

SADA

SOUTH AFRICAN DISABILITY ALLIANCE

CODE OF CONDUCT

PART 1: INTRODUCTION

1. Background

This Code of Conduct was drafted in response to a decision taken during a SADA member meeting held in Johannesburg on 4 November 2016 as the highest decision-making body of SADA. The development and finalisation of the document included consultation with members of SADA and incorporates input provided by such members based on the process described below:

- a) Definition of SADA's mission as described in clause 2 (a) of the Terms of Reference (TOR): A consultative forum of member organisations on issues of mutual concern and interest.
- b) Establishment of a work team consisting of Marina Clarke (Chairperson) and Fanie du Toit (Representative of the National Council for Persons with Disabilities).
- c) Mapping stakeholders to identify key relationships for the success of SADA and determine critical issues to be addressed.
- d) Formulation of the Code by defining and elaborating on critical areas identified, including rules and regulations.
- e) Dissemination of the Code to members of SADA.

2. Code of conduct versus code of ethics

As a starting point it is important to distinguish between a code of conduct and a code of ethics as these terms are often mistakenly used interchangeably. A code of ethics (sometimes called a Value Statement) contains general principles to guide behaviour and outlines a set of principles to govern decision-making. A code of conduct governs actions as it outlines specific behaviour required or prohibited.

SADA believes in the following ethical principles and core values: (a) non-discrimination; (b) respect for others; (c) integrity; (d) responsibility; (e) accountability; (f) teamwork and (g) honesty.

Both codes attempt to encourage specific forms of behaviour. As such, the SADA Code of Conduct regulates specific actions as appropriate and others as inappropriate.

A good code of conduct will strengthen SADA and build a culture of integrity, transparency and accountability. As such, it is important to SADA because it (a) promotes moral behaviour; (b) acts as a guideline for ethical decision-making; (c) enhances the reputation of SADA; (d) prevents negative legal and other effects; (e) encourages positive relationships; (f) acts as a reference for solving ethical dilemmas; and (g) prevents discrimination and/or harassment.

SADA thus views the Code of Conduct as a tool of corporate governance as it is designed to build strong loyalty among members, create cohesive and aligned behaviour, efficiency and contain internal conflicts by fostering favourable attitudes and consensus.

3. Structure of the Code of Conduct

As is standard with codes of conduct, this document is structured in two sections:

- a) An introduction containing a description and principles; and
- b) A section with the rules and standards of behaviour.

4. Application of the Code of Conduct

The SADA Code of Conduct applies to both full and associate members and their representatives and is based on common and shared values such as honesty, justice, fairness and transparency.

5. Managing the Code of Conduct

It is important to manage a code of conduct, i.e. checking that the principles it establishes are respected, identifying any incorrect or inappropriate behaviour, imposing any sanctions and reviewing it.

It is only through dissemination that the Code will influence SADA decisions and behaviour to become part of the culture. As such, the Code and its content must be formally introduced for members to learn about it to activate effective application.

Principles and general standards of behaviour are essential to evaluate decisions in advance and to judge behaviour adopted after the event. However, management of the Code also envisages the determination and imposition of sanctions on those responsible for an offence. Sanctions vary according to the type of violation.

By its very nature, the Code must adhere constantly to the situation and environment which implies constant and continuous revision, including adjustments. The real significance of the Code thus lies in the reason for which it exists and the way in which it is used.

The EXCO is viewed as the custodian of the Code of Conduct and infringements of the Code will thus be reported to the EXCO to determine an appropriate response, including sanction(s) as described below.

6. Infringements, complaints and sanctions

Members acknowledge the roles and responsibility of the EXCO as described in this Code in managing the Code of Conduct, including dealing with infringements and applying sanctions as and when required.

All SADA members have the right to report infringements of the Code of Conduct in writing to the EXCO as verbal reports will not be considered. Such a report will never be anonymous and will contain the following details:

- a) The name of the organisation reporting the infringement, as well as the organisational representative;
- b) The name of the organisation that allegedly contravened the Code of Conduct;

- c) A detailed description of the alleged contravention, including the specific section of the Code of Conduct contravened; and
- d) A recommendation to the EXCO regarding expected intervention/action and the anticipated outcome.

A copy of the submission to the EXCO will be furnished to the member reported at the same time. Such member will have a right of response. Such response will focus on the matter reported and seek speedy resolution.

All matters reported to the EXCO, including responses will be made in a spirit of cooperation in the best interest of SADA and persons with disabilities with a view to improving the functioning of SADA and securing the best outcome for persons with disabilities. Personal attacks and/or comments will not be tolerated, nor will frivolous reports.

The EXCO will appoint and mandate one of its members to interact with all parties concerned to obtain relevant details and determine the facts in an impartial manner. He/she will favour the EXCO with a recommendation on any action/intervention required for approval by the EXCO. Such actions/interventions may vary in terms of the specific details of each matter. However, all decisions will be based on (a) the SADA Terms of Reference, (b) any and all Codes of SADA as adopted by members and (c) the verified facts of the matter.

All matters reported will be documented and the outcome of such matters will be communicated to all SADA members in a spirit of transparency.

PART 2: RULES AND STANDARDS OF BEHAVIOUR

7. Definitions

SADA recognises the identity of groups within the disability spectrum, specifically in terms of the definitions contained in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the White Paper on the Rights of Persons with Disabilities (WPRPD) as approved by the South African Cabinet on 9 December 2015.

Three terms have specific significance to SADA:

- a) Disability: The UNCRPD does not attempt to define disability per se, but rather recognises disability as an evolving concept. Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments. Persons with disabilities experience three main types of interrelated barriers: (i) social, including high cost, lack of disability awareness and communication difficulties; (ii) psychological such as fear for personal safety; and (iii) structural, including infrastructure, operations and information.
- b) Impairment is a perceived or actual feature in the person's body or functioning that may result in limitation or loss of activity or restricted participation of the person in society with a consequential difference of physiological and/or psychological experience of life. The International Classification of Disease (ICD) is helpful in defining physical, sensory, intellectual, psychosocial and neurological impairments.
- c) Persons with Disabilities include those who have perceived and/or actual physical, psychosocial, intellectual, neurological and/or sensory impairments which, as a result of various attitudinal, communication, physical and information barriers are hindered in participating fully and effectively in society on an equal basis with others.

SADA further recognises the identity of various groups with sensory impairments and formally adopted definitions in this regard on 8 July 2016:

- a) Deaf (upper case D): An adjective referring to people who identify themselves as members of a cultural and linguistic minority group and who use sign language (South African Sign Language) as a primary means of communication. All over the world Deaf people view themselves as a cultural and linguistic minority. The term 'Deaf' has thus become the descriptor for a distinct group with its own cultural identity and language (Ladd, 2003). The definition follows the convention of distinguishing "a signed-language using community of people who do not hear (Deaf people) from non-signing people who do not hear (deaf people)" (Humphries, 2013:1).
- b) deaf (lower case d): Deaf with a lower case "d" refers to persons with total hearing loss not using SASL as a primary medium of communication, who use various means of communication and assistive hearing technologies. These include speech, speech/lip reading, cochlear implants, Bone Anchored Hearing Aid (BAHA) and applicable assistive listening devices etc. or a combination thereof. This group primarily aligns with impairment, disability and the hearing world.

- c) Hard of hearing: An adjective referring to a person who is audiologicaly deaf and who uses a spoken language or South African Sign Language as a means of communication and learning.
- d) Hearing impaired: Hearing Impaired refers to persons with varying degrees of hearing loss not using SASL as a primary medium of communication, who use various means of communication and assistive hearing technologies. These include speech, speech/lip reading, hearing aid systems, cochlear implants, Bone Anchored Hearing Aid (BAHA) and applicable assistive listening devices etc. or a combination thereof. This group primarily aligns with impairment, disability and the hearing world.
- e) Deafblind: Deafblindness is a combination of hearing and vision loss in any variation of the combination in a one human body. This result in difficulty for the person to get information and communication as well as mobility challenges.

8. Meetings

Conduct at SADA meetings are described in both the TOR (particularly clauses 7, 8 and 12) and the Meeting Code and Protocol.

9. General conduct

SADA and its members will at all times strive to:

- a) Adhere to the principles of reasonable accommodation and universal design.
- b) Uphold the principles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the White Paper on the Right of Persons with Disabilities (WPRPD) and applicable legislation, policies and strategies.
- c) Respect and uphold the rights of persons with disabilities, including their legal guardians and representatives such as parents.
- d) Promote the human rights and fundamental freedoms of persons with disabilities and their full participation and inclusion in society.
- e) Act in the best interest of persons with disabilities in all aspects.
- f) Recognise that certain persons with disabilities are more vulnerable than other and thus at greater risk of human rights abuses.
- g) Improve collaboration between key role-players to promote the human rights of persons with disabilities.
- h) Respect the opinions of other and remain open to input from others.
- i) Carry out all activities in a professional manner focused on the concept of serving the interests of persons with disabilities.
- j) Be sensitive to speaking and acting in terms of categories of disability not served by the organisation and referring such matters to the appropriate SADA member.

10. Reporting and speaking up

SADA encourages members to ask questions and raise issues without fear of retaliation and is committed to treating reports seriously and investigate these thoroughly.

Members are expected to immediately report breaches of the Code of Conduct (including suspected unethical, illegal or suspicious behaviour) to one/all of the office bearers.

The Alliance does not tolerate retaliation against anyone reporting suspected misconduct in good faith or otherwise assisting with an investigation or audit. As such, members reporting a concern in good faith will not be subjected to adverse action such as unfair dismissal from the Alliance, bullying and harassment (either in person, telephonically or electronically) or discriminating behavior.

11. Equality

SADA will not tolerate unfair discrimination (directly or indirectly) on the grounds of disability, race, colour, religion, gender, sex, age, ethnic or social origin, sexual orientation, marital status, pregnancy, conscience, belief, culture, language and birth.

12. Harassment

Members and other stakeholders shall be treated with dignity and respect at all times. Any type of harassment, including physical, sexual, verbal or other, is prohibited and can result in disciplinary action up to and including termination of membership.

Harassment can include actions, language, written words or objects that create an intimidating or hostile environment, such as verbal abuse, humiliation, physical violence, intimidation, unwanted sexual advances, invitations or comments, visual displays such as derogatory or sexually-oriented pictures or gestures, physical conduct including assault or unwanted touching, threats or demands to submit to sexual requests with a view to advancement/support or to avoid negative consequences.

13. Bullying

SADA is committed to ensuring that members and stakeholders function in a safe and respectful environment free from bullying which may include spreading malicious rumors or gossip, spreading misleading information about an impairment/disability, social exclusion/isolation, withholding necessary information or purposefully giving the wrong information, intimidation, impeding the work of others or circulating offensive jokes or emails.

14. Conflicts of interest

A conflict of interest can occur when a member's personal activities, investments or associations compromise his/her judgment or ability to act in the best interest of SADA. Members should avoid situations which may give rise to conflicts of interest.

In addition, members shall disclose any relationships, associations or activities which may create actual, potential or even perceived conflict of interest to one of the office bearers and/or during any meeting of SADA.

15. External communication on behalf of SADA

Only office bearers, the Secretariat and persons formally mandated may represent SADA. As such, members should refer all requests for information or interviews to the Chairperson or Vice-Chairperson.

16. Confidentiality

SADA and its members shall maintain the confidentiality of all proprietary and non-public information. Such information may include SADA policies and procedures, financial information, marketing and other plans/strategies and any other information which may damage the Alliance, its members or persons with disabilities if disclosed.

17. Competition and fair dealing

SADA is the voice of persons with disabilities in South Africa and relationships with partners are built upon trust and mutual benefits, as well as compliance with competition and related legislation.

As such, members are required to:

- a) Respect the rights of all members and their constituencies.
- b) Communicate the Alliance's role in a manner that is fair and accurate and which discloses all relevant information.
- c) Familiarise themselves with the Alliance's approach to fair competition and consequences of any violations.
- d) Consult the Alliance regarding any new practice which may affect fair dealings.
- e) Refrain from price fixing, bid rigging, and any other anti-competitive activities.
- f) Advise one of the office bearers of violations.

18. Bribery and facilitation payments

The Alliance will not attempt to influence the judgement or behavior of a person in a position of trust by paying any form of bribes, nor does SADA permit facilitation payments to government officials or private business to secure or speed up routine activities.

Members shall:

- a) Select third parties carefully and monitor them to ensure compliance with the Alliance's TOR and Codes.
- b) Keep accurate financial records at all times and prevent the application of funds for bribery or facilitation payments.
- c) Refuse any offer or request for an unlawful payment and report the incident to the SADA office bearers.

19. Gifts and entertainment

While gifts and entertainment among business associates may be appropriate to strengthen ties and build goodwill, these also have the potential to create the perception that business decisions are influenced by such. The Alliance is committed to winning ground for persons with disabilities only on the merits of its actions and complies with all legal requirements for giving and receiving gifts and entertainment.

Members shall thus:

- a) Use sound judgment and comply with legislative and other prescriptions regarding gifts and other benefits.

- b) Never allow gifts, entertainment or other personal benefits to influence decisions or undermine the integrity of business relationships.
- c) Never accept gifts or entertainment that are illegal, immoral or would reflect negatively on the Alliance.
- d) Never accept cash, cash equivalents, stocks or other securities which may be construed as bribery.

Members may accept occasional unsolicited personal gifts of nominal value such as promotional items and may provide the same to customers and business partners. When in doubt, members should seek the advice of the SADA EXCO.

20. Political contributions

The Alliance does not make political contributions of any kind nor does it support any political party and expect members to adhere to the same arrangement. Member representatives are free to support any political party or entity on a personal level. However, this must be kept separate from Alliance business.

21. Charitable contributions

The Alliance may make charitable contributions to causes and organisations not politically affiliated. Members should seek the advice of the SADA EXCO before making any charitable contributions on behalf of the Alliance.

22. Money laundering

The Alliance complies with all anti-money laundering legislation to prevent all processes to conceal illicit funds by moving these through legitimate businesses to hide the criminal origin.

SADA and its members shall never knowingly facilitate money laundering or terrorist financing and must take steps to prevent inadvertent use of the Alliance's business activities for such purposes. Members are required to immediately report any unusual or suspicious activities or transactions such as attempted payments in cash or from an unusual financing source, arrangements that involve the transfer of funds to or from countries or entities not related to the transaction or customer, unusually complex deals that do not reflect a real business purpose and attempts to evade record-keeping or reporting requirements.

23. Insider trading

Members may learn information about the Alliance, associates, clients, business partners or other companies not publicly available. It is illegal for any individual to use information obtained in this way for personal gain or to share it with others.

Members are thus prohibited from:

- a) Buying or selling securities based on non-publicly available knowledge gained in the course of business,
- b) Providing information/tips or encourage another person to buy or sell securities based on inside information.

Members are required to report suspected insider trading immediately to the SADA office bearers.

24. Social media

The Alliance respects the right of Members to use social media for personal and business/professional purposes. However, members will be held accountable for any information published online and are required to:

- a) Reveal their relationship with the Alliance when commenting online on issues related to the Alliance.
- b) Respect the privacy of other members and refrain from publishing photos or information without the necessary consent.
- c) Ensure the accuracy of any information posted related to the Alliance.

Members may not:

- a) Speak on behalf of the Alliance without the necessary authorization and/or mandate.
- b) Share confidential information about the Alliance, its clients, stakeholders or suppliers.
- c) Post comments or pictures which may harm the Alliance's reputation or interests or that of persons with disabilities.
- d) Post comments or pictures that discriminate against persons with disabilities.

References

<ftp://ftp.repec.org/opt/ReDIF/RePEc/sym/PDF/symjournal87.pdf>, accessed 26 November 2016

<http://www.sportsmanagementresources.com/library/ethics-policies>, accessed 26 November 2016, Prepared by: Donna A. Lopiano, Ph.D., President, Sports Management Resources

<https://www.whistleblowersecurity.com/blog/code-of-ethics-and-code-of-conduct-whats-the-difference>, accessed 26 November 2016

Code of Conduct: Acknowledgement

SADA members acknowledge on behalf of their respective organisations that they

- a) Have read the SADA Code of Conduct and understand their responsibilities related to it.
- b) Had the opportunity to ask questions to clarify any aspects of the Code.
- c) Have informed the member organisation of the content of the Code and obtained a mandate to sign this acknowledgement on behalf of this organisation.
- d) Agree to abide by the content of the Code in letter and spirit.
- e) Agree to report to the Alliance any violations of the Code.
- f) Agree to cooperate in any investigations of violations of the Code.

Adopted during the Annual General Meeting of SADA held at the offices of Epilepsy South Africa Western Cape on 21 July 2017 and signed on behalf of member organisations by Marina Clarke in her capacity as Chairperson



21 July 2017