

Code of Ethics

The OBS exists as part of the banking industry's efforts to regulate the industry. The OBS has been established to provide an independent, impartial dispute resolving service for bank customers and their banks. The OBS serves an important function in the public eye. As a guardian of what is fair and reasonable, the OBS must itself maintain high standards of service and ethics.

The service that this OBS provides as an arbitrator of disputes can only be effective if the OBS is objective and free of outside influence when it considers complaints. The OBS must be perceived by the industry, the media and the banking public as impartial, ethical and independent.

In order to ensure that the OBS is perceived in this way, all members of the OBS must ensure that their actions and conduct protect and promote the reputation and image of the OBS.

Nothing that any member of the OBS does or says should cause the OBS embarrassment or bring the OBS into disrepute in the public eye, especially as regards the impartiality and fairness of the OBS.

The requirement that all staff act ethically and in accordance with this Code of Conduct is therefore of the highest importance.

1. General guidelines of conduct

These guidelines provide guidance on the aspects of integrity and impartiality but they cannot and do not cover every situation a staff member may encounter. If any staff member is uncertain about what to do in any situation, guidance should be sought from a member of the Ethics Committee or a manager.

- 1.1 Staff members of the OBS shall at all times maintain the good reputation of the OBS and shall: -
 - i) render, with integrity, a responsible and effective service of high quality which is accessible to bank complainants;
 - ii) not abuse the authority that he or she has as a member of the OBS in dealings with any person, complainant or organisation;
 - iii) act fairly and impartially to all parties when exercising any discretion in the performance of duties;

- 1.2 Exercise those powers conferred on them in a responsible manner particularly by:
 - i) performing all their duties impartially without favouring any bank or complainant and without regard to status, sex, race, religion, political beliefs or aspirations;

- ii) acting honestly, respectfully, transparently and in an accountable manner;
 - iii) treating all persons with equal consideration and objectivity;
 - iv) using any discretion vested in them sensibly, impartially and reasonably.
- 1.3 Refrain from divulging any information received in the course of their work and duties unless the performance of duty or the needs of justice require otherwise;
- 1.4 Resist and report any offers of bribes or other corruption emanating from any source;
- 1.5 In their private life behave in a manner which does not bring discredit to or impair the dignity or reputation of the OBS;
- 1.6 Respect and apply this Code and if they have reason to believe that a violation of this Code or the law has occurred or is about to occur, report the matter to a member of the Ethics Committee or a manager.

2. Specific policy

2.1 Gifts from banks

No gift may be accepted from a bank by any employee, whether it be money or any other item, however small in value.

2.2 Gifts from complainants

No gift may be accepted from any complainant while a matter is being handled by the OBS.

Complainants who wish to express gratitude to OBS once a matter has been resolved, should be requested to send us a letter of appreciation. No amount of money, however small, may be accepted from complainants at any time. See also [Bribery](#).

Should a complainant insist on sending a gift to a member of staff, the gift may only be accepted if: -

- i) The gift is delivered to the OBS **and**
- ii) the complaint of the giver has been finalised **and**
- iii) the complainant has no other current file in the OBS or complaint pending **and**
- iv) the gift is one that can be shared among all members of the OBS i.e.: is either flowers or edibles such as chocolate, biscuits or fruit.

If the gift does not meet these criteria it will be refused or returned. If it would be costly to return the gift, it will be donated to a charity.

2.3 Suppliers or potential suppliers of goods or services to the OBS

2.3.1 Money

A member of staff and/or his or her immediate family may not accept an amount of money, however small, from a supplier or potential supplier at any time.

2.3.2 Gifts

If a supplier or potential supplier of the OBS offers a gift or any other item or benefit to a member of the OBS staff, the gift or benefit may not be accepted. If the gift is delivered, it should be returned.

Gifts that are delivered to the OBS and can be used by the Office generally may be reported to the Ethics Committee to decide whether the gift may be accepted.

2.3.3 Disclosure of interest in any such supplier by member of staff

If a supplier or potential supplier of goods or services to the OBS is known to a staff member who is also in a position to make a decision regarding the goods or services, that interest must be disclosed to the Ethics Committee or to the Ombudsman.

A supplier is 'known' by the staff member if anyone working for the supplier or the supplier him or her self is a friend, acquaintance, family member, relative or someone that a staff member has had dealings with outside the OBS.

2.4 Social events: including lunches, braais, dinner invitations and invitations to events

2.4.1 Generally

Extreme caution must be exercised in attending events hosted by banks, consumer bodies, industry players or other organisations. It may appear by the attendance of staff members from the OBS that the OBS endorses the event or the opinions and actions of those at the event.

If invited to an event, employees should find out whether the name of the OBS or the employee's name as a representative of the OBS, will be referred to in the speeches. If so, employee should find out whether the OBS or the invited member as a representative of the OBS will have an opportunity to speak in reply.

Employees should also ask the host if his or her name as a representative of the OBS or the name of the OBS will be mentioned in any printed matter or brochures, press releases, etc. If it will, then the invitation should not be accepted unless the OBS is able to view and alter any printed matter before it is printed or distributed.

2.4.2 Specifically

(i) Invitations from Banks

Invitations to employees from banks must be made to the OBS generally or to a functionary of the OBS, not to individual staff members.

If a staff member receives an invitation from a bank that is specifically for that member, the invitation must be recorded in the Register of Events and permission to attend or accept must be obtained from the Ethics Committee before the invitation is accepted or the event is attended.

The name of the person who made the invitation to the employee, the type of function or facility offered, the date, the time and names of those who will be present at the function, must be written in the Register.

(ii) Invitations from Complainants

If a complainant invites an employee to such an event, the invitation may be accepted provided that: -

- a. The employee's manager gives permission **and**
- b. one other person from the OBS who was involved in the matter is also invited **and**
- c. must have no further complaints pending with the OBS.

3. Bribery

Bribery occurs when a person, (who can be either a bank employee or a complainant or any other person) unlawfully and intentionally offers any employee of the OBS any item of value, including money, in return for certain action or inaction by the employee.

The employee receiving a bribe must immediately record how the bribe came to be offered and the exact words of the person who offered the bribe. If a complainant offers a bribe to any employee the employer should immediately inform the briber that "You are offering me what I believe amounts to a bribe and we are suspending the investigation into your complaint." The investigation or handling of that complainant's file or files should then be suspended and the matter brought to the attention of the Ethics Committee for action, as soon as possible.

Any bribe offered by any person, institution or legal entity to an employee must be reported by that person to his or her manager and to the Ethics Committee. Details of the event must be recorded in a Register.

This Register shall record the name of the briber, the amount or nature of the object offered as a bribe, the name of the file/complainant to whom it relates and the date and the time when the bribe was made.

4. Declaring an interest in a complaint

Any staff member who is in a position to take a decision or investigate a complaint where the complainant is known to that employee, shall declare that interest to a manager or to the Ethics Committee for a decision whether the file should be allocated to another staff member.

A complainant is 'known' if the complainant is a friend, acquaintance, family member, relative or someone that an employee has had dealings with outside the OBS. If the complainant is a legal entity, the complainant will be 'known' if the employee or his or her immediate family has any social, family or business connections of any nature with the complainant.

An employee may not be impartial in handling a complaint if the member or his or her immediate family: -

- i) is indebted to a complainant;
- ii) holds directly or indirectly, through a trust or otherwise, any financial interest in a complaint or complainant;
- iii) is a member of the governing body or is a director or officer of the complainant.

5. Personal finances of employees

Every employee is expected to conduct and manage their personal and financial affairs in a responsible manner. Employees must not incur debt that they refuse or are unable to pay.

Any employee who has a judgment against his or her name for debt or who has received a summons for amounts unpaid, must report the matter to his or her manager who must report the matter to the Ethics Committee.

The OBS will not enter into agreements to pay amounts from employee's salaries to other organisations or persons owed money by staff members nor will the OBS provide money loans to staff members for the repayment of such debts.

Employees who incur excessive debt which they cannot manage within their financial means, and which the OBS becomes aware of, through reasons of non-payment could lead to disciplinary action being taken against the individual. The

OBS does not provide loans of any nature to personnel other than in exceptional circumstances, nor will it bind itself in anyway whatsoever in support of loans applied for by personnel from any financial or other institution.

6. Business interests or employment outside the office

No employee shall take up full-time, part-time or casual employment outside the OBS where that employment would impair the dignity or the reputation of the OBS.

No OBS employee may engage in another income-producing activity or receive a fee for services rendered outside of normal office hours without the prior written consent of the Ombudsman.

This consent may be withheld if in the opinion of the Ombudsman, such activities and/or services may in any way whatsoever, adversely affect the services which the employee is expected to perform for the OBS.

7. Conduct of employees outside the office

Conduct of employees when outside the OBS and in their free time must not impair the dignity or the reputation of the OBS.

Membership of or association with consumer or banking organisations must be disclosed to the Ethics Committee or the Ombudsman.

Employees of the OBS may not use their employment at the OBS to gain an unfair advantage when dealing with any person or organisation in their private capacity.

8. Conduct of employees inside the office

8.1 Lending and borrowing of money

Employees may not borrow any money from, nor lend money to any other employee.

8.2 Gifts

Gifts between employees particularly between supervisors and subordinates may only be given for traditional reasons such as birthday, weddings and Christmas. In the event of a gift being given for any other reason, prior approval of the ethics committee must be obtained.

9. Confidentiality

OBS employees must honour the confidential nature of the work performed at the OBS at all times. Employees may not divulge confidential information obtained in the course of their employment.

OBS employees must safeguard any information about complainants and banks. Employees may only use information obtained from banks and complainants for the purpose of investigating or processing complaints or to assist a complainant with an enquiry. Any other use of the information or documents is not permitted.

Information obtained during the processing or handling of a complaint may only be disclosed to the parties to the complaint, with the exception of information used for statistical purposes or with the explicit permission of the parties or as required by law.

9.1 Improper use of confidential information

No OBS employee may take any action or obtain any interest, property or benefit as a result of the improper use of confidential information obtained from any matter that is lodged with the OBS, or obtained as a result of knowledge gained in the course of their employment.

No documents or information in the OBS may be used by any employee for any improper use.

Any employee who is unsure whether any activity would violate any of the requirements or standards set out in this Code should consult a member of the Ethics Committee or a manager.