

## WHISTLEBLOWING POLICY

<b>Policy Number:</b>	<b>Approved Date: 12 October 2015</b>
<b>Effective Date: 12 October 2015</b>	<b>Review Date:</b>

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

### **Why Have a Policy?**

The objective of this Policy is to provide guidelines for procedures in terms of which employees may disclose information regarding unlawful or irregular conduct by Councilors of the **MUNICIPALITY** or other employees of the municipality and to provide for the protection of employees who make such disclosures.

## THE POLICY

### 1. PREAMBLE

By remaining silent about corruption, offences and other malpractices taking place in the workplace, an employee necessarily contributes to, and becomes part of, a culture of fostering such improprieties which will undermine his or her own career as well as be detrimental to the legitimate interests of the South African society in general.

### 2. DEFINITIONS

**“disclosure”** means any disclosure of information regarding any conduct of an employer, or an employee of that employer, made by any employee who has reason to believe that the information concerned shows or tends to show one or more of the following :

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of an individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged,
- (f) unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No, 4 of 2000) or
- (g) that any matter referred to in paragraphs (a) to (f) of Protected Disclosures Act of 2000 has been or is likely to be deliberately concealed.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

### 3. LEGAL FRAMEWORK

- Equality and Prevention of Unfair Discrimination Act, 2000 (Act No, 4 of 2000)
- Protected Disclosures Act of 2000

### 4. SCOPE AND APPLICATION

This Policy is applicable to all employees of the municipality.

## **5. OBJECTIVES OF POLICY**

The objective of this Policy is to provide guidelines for procedures in terms of which employees may disclose information regarding unlawful or irregular conduct by Councilors of the **MUNICIPALITY** or other employees of the municipality and to provide for the protection of employees who make such disclosures.

## **6. POLICY CONTENT**

The Council, as the employer, has a responsibility to disclose and eradicate any criminal and other irregular conduct in the workplace.

An employee has, likewise, a responsibility to disclose and eradicate any criminal and other irregular conduct in the workplace;

The Council, as the employer, will take all possible and reasonable steps to create an environment in which every employee may, without fear, disclose information of criminal and other irregular conduct in the workplace and ensure that employees who disclose such information are protected from reprisals as a result of such a disclosure.

No employee will be victimized or penalized on account of having made a disclosure in accordance with any one of the procedures provided for by the Act.

No employee will be subjected to any disciplinary action, dismissal, suspension, demotion, harassment or intimidation or any act constituting an occupational detriment as defined in the Act on the grounds of making a protected disclosure, provided such disclosure is made in good faith and the employee, when making such disclosure, reasonably believes that the information disclosed is true.

The Council, as employer, will lay down certain procedures in terms of which disclosures must be made and which may include procedures for the making of disclosures to persons other than the Council.

## **7. IMPLEMENTATION AND MONITORING**

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

## **8. COMMUNICATION**

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

## **9. POLICY REVIEW**

This policy will be reviewed annually and revised as necessary.

**10. BUDGET AND RESOURCES**

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

**11. ROLES AND RESPONSIBILITIES**

The Municipal Manager or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

**12. PENALTIES**

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

**13. DISPUTE RESOLUTION**

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.

**14. AUTHORITY**

Formulated by: \_\_\_\_\_ Date: \_\_\_\_\_

Consulted: LLF: \_\_\_\_\_ Date: \_\_\_\_\_

MM Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Council Approval: \_\_\_\_\_ Date: \_\_\_\_\_