



public works  
& infrastructure

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Department:  
Public Works and Infrastructure  
**REPUBLIC OF SOUTH AFRICA**

**DEPARTMENT OF PUBLIC WORKS AND  
INFRASTRUCTURE**

**WHISTLE-BLOWING POLICY**

**APRIL 2023**

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**1. INTRODUCTION**

- 1.1. The Department of Public Works and Infrastructure (DPWI) hereinafter referred to as “Department” is committed to the highest possible standards of openness, probity and accountability. In line with this commitment the Department expect DPWI employees and others Stakeholders, who have knowledge/reasonable suspicion of wrong doing on allegations of fraud, corruption and maladministration about any aspect of the Department’s work to come forward and report those allegations of fraud, corruption and serious maladministration. It is recognized that wherever practical, and subject to any legal constraints, many cases will proceed on a confidential basis.
- 1.2. This policy document provides for employees and stakeholders to report allegations of fraud, corruption and maladministration without fear of victimization, subsequent discrimination or disadvantage. This policy furthers encourage and enables employees and the public to raise allegations of fraud, corruption and serious maladministration within the Department and make use of the National Anti-Corruption Hotline (NACH) to report such incidents.

**2. POLICY OBJECTIVE**

- 2.1. This policy is intended to provide whistle-blowers with an opportunity of freely reporting within the Department to report allegations of fraud, corruption and serious maladministration.

**3. PURPOSE OF THE POLICY**

- 3.1. The purpose of the policy is to:
  - Encourage and provide a conducive environment for reporting in good faith for whistle-blowers to report allegations of fraud, corruption and serious maladministration;
  - Reassure whistleblowers that their matter/s will be given the attention it deserves, investigated and there will be safeguard of confidentiality; &
  - Reassure whistle-blowers that they are protected from possible reprisals or victimization if you have a reasonable belief that you have made any disclosure in good faith.



#### **4. SCOPE OF THE POLICY**

4.1. The policy applies to all internal and external stakeholders of the Department.

#### **5. TYPES OF ALLEGATIONS**

5.1. Types of allegations for reporting will include but not limited to the following:

- Fraud and corruption;
- Conflict of interests;
- Unethical conduct leading to financial losses;
- Misappropriation of immovable State properties;
- Tender irregularities;
- Abuse of State resources;
- Fraudulent supplier invoices; &
- Nepotism in the appointment of DPWI officials and service providers.

#### **6. HARRASSMENT OR VICTIMISATION**

##### **6.1. HARASSMENT OR VICTIMIZATION OF EMPLOYEES AND MEMBERS OF THE PUBLIC.**

6.1.1. The Department is committed to good practice and high standards of professionalism and supports employees and members of the public who report incidents of fraud, corruption and serious maladministration within the Department.

6.1.2. The Department will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect whistle-blowers when they report in good faith. Whistleblowers are encouraged to report any incidences of harassment or victimization related to reports made to the Anti-Corruption and Fraud Awareness. According to Protected Disclosure Act no. 5 of 2017 victimisation or harassment can be in the form of occupational detriment and or unfair dismissal.

#### **7. PROTECTED DISCLOSURE**

7.1.1. In terms of section 1(d) of Protected Disclosure Act no. 5 of 2017, "occupational detriment" in relation to the working environment of an employee or worker, means:

- (a) being subjected to any disciplinary action;
- (b) being dismissed, suspended, demoted, harassed or intimidated;
- (c) being transferred against his or her will;

- (d) being refused transfer or promotion;
- (e) being subjected to a term or conditions of employment or retirement which altered or kept altered to his or her disadvantage;
- (f) being refused a reference or being provided with an adverse reference, from his or her employer;
- (g) being denied appointment to any appointment, profession or office;
- (h) being subjected to any civil claim for the alleged breach of duty of confidentiality or a confidentiality agreement arising out of disclosure of:
  - (1) a criminal offence; or
  - (2) information which shows or tends to show that a substantial contravention of, or failure to comply with law has occurred, is occurring or is likely to occur;
- (i) being threatened with any of the actions referred to in paragraph (a) to (h) above; or
- (j) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities, and work security and the retention or acquisition of contracts to perform work or render services.

7.1.2. In terms of section 5 of Protected Disclosure Act 05 of 2017, sub-section 5 (a) and (b) (IA) any employee who has been subjected, is subjected or may be subjected, to any occupational detriment by his or her employer on account or partly on account of having made a protected disclosure may approach any court having jurisdiction for appropriate relief. In terms of section 5 of Protected Disclosure Act 05 of 2017, sub-section 5 (c) (a) and (b), states that any dismissal by employer of any employee for blowing a whistle shall be deemed to be automatically unfair dismissal, while any other occupational detriment against the employee is deemed to be unfair labour practice.

7.1.3. In terms of section 1(b) of Protected Disclosure Act no. 5 of 2017, “disclosure” means and disclosure of information regarding any conduct of any employer, or of an employee or of a worker of that employer, made by any employee or worker who has reason to believe that the information concerned shows or tends to show one or more of the following:

- (a) that criminal offence has been committed, is being committed or 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 subjected;
- (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 Chapter II of the Employment Equity Act, 1998 (Act no 55 of 1998, or of 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) has been, is being or is likely to be deliberately concealed.

## **8. CONFIDENTIALITY**

- 8.1. All allegations of fraud, corruption and serious maladministration will be treated with care and every effort will be made, subject to any legal constraints, not to reveal the identity of the whistle-blower.

## **9. MALICIOUS REPORTING**

- 9.1. Whistle-Blowers are discouraged from making malicious allegation. Allegations that are not made in good faith lead to reputational damage and financial losses to the Department. Should it be proven that a whistle-blower intentionally made malicious allegation, necessary action will be taken against him/her.

## **10. REPORTING MECHANISMS**

- 10.1. The Department encourages stakeholders, members of the public and service providers, who suspect fraud and corruption incidents in the Department to contact:-

- The National Anti-Corruption Hotline on 0800 701 701.
- The following avenues are available for reporting within the Department:-
  - Deputy Director General: Governance, Risk and Compliance – 012 406 1104;
  - Director: Anti-Corruption and Fraud Awareness – 012 406 1328; and
  - Talk to DG, talk to Deputy Minister, talk to Minister on the Departmental website.

- 10.2. Allegations of fraud, corruption and serious maladministration may be raised verbally or in writing or in a prescribed form. Those who wish to make a written report are invited to use the following format:-

- The background and history of the concern (giving relevant dates);



- 11.2. Allegations reported to the Department are screened / assessed by Allegation Assessment Committee to establish whether they meet the minimum elements of fraud, corruption and/or serious maladministration and to determine on a preliminary basis the strategy to act in response to the allegations made.
- 11.3. Where the matter does not have elements of fraud, corruption and serious maladministration, and is more related to Management issues that can be solves at a line function (e.g. Abuse of State vehicle).
- 11.4. In cases where the matter reported dos not have elements of fraud, corruption and serious maladministration and is more relates to internal controls deficiencies, a recommendation on the improvement of controls will be made and communicated accordingly to the relevant business Units.
- 11.5. Where the matter does not fall within the mandate of DPWI will be referred to a relevant Department/Body/Entity for further handling.
- 11.6. Where appropriate, the matters raised may be investigated internally; and/or referred to other Law Enforcement Agencies such as the Special Investigating Unit (SIU), South African Police Services (SAPS) etc.

**12. POLICY REVIEW**

- 12.1. The Department will conduct a review of the Whistle-Blowing Policy after three years from date of implementation/approval to determine the effectiveness thereof.

**13. APPROVAL AND ADOPTION**

- 13.1. Approved by the Director-General of the Department of Public Works and Infrastructure.

Signed by M Makubela on this 3<sup>rd</sup> day of August 2023

Signature: 