

Whistleblower Policy

Annex 3

Effective date:

07.31.2024.

Country-specific information

South-Africa

1. National legislation

1.1. Protected Disclosures Act, 26 of 2000 (PDA)

- 1.1.1. **The Primary Legislation** which provides protection to employees and workers who disclose information about unlawful or irregular conduct by their employers or fellow employees. It aims to create a culture of openness and accountability.

1.2. Protection of Personal Information Act, 4 of 2013 (POPIA)

- 1.2.1. **POPIA** regulates the processing of personal information and ensures that such information is handled in a lawful, secure, and respectful manner. Whilst this Act may not have direct influence over the drafted Whistle Blower Policy, it has ancillary relevance.
- 1.2.2. When a whistleblower reports misconduct, their personal information is processed. POPIA requires that this information be protected and not be disclosed without the whistleblower's authority.

1.3. Companies Act, 71 of 2008

- 1.3.1. Includes provisions that encourage the reporting of corruption and other crimes within companies. It also requires companies to establish mechanisms to facilitate whistleblowing.

1.4. Labour Relations Act, 66 of 1995 (LRA)

- 1.4.1. Provides protection to employees against unfair dismissal, which can be relevant in the context of whistleblowing. It also includes protection against unfair labour practices that might arise as a result of whistleblowing.

1.5. Occupational Health and Safety Act, 85 of 1993 (OHSA)

1.5.1. Protects employees who report unsafe or unhealthy conditions in the workplace.

1.6. Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA)

1.6.1. Encourages individuals to report corruption and provides certain protections to those who do.

2. List of national external reporting offices

2.1. Public Protector South Africa (PPSA)

2.1.1. The Public Protector investigates improper conduct in state affairs, but it can also take up certain cases involving private entities, especially where public interest is concerned.

2.1.2. Contact Details: -

Tel: (012) 366 7000 / (012) 366 7112 / 069 470 7550.

Fax: (012) 362 3473.

Email: Registration2@pprotect.org

2.2. Commission for Conciliation, Mediation, and Arbitration (CCMA)

2.2.1. The CCMA is an independent body that deals with labor disputes, including those arising from unfair dismissals or unfair labor practices related to whistleblowing under the PDA.

2.2.2. Contact Details: -

Toll Free Number: 0860 666 348

WhatsApp: 0860 004 004

Email: CCMA@behonest.co.za

2.3. South African Human Rights Commission (SAHRC)

2.3.1. The SAHRC addresses human rights violations, which can include retaliation against whistleblowers under the PDA.

2.3.2. Contact Details: -

Tel: (011) 877 3600

Email: complaints@sahrc.org.za

2.4. Labour Court

2.4.1. Employees can approach the Labour Court for legal remedies if they have been unfairly treated or dismissed due to making a protected disclosure.

2.4.2. Contact Details:

Tel: (011) 359 5759,
Fax: (011) 403 9327
E-mail: gditshane@judiciary.org.za

2.5. **National Anti-Corruption Hotline**

2.5.1. Managed by the Public Service Commission (PSC), this hotline can be used to report corruption and other serious misconduct, which can include violations under the PDA.

2.5.2. Contact details: -

Tel: 0800 701 701.
Email: report.corruption@dha.gov.za

2.6. **Industry-Specific Ombuds and Regulators**

2.6.1. Ombudsman for Banking Services: For issues related to the banking sector.

2.6.2. Ombudsman for Short-Term Insurance: For issues in the short-term insurance industry.

2.6.3. Information Regulator – This regulator must be advised in the event of a breach which resulted in Personal Information falling into the wrong hands

2.6.4. Contact Details: -

Tel: Sector specific
Email: Sector specific