

**“ The City of Heritage ”**



# **ULUNDI LOCAL MUNICIPALITY**

## **WHISTLEBLOWING POLICY**

# WHISTLEBLOWING POLICY

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## **1 Policy Purpose**

The purpose of this policy is to inform officials of the whistleblowing guidelines and the disclosure of misconduct. This includes preventing corruption, offences and malpractice by informing officials of their rights and the measures to take, should this behaviour become apparent.

## **2 Policy Scope**

This policy applies to all municipal employees and councillors.

## **3 Policy Definition**

For the purpose of this policy unless the context otherwise indicates:

**“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:

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

## **4 Legislative Framework**

This document is established within the framework of the following legislation and policies: The Protected Disclosures Act, 2000, provides procedures and offers protection to employees who may wish to disclose information relating to an offence or a malpractice in the workplace by his or her employer or fellow employees.

The Act provides for the protection of an employee who makes a disclosure in accordance with the procedures provided for by the Act, against any reprisals as a result of such a disclosure.

(Please ensure that latest legal prescripts are consulted when implementing and reviewing the policy as the municipality remains responsible and accountable for legal compliance.)

## **5 General Policy Provisions**

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.

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

An employee has 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 victimised or penalised 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 should be made and which may include procedures for the making of disclosures to persons other than the Council.