

RICHTERSVELD MUNICIPALITY

HUMAN RESOURCE POLICIES

11. WHISTLEBLOWING

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Approved Date: 02 July 2019	Council Resolution Nr: RVN006/07/2019
Effective Date: 01 July 2019	Review Date: 30 June 2020

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

Why have a policy?

The objective of this policy is to provide for procedures in terms of which employees may disclose information regarding unlawful or irregular conduct by stakeholders of the Richtersveld Municipality or other employees of the **Municipality** and to provide for the 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 part of, a culture of fostering such improprieties which will undermine his/her own career as well as be detrimental to the legitimate interest of the South African society in general. A Protocol line must be included in this policy.

2. Definitions

"Disclosure" means any disclosure of information regarding any conduct of any employer, or an employee of that employer 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 likely to be committed
- (b) That a person has failed is failing or likely to fail to comply with any legal obligation to which that person is subject.
- (c) That a misconduct has occurred, is accruing is likely to be endangered,
- (d) That the health or safety of an individual has been, is being likely to be damaged
- (e) Unfair discrimination as contemplated in the promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No,4 of 2000)
- (f) That any matter referred to in paragraph (a) to (F) of protected Disclosures Act of 2000 has been or likely to be deliberately concealed.

All terminology not defined under the clause 2 of the 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 **Richtersveld Municipality**.

5. Objectives of policy

The objective of this policy is to provide guidelines for procedures in terms of which employees disclose information regarding unlawful or irregular conduct by councilors of the **Richtersveld Municipality** or other employees of the Municipality and provide for the protection of employees who make such disclosures.

6. Policy content

The Council as the employee has a responsibility to disclosure and eradicates 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 stakeholders 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 disclosure.

No employee will be victimized or penalized on accordance with any one of the procedures by act.

No employee will be subjected to any disciplinary action, dismissal, suspension, demotion, harassment or intimidation or any act constituted an occupational detriment as defined in the act on the grounds 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 stakeholders 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 the council.

7. Implementation and Monitoring

This Council 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 company employees using full range of communication available to the **Richtersveld Municipality**

9. Policy Review

This policy will be reviewed annually and revised as necessary.

10. Budget and Resources

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

11. Roles and Responsibility

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

12. Penalties

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

13. Dispute Resolutions

Any dispute from this policy due to ambitious wording or phrasing must be referred to the local labour forum for adjudication. Resolutions from the local labour forum must be incorporated into this policy.

14. AUTHORITY

MM Approval:

A handwritten signature in black ink, appearing to be 'Sca', enclosed within a hand-drawn, irregular oval shape.

Date:

2019/08/01

Council Approval:

Date: