

# TEMPLATES

## WHISTLEBLOWING POLICY

Policy Area	
Approved Date	
Approved By	
Responsible Manager	
Effective Date	
Current Version	

The policy is to provide insight into the organisations' protected disclosures code and procedure. This Policy sets out the guidelines every director, officer, employee, worker, and consultant should follow if he or she is aware of conduct which may constitute a violation of any internal policy, code, guideline, law, or regulation.

### STATEMENT

The Whistle-blower Policy is established to provide a framework and procedures to protect staff from retaliations that are or may be taken against them for making protected disclosures in accordance with the provisions of the Protected Disclosure Act No. 26 of 2000. The business encourages freedom of speech. It also encourages staff to use internal resources for reporting any misconduct or illegal acts or omissions by its directors, officers, employees, and consultant.

The Business encourages its employees who have concerns about suspected misconduct to come forward without fear of punishment or unfair treatment and express these concerns.

All staff are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All staff should ensure that they take the time to read and understand their roles and responsibilities in respect of it.

Violation of this policy or a member of staff who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it maliciously or vexatiously, may be subject to disciplinary proceedings.

### DEFINITIONS

**'Breach'** is defined as non-compliance with an applicable law, regulation, internal policy, or procedure

**‘Whistle blower’** shall mean a person who exposes any kind of information of alleged wrongdoing or activity that is deemed illegal, unethical, or not correct within a business that is either private or public

**‘Whistleblowing’** shall mean ‘making a disclosure in the public interest’. It means that if you believe there is wrongdoing in your workplace, you can report this by following the correct processes and your employment rights are protected.

**‘Malpractice’** shall mean improper, illegal, or negligent behaviour by anyone in the workplace. **‘Accountability’** shall mean to perform the duties required by one’s job, to fulfil the obligations and goals of the business.

**‘Customer’** shall mean a client, buyer, or recipient of a good or a service, or a product, or an idea, obtained from a seller, vendor, or supplier via a financial transaction or exchange for money or some other valuable consideration.

**‘Illegal’** shall mean an act in violation of a law in the jurisdiction in which it is committed. **‘Unethical conduct’** shall mean a behaviour that falls below or violates the professional standards in a particular field.

**‘Disclosure’** shall mean the action of exposing unethical and or illegal acts/intentions.

**‘Fraudulent’** shall mean an act that is dishonesty and has been made with bad faith.

**‘Staff’** refers to any person, managers, officers, directors, employees, workers, consultants, contractors, trainees, persons who work from home, part-time and full-time employees, casual staff, and volunteers, who assists in carrying on or conducting the business of an employer, current or former, past, and present.

**‘Worker’** refers to any person who works or worked for another person or for the State; or any other person who in any manner assists or assisted in carrying on or conducting or conducted the business of an employer or client, as an independent contractor, consultant, agent; or any person who renders services to a client while being employed by a temporary employment service.

**‘Occupational detriment’** refers to disciplinary action; being dismissed, suspended, demoted, harassed, or intimidated or being transferred against your will because of the disclosure.

**‘Matter of public concern’** means.

- a. a violation of a state, federal, or municipal law, regulation, or rule.
- b. a danger to public health or safety; and/or

- c. gross mismanagement, substantial waste of funds, or a clear abuse of authority.

**‘Reiterate’** means to say something again or several times, typically for emphasis or clarity.

## **REVIEW OF THIS POLICY**

The policy shall be reviewed annually to ensure that it meets legal requirements and reflects best practice.

## **WHISTLEBLOWER PROTECTION POLICY**

The Business expects all staff to adhere to internal policies, codes, and guidelines as well as all laws and regulations that apply to the Company. When an act of the business or staff member members violates a policy, code, guideline, law, or regulation, it needs to be reported in a manner so that issues may be investigated and dealt with as quickly as possible.

Delays in bringing the information to the attention of Senior Managers may cause damage, complications, and irreversible consequences for the Business. There may be times however, when the matter is not about your personal employment position and needs to be handled in a different way.

Following the correct procedures and ensuring that the information disclosed is accurate and reliable will allow the issues to be address and ensure that timely remedial action is taken.

## **WHEN TO MAKE A REPORT**

You should make a report under this Policy if you are aware of information which you reasonably believe demonstrates on the part of any person, whether in the Business or someone dealing with it:

- A violation of any internal policy or code of practice,
- A violation or questionable practice in connection with accounting, internal controls, or auditing matters,
- A contravention of any law (including, without limitation, securities laws), rule or regulation,
- Corruption, illegality, mismanagement, or fraud, or
- A danger to the public or danger to worker health and safety

## **TO WHOM TO REPORT**

It is important that staff reports alleged breaches at the right level. Our whistleblowing procedure provides details on how to submit a report, as well as to whom.

If the staff member has reported the alleged breach at the wrong level, the person who has received it is expected to refer the alleged breach to the appropriate level.

It is also possible to make an anonymous report through the procedures outlined herein. Details as to how to make such a report are discussed below.

## **CONFIDENTIALITY**

All Protected Disclosures, and the whistle-blower's identity are treated confidentially and will only be shared with a limited group of people on a strict need-to-know basis. Information will only be disclosed if required to do so by law or an important public interest is at stake, such as public safety.

Where the Business is required by law to inform the person who is the subject of a Protected Disclosure, the whistle-blower's identity will not be disclosed.

This is to protect the whistle-blower, as well as to protect the integrity of the whistleblowing process. There may be limitations in investigating the matter where the whistle-blower chooses to remain anonymous.

## **PROHIBITION AGAINST RETALIATION**

The business welcomes the courage and honesty of an employee, worker, director, officer, or consultant who voices concern over a particular course of action that he or she genuinely believes to be unethical, unlawful, or harmful.

Any attempt to intimidate, threaten or retaliate or harass based upon a report made by an employee, staff member, worker, director, officer, or consultant pursuant to this Policy is strictly prohibited and will result in disciplinary action up to and including termination.

The Business reiterates its commitment to comply with applicable laws, rules, and regulations.

Groundless, or unwarranted disclosures of a harassing nature – with an ulterior motive or vindictive intent – will not be tolerated. Appropriate disciplinary measures will be taken if allegations are initiated for malicious reasons or in bad faith.

## **RETENTION OF PERSONAL DATA**

Personal data is retained for as long as it is required to investigate the matter and, where necessary, to complete actions relating to the outcome of any investigation, in both cases in accordance with applicable law and to comply with legal, regulatory, or internal policy requirements.

Reports are stored in a secure and limited-access database.

Personal data is kept as current as possible and irrelevant or excessive personal data is deleted or made anonymous as soon as reasonably practicable.

## **EMPLOYEE TRAINING**

This Policy will be included in all new staff onboarding programs. All staff are to be trained annually in respect of this policy and understand their roles and responsibilities in respect of it.

The Human Resources Department is responsible for communicating this Policy to all employees and retaining a signed copy of this Policy, acknowledging that the employee has received, read, and understands this Policy.

## **PROCEDURE**

Before you blow the whistle.

- Research the law
- Make sure you have a valid case
- Make sure you are reporting the right kind of concerns
- Know how to make a report and to whom
- Make sure you know how to escalate a concern and to whom
- Do not Delay
- Be Prepared for All Hell to Break Loose

## **PROCEDURE ANONYMOUS REPORTING**

Options for submitting an anonymous report.

- By email - You can send your report to: [Insert email address]. This email address is accessed only by the [insert role e.g HR Manager]
- By post: [insert postal address]
- By phone using the Anonymous Hotline – [insert phone number]

If you believe wrongdoing or serious misconduct has taken place or may take place, follow the procedures set out below. You may make the report orally, in writing, or by e-mail. All reports will be treated as confidential, and only revealed on a need-to-know basis or as required by law or court order.

Staff should first bring the matter to the attention of their immediate supervisor. If your concern relates to your immediate supervisor or if you are otherwise not comfortable with reporting to your immediate supervisor, or if such reporting has not resulted in satisfactory result the Business recommends that you report to.

- A more senior manager.
- The Compliance Officer
- Whistleblowing hotline, postal or email address
- The CEO

Management will as soon as reasonably possible but within a period of 21 days after receiving the concern, decide whether to investigate the matter or refer the matter to an external person or body.

### **RAISING CONCERNS WITH OUTSIDE BODIES**

The purpose of this policy is to ensure that staff are aware of ways to report their concerns internal. There may be circumstances where staff may feel they wish to report matters to outside bodies.

Bear in mind that this action, if done unjustifiably could result in disciplinary action and could undermine public confidence in the service.

Refer to Annexure A for contact details of outside bodies