



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NATIONAL DEPARTMENT OF PUBLIC WORKS

WHISTLE-BLOWING POLICY

December 2013

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14/04/2014

1. INTRODUCTION

The employees are often the first to realize when something has gone seriously wrong within the Department. However, they may not come out and express their knowledge of allegations of fraud, corruption and maladministration because they feel that by doing so would be disloyal to their colleagues or to the Department.

They may also hold back in fear of harassment or victimization. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Department of Public Works is committed to the highest possible standards of openness, probity and accountability. In line with this commitment we expect employees and others that we deal with, who have knowledge of serious allegations of fraud, corruption and maladministration about any aspect of the Department's work to come forward and voice those allegations of fraud, corruption and maladministration. It is recognized that wherever practical, and subject to any legal constraints, many cases will proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimization, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees and the public to raise serious allegations of fraud, corruption and maladministration within the Department and to make use of the National Anti-Corruption Hotline to report such incidents.

2. SCOPE OF THE POLICY

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

3. POLICY OBJECTIVES

This policy is intended to provide whistle-blower with an avenue within the Department to report allegations of fraud, corruption and maladministration.

The purpose of the policy is to:

- encourage whistle-blowers to feel confident in raising serious allegations of fraud, corruption and maladministration;
- provide avenues for whistle-blowers to raise those allegations of fraud, corruption and maladministration and receive appropriate feedback on any action taken;
- ensure that a whistle-blower will receive a feedback where the circumstances' necessitate that due to allegations of fraud, corruption and maladministration made; and
- reassure that a whistle-blower will be protected from possible reprisals or victimization if you have a reasonable belief that you have made any disclosure in good faith.

Matters that fall within the scope of this policy relate but are not limited to:-

- Possible Fraud and Corruption;
- Unethical Conduct;
- Abuse of power, or use Departmental powers and authority for any unauthorised use or personal gain;
- deliberate breach of Departmental policies

4. HARRASSMENT OR VICTIMISATION

The Department is committed to good practice and high standards and wants to be supportive of employees and members of the public who report incidents of fraud, corruption and maladministration within the Department.

DPW WHISTLE-BLOWING POLICY

The Department will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Whistleblowers are encouraged to report any incidences of harassment or victimization related to reports made to the Fraud Awareness and Investigations Unit and/or Labour Relations Unit whereby an investigation will be conducted and necessary corrective actions will be pursued against perpetrators.

In line with provision of section 186 (2 d) of Labour Relation Act of 1995, reads with Protected Disclosure Act 26 of 2000 the department will take action against anyone found to have harassed a whistle blower in work place. In terms of the abovementioned legislation an employee is subjected to harassment or occupational detriment if he or she is being subjected to any disciplinary hearing, being dismissed, demoted, harassed ,or intimidated ,being transferred against his will ,being refused transfers, promotion, being refused reference, being denied appointment and being otherwise adversely affected in respect of his or her employment.

In terms of section 4 of Protected Disclosure Act 26 of 2002 ,any employee who has been 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 ,including the Labour Court in terms of section 158 (1 and 4) of Labour Relation Act 66 of 1995 may pursue any other processes allowed or prescribed by any law. Any dismissal by employer of any employee for blowing a whistle shall be deemed to be automatic unfair dismissal in terms of section 187 of Labour Relation Act of 1995.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.


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5. CONFIDENTIALITY

All allegations of fraud, corruption and maladministration will be treated in confidence and every effort will be made, subject to any legal constraints, not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

6. ANONYMOUS ALLEGATIONS / REPORTING

The policy encourages employees and other stakeholders to provide their contact details where possible. All allegations reported to the Department will be investigated, it is however worth highlighting that allegation of fraud, corruption and maladministration expressed anonymously are in most instances vague and thus negatively affect the prospects of a successful investigation, thus whistle-blowers are encouraged to provide their contact details where possible to maximize the successful conduct of an investigation in respect of allegations made.

A whistle blower cannot be compelled to be a witness during a disciplinary hearing because that may compromise his or her safety, He/she could only be called as a witness in the proceedings if they volunteer to be a witnesses.

In a Criminal Proceeding guided by the Criminal Procedure Act, a whistle-blower may be forced to be a witnesses in criminal proceedings, this occurs when the relevant law enforcement agencies issue a Subpoena to the affected party in terms of section 205 of Criminal Procedure Act 51 of 1977.

It must also be taken noted that information from a whistle-blower is treated as confidential and that the identity of a whistle blower is all times expected to remain anonymous.

M. D.
14/04/2014

7. UNTRUE ALLEGATIONS / MALICIOUS REPORTING

If an employee make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, appropriate disciplinary or legal action may be taken against the employee.

8. REPORTING MECHANISMS

As a first step, employees should normally raise allegations of fraud, corruption and maladministration with their immediate Manager or their Superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

All employees and stakeholders are encouraged to utilise other reporting mechanisms available to report incidents of fraud, corruption and maladministration and the following avenues are available for reporting within the Department:-

- Chief Audit Executive – 012 406 1334;
- Director: Fraud Awareness and Investigation – 012 406 1328;
- Talk to DG, talk to Deputy Minister, talk to Minister on the DPW website; and
- Anonymously on the National Anti-Corruption Hotline 0800 701 701.

Allegations of fraud, corruption and maladministration may be raised verbally or in writing. 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);
- the reason why you are particularly concerned about the situation; and
- the extent to which you have personally witnessed or experienced the problem (provide documented evidence where possible)

9. HOW THE DEPARTMENT WILL RESPOND

The Department through the Directorate: Fraud Awareness and Investigations will acknowledge receipt of allegations reported. All allegations received by the Department will be assessed to test their validity.

Where appropriate, the matters raised may:-

- be investigated internally; and/or
- referred to other law enforcement agencies etc.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Department will seek further information from the whistle-blower. Subject to any legal constraints, the whistle-blower will be kept informed of the progress of enquiries.

Where any meeting is arranged, off-site at a mutually agreed location if the whistle-blower so wishes, a representative or a friend can accompany him/her as an observer.

The Department will take steps to minimise any difficulties that the whistle-blower may experience as a result of reporting allegations of fraud, corruption and maladministration, for instance, if you are required to give evidence in criminal or disciplinary proceedings, the Department will arrange for you to receive advice about the procedure.

The Department accepts that the whistle-blower needs to be assured that the matter has been properly addressed; thus, subject to any legal constraints, we will inform you of the outcome of any investigation.


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10. DELEGATED AUTHORITY

The Director Fraud Awareness and Investigations has overall responsibility for the maintenance and operation of this policy. He/She is responsible for maintaining a record of allegations of fraud, corruption maladministration raised and the outcomes (but in a form which does not endanger the whistle-blower's confidentiality) and will report as necessary to the Chief Audit Executive, Director-General and Audit and Risk Management Committee of the Department.

11. POLICY REVIEW

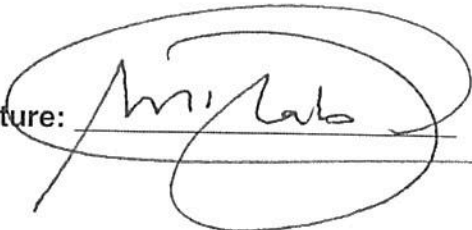
The policy will reviewed on a three (3) years basis, to ensure that's its objectives are being achieved.

12. APPROVAL AND ADOPTION

Approved by the Director General of the National Department of Public Works,

Mr. M. Dlabantu on this 14th day of April 2014

Signature: _____

A handwritten signature in black ink, appearing to read 'M. Dlabantu', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.