

WHISTLE-BLOWING POLICY

2019

A. POLICY MANAGEMENT

Document Title:	Whistle-Blowing Policy
Document author:	DGS Operations:
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Effective date:	
Approved by:	NEC
Revision:	Edition 1

B. REVISION HISTORY

Revision number	Revision date	Revision notes	Owner

C. ACRONYMS AND ABBREVIATIONS

Acronym / abbreviation	Meaning
GS	General-Secretary
DGS	Deputy-General Secretary

D. DEFINITIONS

Term	Description
Act	The Protected Disclosures Act, Act 26 of 2000
Occupational detriment	As defined by the Act includes being dismissed, suspended, demoted, transferred against your will, harassed or intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.
Unethical conduct	Behaviour that falls below or violates the professional standards of the department including but not limited to fraud, corruption, theft, financial misconduct etc.
Corruption	Giving or offering ,receiving or agreeing to receive ,obtaining or attempting to obtain any benefit which is not legally due to or by a person who has been charged with a duty or power by virtue of any employment , to do any act or omit to do any act in relation to that power or duty.
Fraud	The unlawful and intentional making of a misrepresentation resulting in actual or potential prejudice to another person or institution.

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1. INTRODUCTION

1.1. One of the key obstacles to fighting fraud and corruption is the fear by employees and others of being intimidated to report or “blow the whistle” on fraudulent, corrupt or unethical practices witnessed in the workplace. Those who often do “blow the whistle” they run the risk of being victimized and intimidated. This policy provides protection to the employees, members and leaders who report an unethical conduct in good faith.

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1.2. The DENOSA recognises the fact that:

1.2.1. Criminal and other unethical conduct within DENOSA is detrimental to good, effective, accountable and transparent governance and have the potential to cause reputational damage to the department;

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1.2.2. There is a need for procedures in terms of which officials may, without fear of reprisals, disclose information relating to suspected or alleged criminal or other unethical conduct affecting the department;

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1.2.3. Every employee and members has the responsibility to disclose criminal and any other unethical conduct in the department, and

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1.2.4. The department has the responsibility to take all necessary steps to ensure that employees and members who disclose such information are protected from any reprisals as a result of such disclosure.

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2. THE PURPOSE OF THE POLICY

2.1. DENOSA is committed to a high standard of integrity and professional ethics.

2.2. In accordance with the Protected Disclosure Act (Act 26 of 2000), DENOSA strives to create a culture which will facilitate the disclosure of information by employees and members relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals as a result of such disclosure.

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Whistle-blowing Policy
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2.3. The purpose of this policy is to provide system by which employees, **members** and service providers (whistle-blowers) who believe they have discovered unethical conduct are able to report such conduct. It is also meant to protect whistle-blowers from any form of victimization.

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3. THE SCOPE OF THE POLICY

3.1. This policy covers all allegations, attempts, and incidents of unethical conduct impacting negatively on DENOSA and does not cover personal grievances.

3.2. This policy covers all genuine concerns, which are in the DENOSA/public interest and it may include: areas such as:

3.2.1. Corruption;

3.2.2. Fraud;

3.2.3. Financial misconduct;

3.2.4. Irregular expenditure ;

3.2.5. Unfair discrimination;

3.2.6. Malpractices/ Maladministration, and

3.2.7. Attempts to suppress or conceal any information relating to any of the above.

3.3. The policy will not apply to personal grievances, which will be dealt with under existing procedures on grievances and discipline management. The details of these procedures can be obtained from **Labour** Relations Directorate.

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3.4. **If in the course of investigation raised in relation to the above matters appears to the investigator that they relate more appropriately to grievances, or discipline; the grievance procedures from Labour Relations will be recommended.**

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3.5. All disclosures must be brought in good faith. If it is discovered during the course of a whistle-blowing procedure that the disclosure has been raised maliciously, disciplinary action may be taken against the complainant. If an employee or **member** makes the disclosure in good faith, which is not confirmed by a subsequent investigation, no action will be taken against that employee.

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4. THE POLICY

- 4.1. The whistle-blowing policy of DENOSA is zero tolerance of unethical conduct. DENOSA is committed to the highest standards of good governance and integrity. DENOSA recognises that an important aspect of accountability and transparency is mechanisms that enable employees to voice concerns about incidents of unethical conduct.
- 4.2. This policy conforms to Prevention and Combating of Corrupt Activities Act of 2004 (PRECCA) and Protected Disclosure Act of 2000 (PDA).

5. REPORTING PROCEDURES

- 5.1. It is the responsibility of all employees or **member** or stakeholder of DENOSA to immediately report all suspected incidents of unethical conducts to GS 'Office/NEC/NOBs.
- 5.2. Suspected unethical conduct may be reported by using email, fax, WhatsApp and **telephone**. Employees or **members** who wish to make a written report are invited to use the following format:
- The background and history of the concern (providing adequate information, including relevant dates);
 - The reason you are particularly concerned about the situation, and
 - The extent to which you have personally witnessed or experienced the problem (provide documented evidence where possible).
- 5.3. The whistle-blower is not expected to prove beyond reasonable doubt the truth of an allegation he /she is reporting , he/ she will need to demonstrate to the person contacted that there are reasonable grounds for his/ her concern.
- 5.4. The General Secretary will report all incidents and allegations to the President and other NOB's. Where allegations are leveled against either the General-Secretary or President. The whistle-blower may report directly to any NOB member/NEC.
- 5.5. **Should** the employees wish to report allegations of unethical conduct anonymously:
DGS -PLEASE ADVICE t

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5.6. Should the whistle-blower have exhausted these mechanisms or where he/she have substantial reason to believe that any of these nominated reporting lines are involved in the matter, or that there could be a cover-up, or that evidence will be destroyed, or that the matter might not be handled properly, he/she may raise the matter in good faith with **PLEASE ADVICE.**

Commented [U16]: Department of Labour and other relevant authorities

What should a member of the public or service provider do if they suspect unethical conduct?

Commented [U17]: Report to the authorities of DENOSA as stipulated above

5.7. Reported incidents and allegations of unethical conduct will be screened and evaluated.

5.8. Following the preliminary evaluation DENOSA may decide to:

5.8.1. Investigate the matter internally;

5.8.2. Criminal cases will be referred to SAPS.

5.8.3. Secure the services of private reputable investigations (e.g. Forensic firms).

5.9. DENOSA upon receiving a report of unethical conduct write to the whistle-blower for the following reasons:

- Acknowledging that the concern has been received;
- Indicating how the Organisation is going to deal with the matter and whether any initial enquiries have been made;
- Giving an estimate of how long it may take to provide a final response, and
- Informing the whistle-blower whether any further investigation will take place, and if not, why not.

6. CONFIDENTIALITY

6.1. All information relating to unethical conduct that is reported and investigated will be treated strictly confidential. The process of investigation will be handled in a professional manner and will not be disclosed or discussed with any person(s) other than those who have legitimate right to such information. This is important in order to avoid harming the reputation of the suspected persons who are subsequently found innocent of wrongful conduct.

6.2. No person is authorized to supply any information with regard to allegations or incidents of unethical conduct to the media without the express permission of the General-Secretary.

7. PROTECTION OF WHISTLE-BLOWERS

7.1. An employee or **member** who reports suspected unethical conduct may remain anonymous should he/she so desire.

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7.2. DENOSA recognizes that the decision to report unethical conduct can be a difficult one to make, and is therefore committed to ensuring that an employee or member is protected for a disclosure made in good faith.

7.3. Retaliation by any employee or members of DENOSA, directly or indirectly, against any person who, submits a disclosure or provides assistance to those responsible for investigating the allegations, will not be tolerated. **Employees** are therefore encouraged not to raise malicious matters they know to be untrue.

Commented [U19]: Delete, Everyone is therefore encouraged not to raise malicious matters they know to be untrue

7.4. DENOSA will not tolerate harassment or victimization for reporting unethical conduct under this policy and will take reasonable steps to protect employees and **others** when they report in good faith. An employee or **member** or stakeholder who experience any form of harassment or victimization as a results of whistle-blowing (in good faith) should report such to the Secretary General. In the event that the General Secretary is implicated to the President. If they are both implicated to the NOB's and NEC.

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8. ADMINISTRATION

8.1. The custodian of this policy is the General-Secretary and is supported in its implementation by all NEC members of DENOSA.

8.2. DGS Operations is responsible for the administration, revision and interpretation of the policy. This policy will be reviewed every three years or as and when required before the three year period.

9. POLICY IMPLEMENTATION

The policy shall upon approval be communicated to all employees and structures of the organization.

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10. EFFECTIVE DATE

This policy shall come into effect immediately upon approval by NEC members of DENOSA.

11. APPROVED

Dimakatso Sebopa
DGS-Operations
Date: