



## **CODE OF CONDUCT – SAMA MEMBERS**

This Code of Conduct expresses SAMA's commitment to consolidate the institutional image of the Association as an example of integrity, accountability and professional ethical standards – relating to SAMA members *inter se*, as well as their relationship with the Association and the public.

### **1.**

- 1.1 In terms of Section 25(3) to 5 of the Companies Act 71 of 2008, read with Section 4.3.2 of the Memorandum of Incorporation of the South African Medical Association NPC, the SAMA Board of Directors has the authority to adopt a Code of Conduct to which all SAMA members will adhere. Non-adherence to this Code of Conduct will result in the instituting of the disciplinary measures set out herein. The Board also has the authority to amend this Code of Conduct from time to time.
- 1.2 The generally-accepted principles of ethical professional conduct, including the specific examples set out in this document, will inform any decisions made by Disciplinary Committees and the Board in respect of an alleged infringement of this Code by SAMA members. The principles and possible causes set out herein are not exhaustive and each matter must be adjudicated on its individual merits.
- 1.3 Any act or omission by a SAMA member that constitutes a breach of this Code of Conduct, brought to the attention of a particular Branch Council or the SAMA Board, will be considered a cause for disciplinary action. Disciplinary measures will also be instituted following any conduct by a SAMA member, individually or in concert with others, that could bring the Association into disrepute or is perceived to do so. Dishonest or fraudulent acts, including those that result in a criminal conviction, are also considered a breach of this Code of Conduct.

### **2.**

Further causes for disciplinary action include, but are not limited to:

- 2.1 Failure to respond to or co-operate with requests made by any of the SAMA Disciplinary Committees or the Board in the fulfilment of their duties described in this Code of Conduct when investigating an alleged infringement thereof, including requests by Head Office staff so instructed by any of the bodies mentioned.
- 2.2 False and/or misleading statements made to or about the Association, the SAMA Board, its branches or any other of its structures, in the media or otherwise.
- 2.3 Distribution of confidential information not available in the public domain but only available to SAMA members, which may include information of a proprietary nature, information which is legally restricted from circulation, or information which a Member has reason to believe SAMA would not wish to be divulged in the best interests of its membership. All information circulated to office

bearers/employees of SAMA should be treated as confidential unless otherwise stated by the person distributing the information.

- 2.4** Unprofessional communication in written, oral or electronic format issued by a Member in respect of the Association and/or its members, without appropriate business communication steps being taken to ensure that the communication is appropriate to the circumstances and its intended audience and sufficiently courteous.
- 2.5** Failure to declare an actual or perceived conflict of interests and/or performing under an impaired ability to act fairly as a result of a conflict of interests.

### **3.**

SAMA Members will at all times and in whatever capacity such Members may act:

- 3.1** maintain the honour and dignity of SAMA;
- 3.2** treat others with courtesy and fairness;
- 3.3** conduct their personal and public lives with care and diligence;
- 3.4** refrain from using, directly or indirectly, SAMA or anybody controlled or appointed by SAMA, to advance their own political, religious beliefs, social or economic needs at the expense of SAMA;
- 3.5** refrain from committing any act that may conflict with the goals of SAMA or may prejudice the interests and good name of SAMA or other Members of SAMA;
- 3.6** diligently and with due care carry out any obligations such Member may have towards SAMA;
- 3.7** enhance the standing and good name of the medical profession;
- 3.8** commit to the highest possible standards of professional conduct and competency;
- 3.9** exercise integrity, honesty, diligence and appropriate behaviour in all professional and personal activities; and
- 3.10** act within the law.

### **4.**

- 4.1** A Branch Council or a Branch Disciplinary Committee may suspend any Member of its Branch for the duration of any disciplinary proceedings set out herein.
- 4.2** The Social and Ethics Committee (SEC) may suspend any Member in respect whereof a grievance is received, as set out below, for the duration of the disciplinary proceedings as set out herein.
- 4.3** The Board or a Board-appointed Disciplinary Committee may suspend any member in any province for the duration of any disciplinary proceedings set out herein, and confirm the expulsion of any member/s as set out herein.

- 4.4** Other forms of discipline available to all the above-mentioned bodies may include, but are not limited to:
- 4.4.1** Obtaining from the member a written undertaking to refrain from continuing or repeating the offensive conduct;
  - 4.4.2** A written undertaking to the member that the consequences of his/her initial actions or any recurrence thereof will lead to stronger disciplinary actions;
  - 4.4.3** A temporary withdrawal of membership benefits, the specific nature whereof to be decided by the appropriate disciplinary body described in this Code of Conduct.

***Disciplinary Procedure: Branch***

**5.**

- 5.1** A Branch Disciplinary Committee (BDC) will be responsible for ensuring that Members abide by the Code of Conduct.
- 5.2** The BDC, which will be appointed for a particular case only, will comprise of 3 (three) Branch Council Members appointed by the particular Branch Council.
- 5.3** The BDC will have, apart from any other powers the Branch Council may determine by ordinary resolution, the following powers:
  - 5.3.1** To investigate any alleged or suspected breach of the code of conduct by a Member or any other conduct warranting the appointment of a BDC;
  - 5.3.2** to call upon any Member who is suspected of having breached the code of conduct and for witnesses, where applicable, to furnish the BDC with such information as it may deem necessary to properly consider the alleged breach;
  - 5.3.3** to hand down a verdict as to whether the breach of the said code of conduct was committed by the Member concerned or not;
  - 5.3.4** to order the suspension of the Member in question for such period as it may, in its sole discretion, deem fit, once it has determined that the Member has breached the code of conduct and that his/her conduct warrants suspension;
  - 5.3.5** to recommend to the Board to order, over and above the suspension imposed by the BDC, the expulsion of the Member once it has determined that the Member has breached the code of conduct and that such breach warrants expulsion.
- 5.4** All the proceedings of the BDC will be conducted in a summary manner; on the basis that it will not be necessary to observe or carry out the strict rules of evidence applied in legal proceedings. The procedure to be followed will be set out by the BDC; provided that such procedure is based on accepted principles of fairness and equity.
- 5.5** The BDC will be entitled to consult any person it may deem necessary to reach a just and equitable conclusion and the Member concerned will have no right to be present during such consultations or to be made aware thereof; provided that the Member will be given an opportunity to rebut any evidence against him/her compiled in such consultation.

- 5.6 The BDC will not be bound to follow strict principles of law, but may decide on the matter according to what it considers just and equitable in the circumstances.
- 5.7 Save for the appeal provisions hereunder, the BDC's decision on matters dealt with in this clause will be final and binding upon the Member concerned, unless full expulsion is recommended, in which case the BDC's decision must be either ratified or set aside by the Board.
- 5.8 The BDC will, from the date of its appointment, complete its investigations and deliver its verdict within a period of 4 (four) ordinary weeks.
- 5.9 The Member whose conduct was investigated by the BDC, will be informed by the Branch Council of the relevant Branch of the BDC's decision and reasons thereof within 7 (seven) ordinary days of such decision taken.
- 5.10 In the event that the BDC decides to recommend to the Board to order an expulsion of the Member, over and above any suspension that may already be in place as ordered by the Branch Council, the Branch Council will send such recommendation to the Board, addressed to the Chairperson or Vice-Chairperson, within 7 (seven) ordinary days of being informed of the BDC's decision.
- 5.11 The Board will confirm or set aside the recommendation of expulsion so received within 14 (fourteen) ordinary days from receipt thereof, and will inform the Branch Council and the Member concerned of its decision within 7 (seven) ordinary days of having reached it, in writing, stating its reasons for its decision. The Board's decision will be final and binding.
- 5.12 In the event that a particular Branch Council cannot agree on the composition of a Branch Disciplinary Committee and/or is incapable to do so as a result of a non-functional Branch Council, for whatever reason, the disciplinary process described above will be conducted by the SAMA Board in terms of clauses 8.1 – 8.2 of this Code of Conduct.

***Appeal Procedure: Branch - Board***

**6.**

- 6.1 A Member may appeal to the Board with regards to his suspension and/or any matter concerning his/her Membership as a result of disciplinary action taken against him by his/her Branch as set out in 4 above.
- 6.2 Such an appeal must be lodged, in writing, to the Chairperson or Vice-Chairperson of the Association, by no later than 7 (seven) ordinary days after the Member was informed in writing by the Branch Council of the BDC's decision, stating the Member's reasons for his/her appeal.
- 6.3 The Board will have 14 (fourteen) ordinary days from the date of receipt of the written appeal by the Chairperson or Vice-Chairperson to consider the appeal and apply its mind to the decision reached by the BDC in relation to the written appeal, and must inform the Member and the Branch Council of its final decision within 7 (seven) ordinary days after having reached the decision, in writing, stating the reasons therefore. The Board's decision will be final and binding.

### **Grievance Procedure: Branch**

#### **7.**

- 7.1** Any Member of the SAMA who feels aggrieved by any act of SAMA and/or officials of SAMA and/or any other Member of SAMA will be entitled to make his/her grievance known by lodging details thereof in writing, in the form of a grievance notice, with his/her Branch Council.
- 7.2** Should the Branch Council be of the view that the grievance is of a serious nature and merits investigation, it must within 14 (fourteen) ordinary days of receiving the grievance notice appoint a Branch Grievance Committee which will comprise of 3 (three) Branch Council Members to investigate the grievance.
- 7.3** In carrying out its investigation, the Grievance Committee will have the rights and powers as the Branch Disciplinary Committee, as specified above (Disciplinary Procedure: Branch). Should the decision reached by the Branch Grievance Committee not be satisfactory to the aggrieved Member, s/he will have the right of appeal, as provided for above (Appeal Procedure: Branch - Board) and the provisions thereof will apply *mutatis mutandis*.

### **Grievance Procedure: National - SEC**

#### **8.**

- 8.1** Any Member of SAMA who –
  - 8.1.1** feels aggrieved by any act of a Branch and/or a member of a Branch Council;
  - 8.1.2** for any other valid reason (which must be provided in writing and will be considered by the SEC) believes that his grievance should not be heard by a Branch Grievance Committee;will be entitled to make his/her grievance known by lodging details thereof in writing to the General Manager and the Chairperson of the SEC, by means of a written grievance notice.
- 8.2** The SEC will, from date of its receipt of the grievance notice, and if it is satisfied that the grievance is not vexatious or unfounded, complete its investigations and deliver its verdict within a period of 4 (four) ordinary weeks. The SEC will have the authority to decide on the following:
  - 8.2.1** If the grievance is found to be vexatious, frivolous and/or unfounded at any stage during its investigation, to inform the Member, his/her Branch Council and the Board accordingly and discontinue its investigation.
  - 8.2.2** To make recommendations on actions to be followed against any Member/s involved to the Board if the grievance is found to have merit.
  - 8.2.3** To order the suspension of any member/s investigated up until such time as the Board either confirms or puts aside the SEC recommendations.
- 8.3** All the proceedings of the SEC will be conducted in a summary manner; on the basis that it will not be necessary to observe or carry out the strict rules of evidence applied in legal proceedings. The procedure to be followed will be set out by the SEC; provided that such procedure is based on accepted principles of fairness and equity.

- 8.4 The SEC will be entitled to consult any person it may deem necessary to reach a just and equitable conclusion and the Member who laid the grievance or any other Member will have no right to be present during such consultations or to be made aware thereof; provided that the Member will be given an opportunity to rebut any evidence against him/her compiled in such consultation/s if necessary.
- 8.5 The SEC will not be bound to follow strict principles of law, but may decide on the matter according to what it considers just and equitable in the circumstances.
- 8.6 The SEC will, from the date of its receipt of the grievance and in the event that the grievance has merit, complete its investigations and deliver its final recommendations to the Board within a period of 4 (four) ordinary weeks.
- 8.7 The Member/s whose conduct was investigated by the SEC, will be informed by the SEC of its recommendations to the Board and reasons therefore within 7 (seven) ordinary days of such decision taken and inform the Member/s in question of its recommendations to the Board at the same time.
- 8.8 The Board will confirm or set aside the recommendations so received from the SEC within 14 (fourteen) ordinary days from receipt thereof, and will inform the SEC and the Member/s concerned of its decision within 7 (seven) ordinary days of having reached it, in writing, stating its reasons for its decision. The Board's decision will be final and binding.

***Disciplinary Procedure: Board***

**9.**

- 9.1 Save as otherwise stated in this document, in the event of there being and grievance or disciplinary issue relating to any of the Board members, a Disciplinary Committee (DC) comprising of a minimum of 3 (three) SAMA Members must be appointed by the Board to investigate such grievance of disciplinary issue. Members of such DC may include Board members; provided the Director in question does not participate in the making of that decision.
- 9.2 The DC appointed in terms of clause 8.1 above shall have the same powers as referred to in relation to the Disciplinary Procedure: National - SEC and the provisions thereof will apply *mutatis mutandis*. Once a board decision has been arrived at in terms of this process, it will be final and binding.

***Appeal Procedure: Board***

**10.**

- 10.1 A Director whose conduct was investigated will have the right to appeal in writing, stating reasons therefore, to the full Board of Directors within 14 (fourteen) ordinary days.
- 10.2 The Board of Directors will make its findings within a period of 4 (four) ordinary weeks from receipt of the appeal.
- 10.3 The decision of the Board of Directors must be in writing, stating the reasons for the decision, and will be final and binding.

## ***Grievance Procedure: Chairperson and/or Vice-Chairperson***

### **11.**

- 11.1** A grievance against the SAMA General Manager must be raised with the Chairperson or Vice-Chairperson. The Chairperson or Vice-Chairperson will within 30 (thirty) ordinary days of receiving the grievance notice, either resolve the grievance, or appoint a Grievance Committee, or refer the grievance to the Board. If the person being complained against is the Chairperson, the Grievance Notice must be sent to the Vice-Chairperson and *vice versa*. In the event of both the Chairperson and Vice-Chairperson being the subject of the same/similar complaint, the Grievance Notice must be forwarded to the General Manager, who must ensure that it is forwarded to the rest of the Board (excluding the implicated Board members) without delay.
- 11.2** If the Chairperson or Vice-Chairperson resolves the grievance, they must inform the aggrieved Member within 7 (seven) ordinary days after it has been resolved of the outcome in writing.
- 11.3** If the Chairperson or Vice-Chairperson appoints a Grievance Committee, the Committee must within 30 (thirty) ordinary days resolve the grievance and inform the aggrieved Member of the outcome in writing, within 7 (seven) ordinary days of its decision.
- 11.4** If the Chairperson or Vice-Chairperson refers the grievance to the Board of Directors, the Board of Directors will within 30 (thirty) ordinary days after referral of the grievance resolve the grievance or appoint a Grievance Committee to hear and resolve the grievance.
- 11.5** If the grievance is not resolved to the satisfaction of the aggrieved Member, the Member may in writing, stating the reasons therefore, within 14 (fourteen) ordinary days of being informed in writing, refer the grievance to the next meeting of the SAMA National Council. At such a meeting, if any Member/s is/are conflicted or implicated on the issue, such a Member must recuse him/herself.
- 11.6** A decision following the procedure in 11.5 by the National Council will be final and binding, and minuted with the reasons therefore.

## ***SAMA commitment***

### **12.**

As medical practitioners SAMA members are committed to doing what is right and honourable. SAMA members set high standards for themselves and aspire to meet those standards in all aspects of their lives – at home and in service to their profession. This Code articulates the behaviour that is mandatory in the role of SAMA members who believe that the medical profession is shaped by the collective conduct of individual medical practitioners.

**Adopted by the SAMA Board of Directors on 24 June 2016.**