

A Critical Analysis of the Dismissal of Public Officials for Breach of Fiduciary Duties

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ABSTRACT In the employment sphere, misconduct is an all-embracing term. This paper examines acts arising from the conduct of the public officials which have a negative effect on the business of the employer or employment discipline which may result to the breach of fiduciary duties. The misconduct might result to breakdown of trust and confidence by the employer especially when the employee fails to exercise due care in performing the duty. In South Africa, the deployment of cadre to public offices has been vehemently criticised because of the misconducts being perpetrated by the deployees. This paper examines some misconducts of the public officials especially senior public office bearers in virtually all spheres of government in South Africa and how they have impacted on their performances. The paper also analyses core obligation of mutual trust and confidence as they relate to the functioning and regulation of public officials in discharge of their duties to the public and the country.