / strategy</th>
<th>EE Policy / plan</th>
<th>Grievance Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delegations Framework 2017 2018 2019 2020</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, Land Reform and Rural Development</td>
<td>Yes</td>
<td>Dnh</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Basic Education</td>
<td>Yes</td>
<td>Dnh</td>
<td>Dnh</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Employment and Labour</td>
<td>Yes</td>
<td>Dnh</td>
<td>Dnh</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Health</td>
<td>Yes</td>
<td>Dnh</td>
<td>Dnh</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Higher Education and Training</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Home Affairs</td>
<td>Yes</td>
<td>Dnh</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Human Settlements, Water and Sanitation</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
Table 1 on page 14 shows that 12 out of 14 sampled departments submitted their R&S documents, whilst 2 of 14 sampled departments did not submit. The two departments that did not submit are Higher Education and Training as well as Human Settlements, Water and Sanitation. All 12 departments that submitted R&S documents did not have Headhunting/Executive Search Policies while 4 of 12 departments that submitted R&S documents did not have Staff Retention Policies/strategies. However, headhunting/executive search strategies and staff retention policies/strategies are, in most instances, covered in broader R&S policies. Eight (8) of 12 departments that submitted R&S documents submitted grievance reports, whilst 4 did not submit grievance reports. The four departments that did not submit grievance reports are Basic Education, Office of the Public Service Commission, The Presidency and Social Development. It may be argued that the non-submission of grievance reports suggests that departments do not have grievances related to R&S because (a) they are effective in dealing with R&S matters or (b) employees are not brave enough to lodge their grievances due to fear of reprisal, victimisation, bullying and strained work relations. Equally, the non-submission may be attributed to poor records management.

The findings showed that departments have the required policies and they adhere to similar R&S prescripts that are underpinned by *merit, objectivity, fairness, transparency, openness and impartiality*. The expectations would be that R&S processes are conducted in an ethical and professional manner across all Public Service departments. However, this has not always been the case, as illustrated by the number of grievances lodged in some departments. As will be demonstrated in the following sections of the report, the findings indicate that some departments do not adhere to R&S prescripts when recruiting and selecting, or promoting, individuals who may add value and share the Public Service’s ethical standards, values and principles.

### 3.2.2 Electronic questionnaire responses by departments

**Figure 1** below provides an overview of the e-questionnaires received from HR practitioners who were the primary target respondents for this study.
The PSC expected to receive at least 125 responses, based on the assumption that six to ten responses will be received from each department. However, the overall response rate was 68 completed questionnaires thus yielding a 54% response rate. Figure 1 above shows that the majority of the respondents were from two departments, namely; the departments of Home Affairs and Public Works and Infrastructure, whereas four departments had a zero response rate and the remaining eight departments had a response rate ranging from 1 and 8 survey questionnaires.

3.2.3 Profile of HR participants

This section presents the participating HR practitioners’ current occupational levels and gender profile. Figure 2 below shows the HR practitioners’ current occupational level and gender from 10 of the 14 national departments selected for this study.

As illustrated in Figure 2 above, the majority of the e-questionnaires were received from HR Officers/Administrators (29), followed by Deputy Directors (19), Assistant Directors (15), and the Director level had a low rate of response as only 5 responded. Regrettably, no e-questionnaires were received from HR practitioners at the level of Chief Directors and Deputy Directors-General (DDG). The PSC has noted with concern the inadequate response rate by
SMS members, from Director to DDG levels, as this group of employees has delegated authority to facilitate R&S processes in their respective departments. Such responsibility includes approving or disapproving the appointment of R&S panel and outcomes of R&S processes as well as discouraging unethical conduct during R&S process. In terms of gender, 38 of the 68 (56%) participants were females whereas 30 (44%) male HR practitioners participated in the study.

3.2.4 National and provincial information sharing and capacity development engagement sessions

The PSC convened information sharing and capacity development engagements to gather more information and to deliberate on the draft findings from phase one of the study. Engagements were convened for national and provincial departments, of which departments from all nine provinces (100%) and 50% (21 of 42) of national departments participated in the information sharing and capacity development engagements. At the provincial level, various departments from all provinces participated. Discussions and debates from the national and provincial departments’ participants’ were robust. The information gathered was sufficient to corroborate and expand on the preliminary findings, draw conclusions and tighten the recommendations of the study.

3.3 Discussion of key findings

The following sections delineates key findings in terms of the thematic areas that emerged from the objectives of study.

3.3.1 The basis underpinning unethical conduct in recruitment and selection processes

Through this objective, the study wanted to develop a holistic understanding of the processes and prescripts followed in R&S as well as the mechanisms put in place to manage actual or potential unethical conducts.

(a) The process followed in drafting an advertisement for a vacant funded position in departments

The findings revealed that in each department, the R&S policy, regulations and other related prescripts are utilised to guide and advise managers on the compilation of advertisements for posts. Managers identify vacancies (section 41 of PSR, 2016), conduct job evaluations and request job profiles to draft advertisements, whilst HR units confirm on PERSAL if the posts are vacant and funded. HR units proceed to request advertisement approval (section 65 of PSR, 2016) from the delegated person(s). However, majority of respondents (65) had a concern that the R&S process is not always adhered to, after the position is advertised. They mentioned that after the advertising process, those who have more powers in departments sometimes compromise shortlisting and interviewing processes for self-centered reasons. This suggests that the abuse of power underpins unethical conduct in R&S processes in departments. The implications of such a compromised R&S process is that it attracts
grievances, which may lead to litigation as well as unnecessary and unbudgeted costs (at times) for departments.

The information sharing and capacity development engagements revealed that some departments deliberately develop vague adverts at the request of some Accounting Officers and/or senior managers with an ulterior motive in mind. The view from some participants is that this approach is continuously abused to cater for preferred candidates, whether the candidates meet the inherent requirements of the positions or not. Participants alleged that when unethical conduct and practices are raised, panel members are either sidelined or they are dealt with silently. The participants’ proposed solution to this challenge is that the PSC should quality assure adverts and review powers of appointing authorities. Cognizant of the PSC’s mandate “to investigate, monitor and evaluate personnel practices”, and the powers of Executive Authorities in terms of the PSA, proposed solution is not implementable. However, HR practitioners should be capacitated to quality assure adverts and severe sanctions must be imposed on people who relax job requirements during the R&S process.

(b) Prescripts utilised to select and constitute the shortlisting and interview panels

The findings revealed that the PSA, PSR, framework for delegations of powers and sources such as R&S policies are the main prescripts utilised by participating departments. In terms of selection and composition of shortlisting and interview panels, departments use the Guide for Employment Equity Compliance in the Public Service53 and union representatives are involved as observers in some post levels to ensure objectivity and fairness in the R&S process. Also officials on a higher level than the level of the position advertised are selected on a rotational basis to serve as shortlisting and interview panel members. In addition, interview questions are developed and finalised before the interview starts in the presence of all panel members and observers where applicable. It can be concluded that there is a level of compliance with prescripts in as far as the composition of selection panel members is concerned. However, despite this compliance, there are traces of abuse of power as mentioned above, which negatively interfere with the work of shortlisting and interviewing panels.

The strongest views from the information sharing and capacity development engagements were that most senior managers, including Accounting Officers, appoint some panelist with an ulterior motive while complicit HR practitioners serve as conduits to perpetuate noncompliance with R&S prescripts. These groups of officials deliberately disregard and/or misinterpret prescripts and act with impunity because no one can touch or challenge them. With regards to the composition of R&S panels, there were mixed views during the engagements on whether R&S panel members should remain the same throughout the process – from shortlisting and interviewing up to the recommendation stage - or should be rotated. There were also conflicting views on whether R&S panels should always include external members from other departments or institutions or the inclusion of external members should be needs

based as provided for in the PSR, 2016. Some participants indicated that the shortlisting panel should remain the same throughout the R&S process to ensure consistency and accountability, which is in line with the existing prescripts that require that the same panel must preside over the entire process. While other participants supported the need for different panel members at different stages of the R&S processes, as is done in other institutions such as universities and legal institutions\(^{54, 55}\), the 'segregation of roles' amongst different panels was not regarded as the best solution to R&S challenges.

The rationale for supporting or opposing one approach over another approach allude to the pros and cons of internal or 'inter-external' mixed panels as well as the use of a single or multiple panels because all these approaches can be manipulated to create fertile ground for unethical practices. Specifically, the view from some participants is that internal and/or external panelists may be appointed with a predetermined decision on who should be appointed, whether the candidates meet the requirements of the position or not. Manipulation of the R&S process through panel selection results in covert acts of collusion that are not easy to detect and prove, unless there is documentary evidence to prove that the final outcome is not supported by the results of most or all steps of the R&S process

(c) Manifestation of unethical behaviour during recruitment and selection processes

The findings revealed that there are manifestations of unethical behaviour during R&S processes. The majority of respondents (60) mentioned the following:

- The R&S process is made flawed to favour candidates who do not meet the requirements of the position advertised; adverts are tailor-made for certain preferred individuals; inadequate/discriminatory recordings of all application forms including curriculum vitae (CV) received after closing date; R&S is based on nepotism, harassment, bribery and patronage; discrimination of well deserving internal officials against non-deserving candidates; deliberate switch of candidates’ interview responses and scores; appointment of conflicted panel members (internal or external) with predetermined decisions (or idea about which candidates to appoint);
- and all positions across salary levels 2 to 16 are more prone to unethical behaviour, but salary levels 11 to 16 (i.e. MMS and SMS) are the most pervaded by unethical behaviour and the extent of it differs according to departments.

Feedback from the engagements suggests that in some instances, Executive Authorities and Accounting Officers ignore guidance, advice and recommendations from HR units as well as R&S panels. Such instances result in irregular appointments, grievances being lodged by

\(^{54}\) York St John University. Not dated. Shortlisting. https://www.yorksj.ac.uk/staff/recruitment-guide/shortlisting/#:~:text=Shortlisting%20panels&text=The%20panel%20does%20not%20have%20the%20shortlisting%20and%20interview%20process.&text=The%20Vacancy%20Chair%20will%20be%20shortlist%20via%20the%20online%20system

employees who are not appointed and frustrations for HR units that are expected to implement the unsound decisions. Comments made by participants indicate instances of lack of commitment to adhere to R&S policies and procedures and their underlying ethical requirements by R&S panel members and approving authorities. Consequently, internal candidates with potential overlooked and end up feeling disempowered, victimised and discriminated against. In addition, an interplay of unethical behaviours causes employees to distrust the R&S processes and further result in low staff morale and resentment of HR officials who deal with R&S processes. According to participants, the underlying problem in R&S processes is a leadership and management culture that overtly or covertly promotes and protects unethical conduct and noncompliance with prescripts and standards. This is despite the existence of the Code of Conduct for the Public Service, Public Service Charter and constitutional values and principles. Therefore, it is important to deal with the root cause of ethical dilemmas, which are interwoven with abuse of power, and the impact of unethical practices as these impede departments from developing and harnessing the capacity needed in terms of skills and competencies to promote professionalism, ethical standards and delivery on departmental objectives.

(d) Experiences of ethical and unethical practices during recruitment and selection processes

The respondents were requested to rate their experiences of ethical and unethical practices during R&S processes in their departments. They were required to choose between a rating scale of 1 = Very bad, 2 = Bad, 3 = Worse for unethical practice and, 4 = Good and 5 = Very good for ethical practices. The respondents' ratings are presented in Figure 3 below.

Figure 3 reveals that the majority of respondents (26) rated their experience of unethical practices during R&S processes in their departments as “Bad”. The second lowest rating by respondents, 7 (10%) was “very bad”, followed by 6 which was “worse”, of which “Bad”, “worse” and worse gives as total to 32 (47%). Only 22 of the 68 respondents rated their departments’ ethical practices during R&S processes as “Good” and 7 said it was “Very Good”, which adds up to a total of 29 (43%). Overall, approximately 39 (57,4%) respondents indicated that unethical practices during R&S processes are rife in their departments, whereas 29 (43%)
respondents held different views due to their experience of ethical practices in their departments. These results are a course for concern because perception is developed and reinforced through persistent practice and/or observations of persistent practice.

(e) Awareness of the Code of Conduct

The findings revealed that all 12 departments that participated in the study use the Code of Conduct as a key guide and an important pillar in the establishment of good governance and ethical conduct for public servants. The question is why some officials within departments allow or are allowed to adopt unethical practices and behaviours during R&S processes. Unethical practices are against the Code of Conduct for the Public Service, which emphasises “the promotion of honesty and integrity in the workplace” and even inspires greater efforts to achieve a culture of zero tolerance for unethical conduct and practices in the Public Service. Awareness and use of the Code of Conduct are commendable, but the real test for ethical conduct is practice.

(f) Handling of recruitment and selection processes in the departments

The respondents were asked to indicate whether they are content with how their departments handle R&S processes. The responses are presented in Figure 4 below.

![Figure 4: Handling of recruitment and selection processes in the departments](image)

Figure 4 shows equal differing responses by respondents given that 34 out of 68 (50%) indicated that they are satisfied with how their departments handle R&S processes, while the remaining 34 (50%) respondents held opposite views. Some respondents elaborated on their responses by indicating that their departments have not experienced many disputes relating to R&S processes. Others mentioned that despite the availability of R&S policies, Standard Operating Procedures (SOP) and Guides, they are not content because there are still many grievance cases relating to R&S processes of which some are dealt with behind closed doors ‘if you are a favourite’. Also some of the grievance cases are given to investigators who will not find any flaws with the process. This could also explain why the PSC receives a high number of complaints from departments and why many respondents indicated that they have
little confidence in the internal grievance procedures, hence they seek solace and objectivity outside their departments through different platforms. These views highlight that departments are not immune to unethical behaviour during R&S processes and this is a key concern that needs to be rooted out completely.

Respondents were also asked about their role as HR practitioners during shortlisting, interviewing and appointment processes. The respondents revealed that the role of an HR practitioner during this process is to guide the shortlisting/interview panel; ensure compliance and provide secretarial support; and to ensure that the panel understands and adheres to all R&S policies and processes. Sadly, 22 of the 68 respondents stated that they are no longer interested in serving on shortlisting and interviewing panels because often the practical processes are different from the ones approved in the R&S policy. When they raise R&S challenges and unethical issues, they are dealt with by their Accounting Officers or Executive Authorities, particularly with regards to SMS positions.

3.3.2 HR practitioners’ and panel members’ skills and competencies to make ethical decisions

(a) Potential conflicts of interest during selection processes

The respondents were probed to explain what they would consider to be potential conflicts of interest during selection processes. The respondents highlighted the following:

“If a (shortlisting and interviews) panel member is related to a candidate, whether as a spouse, girlfriend, ex-wife/girlfriend, friend, relative, child, in laws, affiliation, former classmate or colleagues, neighbour and so forth, the panel member should recuse himself/herself, however that is not happening. Knowing a candidate on a personal level and not declaring it before the shortlisting and interviews amounts to misconduct.”

The respondents were further probed to elaborate on how actual or potential conflicts of interest during selection processes are addressed in their departments. The findings show that the respondents use the R&S policy and SOPs as guidelines. These documents place emphasis on signing a declaration of interest form to disclose that the panel member does or does not have any conflict of interest arising from the R&S process. However, they raised concerns about the abuse of power by some senior managers because they deliberately choose to ignore the R&S policy, SOPs, and regulations. If such officials are reported to the Accounting Officer or Executive Authority, nothing is done to correct it. According to some respondents, some senior managers instruct panel members not to complete the conflict of interest forms. When HR practitioners follow-up on the matter by reminding members about the need to sign the forms, they are informed the matter will be handled by someone above their level and that is the end. The other challenge is that some officials within some HR units, from top-down and bottom-up, are used as scapegoats when unethical conduct is discovered or they are misguided to turn a blind eye to unethical conduct in return for being considered for promotions.
During the information sharing and capacity development engagements, participants concurred with these findings. There was a strong view that the issue of conflicts of interest is a widespread problem and is deliberately misunderstood by some senior and middle managers in the Public Service. The panel members conflicted directly or indirectly must recuse themselves, if not, they should be charged.

(b) Adherence to a standard of professional ethics through the selection and appointment process
With regard to adherence to a standard of professional ethics throughout the selection and appointment process, respondents indicated that they uphold and conduct themselves with integrity and objectivity and avoid any conflicts of interest or unethical practices. Additionally, respondents said they even encourage other HR practitioners to become members of professional bodies so that they can thrive within the confines of professional ethics. Advocacy sessions are also held with panel members and HR practitioners to enhance the understanding and application of R&S policies, guidelines and practices.

Notwithstanding the positive practices highlighted above, some of the comments made by some respondents alluded to implementation challenges. Accordingly, some respondents alleged that, despite having comprehensive legislative and regulatory frameworks, most senior managers deliberately disregard R&S policies and regulations to advance ulterior motives. Further, some respondents said if they try to highlight pitfalls, R&S panel members would try to find petty reasons to dismiss or suspend them without any concrete and factual evidence, or they simply block their prospects of career advancement. The comments indicate a punitive culture of non-compliance, of which consequence management should be considered to correct the undesirable conduct and to prohibit its recurrence. Non-compliance by R&S panel members compromise the integrity of the process and the institution, has a negative impact on employee and organizational performance and results in HR practitioners being perceived as unethical and supportive of unethical practices. It can be argued that unethical practices reduce concepts such as honesty, integrity, ethics and professionalism in the Public Service as ideals that are merely written on paper to hide unacceptable practices.

3.3.3 Causes of unethical conduct and rationale for information sharing and capacity development on ethics in HRM practices
The following section discusses some of the contributing factors to unethical conducts as a basis to justify the need for information sharing and capacity development workshops on ethics in HRM practices in the Public Service.

(a) The role and functions of Ethics Officers and/or committees in departments
The respondents unanimously agreed that the role of Ethics Officers and/or ethics committees is to promote awareness on ethics and to serve as the departmental ethics ombudsman through discouraging unethical conduct, behaviour and practices. However, the respondents’ main concerns are that some Ethics Officers are not trustworthy because they are used as
moles to identify and/or report whistleblowers, and they are instrumental in hiding unscrupulous R&S processes in their departments. According to some respondents, some Ethics Officers report directly to the champions of unethical practices, therefore, they cannot be trusted to report any unethical conducts and they also erode the effectiveness and reliability of the ethics management machinery.

(b) Reporting of unethical conduct in R&S processes to Ethics Officers or other structures in departments

The findings revealed that 25 (37%) of the 68 respondents reiterated that they have witnessed some unethical R&S practices in their departments and they did not report them because of fear of reprisal, victimisation, bullying and blocking of promotion. Further, they added that in most cases, underperforming candidates during interviews are appointed in the spirit of employment equity only to learn later that they are related to some senior managers or panel members. An additional 24 (35%) of the 68 respondents indicated that they observed unethical practices and ‘raised eyebrows’ (i.e. reported), but nothing was done or departments appointed their loyal protégé to investigate knowing well that they will temper with the investigation outcomes to favour the employer. However, 19 (28%) of 68 respondents held the opposite view in that they have never observed any unethical R&S practices.

During the information sharing and capacity development engagements, participants agreed with the findings of this study. There were strong views that victimisation, harassment, bullying and blocking of promotion by some senior managers when reporting R&S unethical practices are rife in the departments. Also, lack of protection from some senior managers, Accounting Officers and even the Executive Authorities when reporting R&S unethical dilemmas was a concern. As such, participants and other employees feel powerless and discouraged to report it to internal and external oversight structures because such structures seem to be offering minimal assistance, compromised or are not keen to prevent or minimise such counterproductive behaviours relating R&S process.

(c) Impact of unethical conduct on the morale of employees in departments

Respondents were asked to indicate whether unethical conduct and practices affected the morale of employees in their departments. Interestingly, 12 (18%) of the 68 respondents said they have no idea if unethical conduct affects the morale of employees or not. However, 56 (82%) of 68 respondents stated that unethical R&S conduct and practices have a negative impact on some employees’ morale, but not everyone because some employees benefit unduly from unethical practices. To substantiate their views, respondents elaborated as follows:

“It is demoralising to be overlooked for promotion at the expense of an incompetent or unqualified person appointed to a position of power or same salary level and you are expected to train him/her”.

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“It is disappointing to be refused a lateral transfer within or to another department and be told that the directorate will not cope without you, but [you are] being overlooked for promotion. Nevertheless, some management’s moles are irregularly transferred or promoted with no hustle”.

The above comments, coupled with allegations of collusion through the selection of complicit R&S panel members and the existences of R&S grievances, demonstrate that R&S challenges are created by a combination of non-compliance with prescripts and unethical conduct. Nonetheless, not all non-compliance challenges in R&S processes are inherently unethical as some may simply be attributed to ignorance and/or incompetence, but unethical conduct in R&S processes necessitates and thrives on non-compliance with prescripts.

(d) Panel members’ awareness and understanding of what constitutes ethical behaviours that are acceptable for R&S processes

Respondents confirmed that panel members are made aware of and understand what constitutes ethical behaviours that are acceptable in R&S processes. It is the role of HR practitioners to address ethical issues, including compliance with the declaration of conflicts of interest, elimination of deviations from requirements in terms of selection criteria and processes, prevention of inconsistent scoring and other matters of concern before the start of the selection process. Awareness and understanding do not guarantee compliance and ethical conduct, but they create a conducive platform to ensure compliance and increase the prospect of individual and/or collective ethical conduct by panel members.

(e) Awareness, workshops and/or training on ethics for employees who partake in selection panels for R&S processes

The respondents were probed to specify whether their departments have conducted awareness sessions, workshops and/or training on ethics for employees for the past 12 months (2019/20 financial year). All respondents (100%) confirmed that their departments have not conducted any awareness sessions, workshops and/or training on ethics for employees who partake in selection (shortlisting and interview) panels for R&S processes. However, they are aware of the ethics survey and advocacy on general ethics that are facilitated by Ethics Officers once or twice a year. The PSC has noted with concern the lack of awareness, workshops and/or training in this area.

(f) Disclosure of rating scores among panel members during and/or after interviews

The findings revealed that all respondents stated that panel members are required to disclose their ratings/scores when they are asked by the chairperson during the panel discussion in order to determine the best two candidates. Unfortunately, the view is that sometimes the disclosure of scores during discussions is used to influence other panel members. In addition, some respondents explained that some panel members underrate good potential candidates at the expense of preferred underperforming candidates. While this is an unfair practice, HR
units do not intervene because R&S panel members discharge their duties the way they deem fit because selection and interview processes are by nature subjective. Although prescripts are there to ensure consistency and objectivity, it is impossible to prevent subjectivity completely because each member applies his/her mind differently from other members, even in instances where there is collusion amongst panel members, hence it is understandable why panel members do not rate job applicants in a similar way. When R&S processes are guided by prescripts as well as ethical conduct, subjectivity and variations in terms of ratings and perspectives are understandable, but subjective variations that are influenced by unscrupulous practices that some panel members subscribe to are unacceptable, unjustifiable and amount to unethical conduct. During the information sharing and capacity development engagements, participants reiterated the challenges identified from the e-questionnaire responses. Furthermore, participants indicated that more engagements on ethics are necessary and should be conducted annually as a refresher for all public servants, irrespective of occupational levels or ranks in order to capacitate and empower departments to promote a high standard of professional ethics and integrity in the workplace.

The above findings demonstrate the need for departments to implement capacity development initiatives on R&S processes, including ethics in HRM, for employees who partake in shortlisting and interview selection panels. Such interventions will enhance the role of HR unit in driving R&S processes, and have the potential to minimise and/or prevent challenges related to abuse of power, ignorance and disregard of R&S policies by some senior managers as well as lack of support from management as these are some of factors that contribute to promote unethical behaviour which is ‘becoming an increasingly silent epidemic’ that is underreported because of fear of retribution, victimisation, bullying and so forth.56

3.3.4 Measures to deter unethical practices and strengthen the development and implementation of a framework to ensure ethics in R&S practices

Respondents were requested to propose practical measures to deter unethical practices, in response to some of the identified challenges and contributing factors. The measures identified in this section are additional to numerous proposals discussed in the preceding sections of the report. The additional measures highlighted by respondents include the following:

- The PSC, Department of Planning, Monitoring and Evaluation (DPME) and DPSA should ensure that an HR Forum is established in the Public Service to discuss HRM processes and procedures, including their ethics dimensions, share challenges, lessons and experiences as a basis to set norms and standards.

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The DPSA ethics framework should be applied to HRM practices and there is a need to strengthen consequence management without fear, favour and prejudice to deter unethical practices.

In addition, during the information sharing and capacity development engagements, participants supported the preliminary findings and further proposed the following measures:

- **Professionalisation of the Public Service**
  
  As part of professionalising the Public Service, HR functions and employees should be capacitated to strengthen accountability and consistency within departments. Efforts to professionalise HR as a field of specialisation must empower and authorise HR practitioners to subject senior employees to account for their unethical and counterproductive practices. The PSC, as an oversight institution, must effectively deal with the dynamics associated with unethical practices in general.

- **The Auditor-General to thoroughly audit R&S records**
  
  The PSC should encourage the Auditor General (AG) to investigate the financial implications of unethical R&S practices within departments in order to propose measures to deal with the underlying causes and to hold those responsible accountable. In addition, the AG should take appropriate actions against departments that fail to implement the AG’s recommendations and remedial actions.

- **Consequence management**
  
  The study revealed that the lack of consequence management is a serious challenge in the Public Service because in most instances, if senior managers are involved in different transgressions, consequence management is not applied but if transgressions involve junior officials, especially when those employees are identified as threats by their supervisors, swift action is taken to institute consequence management. This double standard approach perpetuates unprofessional and unfair conduct and discourages employees from reporting actual or suspected unethical practices during R&S processes. Therefore, the PSC must play its role as an oversight institution to ensure fairness in the application of consequence management in the Public Service by assisting departments without fear, favour or prejudice.

### 3.4 Summary of findings

The summary of findings are presented in terms of the objectives of the study.

**Establish the basis underpinning unethical conduct relating to R&S practices in the Public Service**

i. At the beginning of the process (i.e. at advertising stage) R&S prescripts are followed, the challenge begins at the shortlisting and interviewing stages, where *abuse of power* by
senior managers, including Accounting Officers and Executive Authorities (for SMS positions), is witnessed by panel members and HR practitioners.

ii. Personal interests of senior managers, including Accounting Officers and Executive Authorities and some panel members, lead to the recruitment and selection of relatives, friends, spouses/partners and other people who are familiar to or have close relations with panel members or approving authorities.

iii. In-group members (i.e. middle/senior managers and panel members who misbehave) victimise HR practitioners when they speak out on unethical actions during R&S processes.

iv. HR practitioners worry about their future career prospects, as such, they often do not speak out about unethical actions during R&S processes due to fear of reprisal.

Assess whether HR practitioners and selection panel/committee members are equipped with the necessary skills and competencies to make ethical decisions

i. There is awareness of the code of conduct for the Public Service, which assists in making ethical decisions.

ii. Based on the awareness of code of conduct, actual or potential conflicts of interest are easily identified; however due to instructions and pressure from senior managers, including Accounting Officers and Executive Authorities, the conflicts of interest are overlooked.

iii. Advocacy sessions are conducted to enhance the understanding and application of R&S prescripts.

Establish the basis on which capacity development workshops on ethics in HRM practices could be conducted

i. The roles and functions of Ethics Officers and Committees are understood in departments; however, it is alleged that some Ethics Officers are used as moles by senior managers and executives to identify and report whistleblowers and/or to hide dishonest R&S processes.

ii. Reporting lines of Ethics Officers are a challenge hence there is view that some report directly to the champions of unethical practices.

iii. Unethical HRM practices contribute towards low staff morale.

iv. There is no training on ethics in R&S processes for employees who form part of panels; however, ethics surveys and advocacy on general ethics and the financial disclosure framework are conducted once or twice a year.

Proposed measure(s) to deter unethical practices and to strengthen the development and implementation of a framework to ensure ethics in R&S practices

i. Disciplinary processes must be instituted, none recusal and compromised panel members should be held accountable for non-compliant and unethical practices.
ii. *HR Forum should be established* in the Public Service to discuss HRM processes and procedures and challenges experiences, including their ethics dimensions.

iii. The DPSA ethics framework should be applied to HRM practices and consequence management should be discharged without fear, favour and prejudice.

iv. Professionalisation of the Public Service should strengthen the HR field through capacitating HR practitioners to ensure accountability and consistency within departments.

v. The Auditor General (AG) should investigate the financial implications of unethical R&S practices within departments, to propose measures to deal with the underlying causes, and hold those responsible accountable.
CHAPTER 4: CONCLUSION AND RECOMMENDATIONS

4.1 Introduction

This chapter presents the conclusion of the study and recommendations are made based on the findings discussed in the preceding chapters.

4.2 Conclusion

There is adequate evidence to demonstrate that the legislative and regulatory frameworks have been put in place to promote ethical conduct and behaviour, but these are often not complied with. As a result, unethical R&S practices are often identified and some are reported whereas others are not reported. The study also confirms that unethical practices contribute negatively towards the effectiveness of departments. The findings also allude to a complex relationship between non-compliance with prescripts, unethical practices and positional power in departments. Unethical practices put their employees, especially HR employees, through ethical dilemmas that result in employees being despondent, frustrated and emotionally exhausted.\(^{58}\) In addition, unethical R&S practices can also result in grievances and complaints as well as excessive legal costs, especially if it is proven that departments did not follow the relevant HRM and ethics management prescripts during R&S processes. Unethical conduct is the antithesis of creating a capable, professional and developmental state. Therefore, public servants who conduct themselves unethically should be held accountable and those reporting unethical behaviour should be protected. It is common knowledge that ethical R&S processes would enable departments to recruit the employees with the required skills, knowledge, competencies and ethical values that would contribute towards the organisation’s long term performance and survival.\(^{59}\)

4.3 Recommendations

Based on the findings and proposals identified in this study, the following measures are recommended:

- Departments should conduct in-depth awareness and training for HR practitioners on how to handle ethical challenges that they face during R&S processes to ensure that departments make ethical hiring decisions.
- In the quest to strengthen awareness in general in the Public Service, the National School of Government (NSG), with the support of the DPSA, should conduct compulsory training and workshops on the Public Service (DPSA) Ethics Framework and HR professional ethics should be emphasised.
- The DPSA should starting from the 2022/2023 financial year, make it compulsory for all public servants from levels 2 to 16 and Executive Authorities to sign both the CVPs and


anti-corruption pledges as well as the Code of Conduct annually. A pledge and a signed Code of Conduct can be filed in the employee’s record with the HR or Ethics section of the departments.

- As part of professionalising the Public Service, concerted effort should be dedicated towards capacitating and fortifying the HR functionary in line with best international practices governing the discipline.

- Investigations of any misconduct and irregularities in R&S practices in the Public Service should also address the issue of ethics and severe sanctions, including recovery of unlawful gains, must be imposed on implicated officials irrespective of rank or status.