



Whistle blowing policy and procedure

1.1.1. Policy statement

CIVICUS recognizes the need for and importance of whistle blowing as a means of ensuring that staff can raise issues of concern inside the organisation, and to encourage staff members to raise genuine concerns about malpractice at an early stage. This policy applies to all CIVICUS staff, including staff members working from a location other than the Johannesburg office.

1.1.2. Purpose of the policy

The purpose of the Whistle blowing policy is twofold:

- To create a culture which will facilitate the disclosure of information by CIVICUS staff members relating to criminal conduct or conduct which violates any other CIVICUS Policy, Staff Handbook, or regulatory procedures, or any other irregular conduct in the workplace in a responsible manner; and
- To provide guidelines for the disclosure of such information and protection against any reprisals as a result of such disclosures.

1.1.3. Definition of Whistle blowing

Whistle blowing or employee protection is the term used to describe the reporting of irregular or illegal conduct by an employer or by any of its employees. Every employer and employee has a responsibility to disclose conduct which is criminal or in violation of CIVICUS Policies, Staff Handbook, or other regulatory procedures within the workplace or within the scope of CIVICUS operations; and every employer has a responsibility to take all necessary steps to ensure that employees who disclose such information are protected from any reprisals as a result of such disclosure.

1.1.4. The Protected Disclosures Act 26 of 2000

The Protected Disclosures Act 26 of 2000 forms the basis of this policy and the Act should be read in conjunction with this policy. The Protective Discloser Act is designed to encourage a 'culture of whistle blowing'.

In the Protected Disclosures Act of 2000 "disclosure" means any disclosure of information regarding any conduct of an employer¹, or an employee² of that employer, made by any employee who has reason to believe that the information concerned shows or tends to show one or more of the following:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- that a violation of CIVICUS Policies, Staff Handbook, or any other rules and regulations of the employer has occurred or is likely to occur.
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of an individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No, 4 of 2000);
- unfair discrimination has occurred or is likely to occur based on CIVICUS Policies, Staff Handbook or any other rules and regulations of the employer.

1.1.5. Key guiding principles

- **Anonymity & confidentiality:** CIVICUS Whistle blower policy provides a way for staff to express complaints anonymously, while pointing out that anonymity can hinder an investigation of the complaint.
- **Good faith:** CIVICUS Whistle blower policy is based on staff acting in good faith to report concerns that they have reason to believe are true, while noting that the organisation could take disciplinary action against anyone who makes unfounded allegations that are proven to have been made without prior investigation and contemplation, maliciously or with the foreknowledge that the allegations were false.

1.1.6. Protection for CIVICUS staff

- CIVICUS will take any steps necessary to ensure that those who raise concerns in accordance with these procedures are protected from any form of victimisation from fellow colleagues including management, senior management, Board of Directors or any other entity representing the employer.
- A CIVICUS employee will not be disciplined for raising a concern so long as they follow the Whistle blowing procedure or make disclosures in accordance with the Protected Disclosures Act (Act No, 26 of 2000).
- Disciplinary action could be taken if someone used the Whistle blowing procedures to raise unfounded false concerns or in bad faith. The disciplinary procedure in the Staff Handbook provides guidelines for disciplinary actions for employees using the Whistle blowing procedures to raise false concerns or in bad faith.

1.1.7. Whistle blowing procedures

- Any staff member wishing to raise any concern in a confidential manner should report the matter to the Chairperson of the CIVICUS Executive Board who will serve as the Appointed Officer.
- Concerns should be raised in writing using the Whistle blower disclosure form.
- Responsibility for dealing with any concerns reported will lie with the Appointed Officer who will have access to the other members of the CIVICUS Executive Board.
- The Appointed Officer, in consultation with other members of the CIVICUS Executive Board shall have discretion over the nature of the investigation of the concern raised including, where it is considered appropriate, the involvement of internal or external audit. If there is evidence of criminal activity, the Police will be informed.
- Due to the nature and type of concerns that may be raised through whistle blowing it is not possible to set definite time limits for the completion of investigations. However, the Appointed Officer will ensure that an initial investigation will start within 5 working days of any concern being reported.
- Feedback on how the matter has been addressed will be provided within five working days of the outcome of the investigation.
- Information about the outcomes of the investigation will be provided. This will not include details of any disciplinary action which will remain confidential to the individual concerned.

¹ Employer refers to CIVICUS: World Alliance for Citizen Participation as an entity

² Employee refers to anyone working for, or representing in any capacity, the employer.