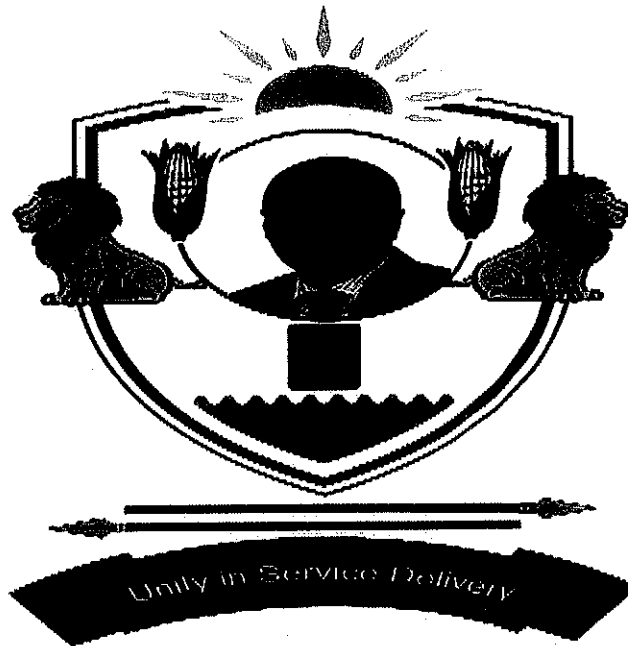


# **COLLINS CHABANE MUNICIPALITY**

**COLLINS CHABANE  
LOCAL MUNICIPALITY**  
Since 2016



## **WHISTLE BLOWING POLICY**

**2021/22**

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## **1. INTRODUCTION**

Collins Chabane Municipality recognises the fact that Criminal and other irregular conduct within the Municipality is detrimental to good, effective, accountable and transparent governance within Collins Chabane Municipality and can endanger the economic stability of the municipality and have the potential to cause social damage. There is a need for procedures in terms of which employees may, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct affecting them and/ or the municipality. Every employer and employee has a responsibility to disclose criminal and any other irregular conduct in the workplace and every employer has a responsibility to take all necessary steps to ensure that employees who disclose information regarding criminal and any other irregular conduct in the workplace are protected from any reprisals as a result of such disclosure.

## **2. DEFINITIONS**

**Occupational detriment** as defined by the Protected Disclosures Act includes being subjected to disciplinary action, dismissed, suspended, demoted, transferred against your will, harassed, denied promotion, subjected to terms and condition of employment or retirement which are altered or kept altered, intimidated, refused a reference or being provided with an adverse reference, as a result of your disclosure.

## **3. OBJECTIVES OF THE POLICY**

- 3.1 In order to remain in compliance with the Protected Disclosures Act, which came into effect on 16 February 2000, Collins Chabane Municipality undertakes to:
  - 3.1.1 Strive to create a culture which will facilitate the disclosure of information by employees 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; and
  - 3.1.2 Promote the eradication of criminal and other irregular conduct within Collins Chabane Municipality.
- 3.2 The policy is intended to encourage and enable staff to report suspected fraud and corruption activities within Collins Chabane Municipality rather than overlooking a problem or blowing the whistle via inappropriate channels.

## **4. APPLICATION OF THE POLICY**

There are existing grievance procedures in place within the organisation enabling employees of Collins Chabane Municipality to raise grievances relating to their employment. This policy is intended to cover concerns that fall outside the scope of grievance procedures. These concerns in accordance with the Protected Disclosures Act are 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, or 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 (PEPUDA) No.4 of 2000 is taking place or is likely to take place.
- g) That any matter referred to in paragraphs (a) to (f) has been is being or is likely to be deliberately concealed.

## **5. LEGISLATIVE FRAMEWORK**

### **5.1. PROTECTED DISCLOSURES ACT**

This policy is developed based on the principle objects of The Protected Disclosures Act, which encourages employees to disclose any acts of misconduct without fear of any recriminations or reprisals.

**Section 2** of The Protected Disclosures Act clearly defines the “*Objectives of the Act*” as follows:

- 5.1.1 To protect an employee from being subjected to an *occupational detriment* on account of having made a protected disclosure.
- 5.1.2 To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.
- 5.1.3 To provide for procedures in terms of which an employee can, in a responsible manner, disclose information regarding improprieties by his or her colleagues, other stakeholders and employer.

## **6. WHO CAN REPORT?**

Any member of staff or community member who have a reasonable belief that there is fraud or corruption or misconduct relating to any of the protected matters specified in Section 4 of this Policy, may report under the procedure as set out in this Policy. Concerns must be raised without malice, in good faith and not for personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it are substantially true.

## **7. HARASSMENT OR VICTIMISATION**

- 7.1 Collins Chabane Municipality acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisals from those responsible for the irregularity.
- 7.2 Collins Chabane Municipality will not tolerate harassment or victimisation and will take action to protect employees against such conduct when they report in good faith.
- 7.3 Any act of harassment or victimisation should be reported to the Accounting Officer or alternatively, to the Risk Management unit.

- 7.4 Where an employee is already or stands to be the subject of disciplinary or other action, reporting of the nature stipulated in the Protect Disclosure Act, shall not mean that action will automatically be ceased as a result of their whistle blowing.

## **8. GUARANTEES AND PROTECTION**

- 8.1 Confidentiality regarding the identity of the person reporting under this Policy will be maintained at all times, and nobody acting in good faith will be penalized for making such disclosure regarding information that might be in the interest of Collins Chabane Municipality. Every effort will be made not to reveal the identity of the whistle blower unless he/she permit/allow.
- 8.2 Notwithstanding clause 7.4 above; Collins Chabane Municipality as employer shall ensure that any employee who makes a disclosure in terms of the Protected Disclosures Act and in circumstances as herein discussed, will not be penalized or suffer any occupational detriment for doing so.
- 8.3 Any employee who raises a concern in good faith in terms of the Protected Disclosures Act, will not be at risk of losing their job or suffering any form of retribution as a result. Collins Chabane Municipality will not tolerate the harassment or victimization of anyone raising a genuine concern.
- 8.4 A guarantee and protection/assurance regarding occupational detriment can however not be extended to employees who maliciously raise matters they know to be untrue and action will be taken against such employees.

## **9. FALSE AND MALICIOUS ALLEGATION**

- 9.1 Persons intending to report a matter under the Protected Disclosures Act shall guard against making allegations which are false and made with malicious intent.
- 9.2 In instances where persons do make such false and malicious reports, such persons will not enjoy the protection offered by the Protected Disclosure Act and where cost implications arise due to investigations done and resources allocated on the basis of false allegations, such costs shall be claimed as damages suffered by the Municipality from the person who made the false or malicious allegation.
- 9.3 An employee 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, shall be subjected to disciplinary proceedings.

## **10. REPORTING PROCEDURE**

- 10.1 Reports of possible fraud or corruption from any internal or external source can be submitted internally to:
- 10.1.1 Line management;
  - 10.1.2 Senior Managers;
  - 10.1.3 Municipal Manager; or
  - 10.1.4 Risk Management Unit.
  - 10.1.5. Audit and Performance Committee Chairperson

### 10.1.6. Risk Management Committee Chairperson

- 10.2 An alternate way of reporting possible fraud and corruption can be made by contacting the Presidential Hotline (17737), Limpopo Premier's Fraud Hotline (0800 864 729) and Vhembe District Municipality Shared Anti- Fraud and corruption Hotline (0800 66 85 38). Persons may remain anonymous when making reports via this Hotline.
- 10.3 Where a person has reported his/her concern through any of the channels described in sub-paragraphs 10.1 and 10.2 above and have substantial reason to believe that there may be a cover-up or that evidence may be destroyed or that the matter might not be handled properly, that person may raise his/her concern in good faith with a Member of the Mayoral Committee of the Municipality.
- 10.4 Employees and members of the public not wishing to report a matter internally may make reports or Public Interest Disclosures to the following investigating authorities:
- 10.4.1 SAPS;
  - 10.4.2 Public Protector;
  - 10.4.3 Auditor-General; or
  - 10.4.4 Any other relevant authority

## **11. HOW THE MUNICIPALITY WILL RESPOND**

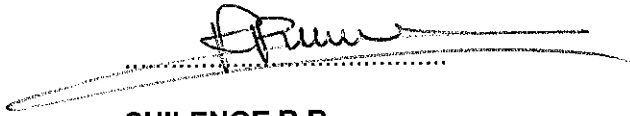
- 11.1 The action taken by the Municipality will depend on the nature of the allegation reported. The possible routes of action open to the Municipality are to:
- 11.1.1 Investigate internally; and /or refer the matter to South African Police Service or other relevant law enforcement agency, where applicable.
  - 11.1.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take. Allegations raised may not necessarily require an investigation to be resolved.
  - 11.1.3 The frequency of contact between the investigating officer and the person reporting (where not anonymous) will depend on the nature of the allegations raised and the investigations which may be required to be performed. If required and where possible, further information may be sought from the person who made the report.
  - 11.1.4 All investigations will be handled confidentially and will not be discussed with any persons other than those who legitimately have the right to such information.

## **12. CREATING AWARENESS**

- 12.1 In order for this Policy to be sustainable, it must be supported by a structured education, communication and awareness programme.
- 12.2 It is the responsibility of all Senior Managers and Managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the whistle blowing policy.
- 12.3 For purposes of reporting by members of the public the Municipal Manager must ensure that this Policy is available on the Municipal website.

12.4 The amendments to the policy will be sent to the Risk Management Committee by the Chief Risk Officer for inputs and to the Accounting Officer by the Chairperson of the Risk Management Committee for recommendation.

**THE ACCOUNTING OFFICER HAS RECOMMENDED APPROVAL OF THIS POLICY:**



**SHILENGE R.R  
ACTING MUNICIPAL MANAGER**

23/03/2022

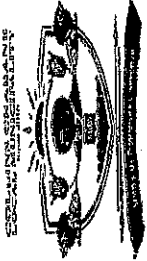
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**COUNCIL'S APPROVAL**

A05/31/03/2022  
**COUNCIL RESOLUTION NUMBER  
COLLINS CHABANE MUNICIPALITY  
(RESOLUTION ATTACHED)**

31/03/2022  
**DATE**

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## **COLLINS CHABANE LOCAL MUNICIPALITY EXTRACT RESOLUTIONS**

**EXTRACT RESOLUTIONS OF COLLINS CHABANE LOCAL MUNICIPALITY OF THE 4<sup>th</sup> SPECIAL COUNCIL MEETING WHICH  
WAS HELD ON THURSDAY: 31 MARCH 2022 ON VIRTUAL MEETING AT 11H00.**

**RESOLUTION NO. : A05/31/03/2022  
ITEM DESCRIPTION : APPROVAL OF 2021/2022 WHISTLE BLOWING POLICY**

**RESOLUTION : The Council resolved:**

- To approve 2021/2022 Whistle Blowing Policy.

**CHAIRPERSON OF COUNCIL**



**CLLR. MBEDZI T.S**

**SPEAKER: COLLINS CHABANE LOCAL MUNICIPALITY**

**31/03/2022**

**DATE**

**Vison: "A spatially integrated and sustainable local economy by 2030"**

**Mission: To ensure the provision of sustainable basic services and infrastructure to improve the quality of life of our people and to grow the local economy for benefit of all citizens**