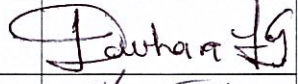
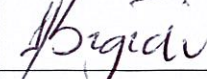
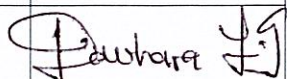


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| <b>WHISTLE BLOWING POLICY</b>       | Version          |  |
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|                                     | Next Review Date |  |



## WHISTLE BLOWING POLICY

|                                                                                                  |                               |                        |                                                                                       |
|--------------------------------------------------------------------------------------------------|-------------------------------|------------------------|---------------------------------------------------------------------------------------|
| <b>Signatories</b>                                                                               |                               |                        |                                                                                       |
| The signatories hereof, confirm acceptance of the contents, recommendation, and adoption hereof. |                               |                        |                                                                                       |
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| <b>APPROVED BY</b>                                                                               | Council                       |                        | SC 23/05/2026                                                                         |
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## 1. DEFINITIONS AND ACRONYMS

### 1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

| #   | TERM                       | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | Abuse                      | Means the misuse or use of the Thulamela Local Municipality property and or assets including electronic communication and other systems for purposes that are inconsistent or do not benefit or may likely harm or cause the Thulamela Local Municipality and or fellow employees to suffer harm, damage or an impairment including to their good names and reputation. It generally includes the use of Thulamela Local Municipality for a purpose other than the one intended for and or for which they were availed to the employee. For example, the misuse of organisational phones, email, leave policy and or time.                                                                                                       |
| 1.2 | Breach of fiduciary duties | means the duty to always act in the best interest of the Thulamela Local Municipality and to generally advance and or protect its interests in all the dealings by the employees, irrespective of their position. This includes members of the Accounting Authority and its committees including members of the various chambers. Included in this regard is the disclosure of confidential and proprietary information that belongs to the Thulamela Local Municipality and was disclosed to the person concerned only based on their position and on a confidential basis, which may lead to another person benefitting from having access to such information which, had it not been for the disclosure, they would not have. |
| 1.3 | Bribery                    | Means the act of giving, receiving and or promising a benefit or inducement to act in a manner that is beneficial or advantageous to the person or persons related to or having a personal or business relationship with the person offering or giving the bribe to the detriment of all other persons who may be affected by such decision.                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.4 | Conflict of interest       | Means the incompatibility, inconsistency and or the non- alignment of what is good for or will benefit the Thulamela Local Municipality vis a vis what is good for and or beneficial to the employee or person who is faced with a situation where they have to Make a decision in the course of their professional relationship with the Thulamela Local Municipality irrespective of whether the ultimate benefit will accrue to them personally, a friend, relative or business partner should they choose to act other                                                                                                                                                                                                       |

| #   | TERM       | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |            | than for the benefit of the Thulamela Local Municipality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.5 | Corruption | Means the abuse of power by an official or person entrusted with the authority to acquire or obtain an undue or illicit gain for themselves. It is a form of dishonesty or criminal activity and invariably leads to the official concerned soliciting or receiving a benefit that is not only due but at the expense of or to the detriment of the Thulamela Local Municipality or some other third party.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.6 | Disclosure | <p>Means any disclosure or reporting of information regarding any conduct, be it by themselves. Its provider, member of the Accounting Authority or any provider, member by an employee of the Thulamela Local Municipality who, acting in good faith, has reason to believe that the information in their possession shows, reasonably points to or tend to show one or more of the following conducts-</p> <ul style="list-style-type: none"> <li>a. That there has been a breach of any of the Thulamela Local Municipality policies, guidelines, standard operation procedures, rules and or regulations in a manner that is unethical or result in unethical conduct being committed.</li> <li>b. Soliciting and or offering of a that is harassment including sexual harassment.</li> <li>c. That a possible criminal offence has been committed, is in the process of being committed or is likely to be committed.</li> <li>d. That the health and or safety of any person, including a fellow employee is being or likely to be compromised by the conduct of another person or the employer.</li> <li>e. That the employer may be engaged in conduct that amounts to unfair discrimination on one or more of the listed grounds including race, sex, gender, religious belief, age, disability, sexual orientation etc.as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000 and or the Bill of Rights in the Constitution.</li> </ul> |

| #    | TERM                 | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                      | <p>f. That the employer or any person is failing or likely to fail to comply with their legal obligation to which they are subject including failure to report fraud and or corruption in terms of Prevention and Combating of Corrupt Activities Act No.12 of 2004 or any other legislation.</p> <p>And or that any of the above listed conducts are being or are likely to be deliberately concealed by the Thulamela Local Municipality or any other person.</p>                                                                                                                                                                                                                                               |
| 1.7  | Employee             | Means any person who is employed as such by the Thulamela Local Municipality and who is entitled to and or receive remuneration, in whatever form and specifically include, for the purpose of the application of this policy temporary or short-term employees as well as interns and / or learners.                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.8  | Employer             | Means Thulamela Local Municipality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1.9  | Fraud                | Means an act of tricking or inducing somebody else to act to their detriment and the trickster obtaining an illicit or undue benefit. It usually takes the form of an unlawful misrepresentation which result in actual or potential prejudice to another person                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1.10 | Protected disclosure | Means disclosing information which may constitute unethical or illegal conduct by an employee of the Thulamela Local Municipality to via designated channels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.11 | Theft                | Means the act of taking for oneself, something that does not belong to them and which the owner has not given permission on with the intention of permanently depriving the rightful owner of the thing. In the context of employment and the Thulamela Local Municipality the concept includes acts such as arriving late at work without permission, leaving early, taking property that belong to the organisation irrespective of the value etc.                                                                                                                                                                                                                                                              |
| 1.12 | Unethical conduct    | Refers to any conduct, which shall be understood to mean an act and or omission to act, which is inconsistent with the values of act, which, objectivity, and lawfulness that the Thulamela Local Municipality espouses, subscribe to, and seeks to uphold and shall include all the instances referred to under the definition of disclosure above. It refers to any conduct that offends against the principles relating to moral duty and the fairness in behaviour, actions and practices that take place during the conducting and or furthering of the organisational goals of the Thulamela Local Municipality by an employee, service provider, Accounting Authority member and or members of management. |

## 1.2 ACRONYMS

| #   | TERM         | DESCRIPTION                                                                    |
|-----|--------------|--------------------------------------------------------------------------------|
| 2.1 | Municipality | Thulamela Local Municipality                                                   |
| 2.2 | PEPUDA       | Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000 |
|     |              |                                                                                |
|     |              |                                                                                |
|     |              |                                                                                |

## **2. POLICY STATEMENT**

- 2.1 The municipality has embarked on a deliberate and concerted strategy to place ethical behaviour and conduct at the centre of its organisational operations and processes.
- 2.2 It is the stated goal of the Municipality to become a recognized and leading ethical organisation. To achieve these goals, the municipality is creating, inculcating, and encouraging an ethical culture that permeates all its activities including its dealings and relationships with all stakeholders, both internal and external.
- 2.3 This policy is yet another key mechanism in the efforts to achieve these goals by creating an enabling and conducive climate and atmosphere where a light is shone on any possible conduct that may be unethical so that the necessary remedial steps can be taken.
- 2.4 Over and above that, the Protected Disclosures Act No.26 of 2000, on which this policy is based makes it mandatory for every employer and employee to disclose or report criminal or any other irregular conduct at the workplace.

## **3. PREAMBLE**

- 3.1 The municipality recognises the fact that criminal and other irregular conduct within the municipality is detrimental to good, effective, accountable and transparent governance, and can endanger the economic stability of the municipality and have the potential to cause social damage.
- 3.2 There is a need for procedures in terms of which employees may, without fear of reprisals, disclose information relating to suspected or alleged criminal or other irregular conduct affecting them and/ or the municipality.
- 3.3 Every employer and employee has a responsibility to disclose criminal and any other irregular conduct in the workplace and the employer has a responsibility to take all necessary steps to ensure that employees who disclose information regarding criminal and any other irregular conduct in the workplace are protected from any reprisals as a result of such disclosure.
- 3.4 Any disclosure made in good faith and substantially in accordance with the reporting procedure prescribed by the municipality is considered to be a protected disclosure.

An employee making such a disclosure *inter alia*, is protected from being subjected to any occupational detriment as a result of the protected disclosure.

#### **4. PURPOSE**

- 4.1 The policy is meant to demonstrate the municipality's unequivocal serious commitment in protecting whistle blowers and taking harsh actions against unethical conduct or behaviour.
- 4.2 The municipality appreciates the fact that the act of reporting possible unethical conduct comes with a lot of uncertainty, fear and hesitation, therefore the policy comes with a lot of uncertainty, fear and hesitation on the part of the person who seeks to do the reporting. Equally, when one is confronted with the choice whether to report or not to report an unethical act or conduct, they experience a variety of emotions including the fear of possible victimization by the perpetrator and or someone in authority.

#### **5. OBJECTIVES**

In order to remain in compliance with the Protected Disclosures Act, the objectives of the policy are:

- 5.1 To promote the eradication of criminal and other irregular conduct within the municipality.
- 5.2 To encourage and enable staff to report suspected fraud and corruption activities within the municipality rather than overlooking a problem or blowing the whistle via inappropriate channels.
- 5.3 To strive to create a culture which will facilitate the disclosure of information by employees relating to criminal and other irregular conduct in the workplace in a responsible manner by providing clear guidelines for the disclosure of such information and protection against reprisals because of such disclosure;
- 5.4 To support and comply with the Protected Disclosures Act which makes provision for the protection of employees who make disclosures in good faith.

- 5.5 To promote zero tolerance on criminal and other irregular conduct within the municipality, to promote the eradication of criminal and other irregular conduct within the municipality
- 5.6 To encourage the reporting of matters that may cause financial or non-financial loss and reputational damage to the municipality.
- 5.7 To provide appropriate systems and mechanisms for reporting.
- 5.8 To encourage and enable employees to report allegations within the municipality rather than overlooking a problem or blowing the whistle through inappropriate channels. It also seeks to encourage external disclosures as a course of last resort.
- 5.9 To reassure employees that they are protected from any form of victimisation as a result of blowing the whistle in good faith
- 5.10 To provide channels within the municipality through which employees, external can raise their concerns and report unethical people and report unethical conduct
- 5.11 To assure whistle blowers of the anonymity of their reports if so requested when making disclosures.
- 5.12 To assure potential whistle-blowers of unconditional protection during the process of reporting;
- 5.13 To ensure that the municipality makes a pledge and commit to a transparent and fair dealings with any complaint or report without any fear or favor.
- 5.14 To ensure that proper investigation of legitimate complaints or reports received relating to possible unethical conduct or transgressions are followed up to the end.

## **6. SCOPE/ APPLICATION OF THE POLICY**

- 6.1 This policy shall apply both internally and externally in so far as the operations and business of the municipality concerned. This policy is to be implemented in line with procedures that need to be followed when Councilors, Municipal Staff Members, Service Providers and Members of the Public want to raise and report serious concerns within the municipality on a confidential basis without fear of reprisals.

6.2 **Internally** refers to the councilors, Municipal manager, Senior Managers and other officials including Interns.

6.3 **Externally** to all stakeholders who one way or another interact, relate, transact, or have some or other form of relationship with the Municipality including-

6.3.1 Service providers from whom it procures goods and or services e.g. contractors, consultants etc.

6.3.2 Members of the Public and

6.3.3 All stakeholders of the Municipality.

6.4 There are existing grievance procedures in place within the organisation enabling employees of the municipality to raise grievances relating to their employment. This policy is intended to cover concerns that fall outside the scope of grievance procedures. These concerns in accordance with the Protected Disclosures Act are the following:

6.5.1 That a criminal offence has been committed is being committed or is likely to be committed.

6.5.2 That a person has failed is failing or is likely to fail to comply with any legal obligation to which that person is subject.

6.5.3 That a miscarriage of justice has occurred, is occurring or is likely to occur.

6.5.4 That the health or safety of an individual has been, or is being or is likely to be endangered.

6.5.5 That the environment has been, is being or is likely to be damaged;

6.5.6 Unfair discrimination as contemplated in the PEPUDA is taking place or is likely to take place.

6.5.7 That any matter referred to in paragraphs 6.5.1 to 6.5.6 has been being or is likely to be deliberately concealed.

## **7. SAFEGUARDING OF THE WHISTLE BLOWER**

The policy contains a number of safeguards:

- 7.1 The municipality will not tolerate any harassment or victimization (including informal pressures) and will take appropriate action to protect anyone who raises a concern in good faith.
- 7.2 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
- 7.3 The municipality will do its best to protect the identity of the whistle blowers if they raise a concern and do not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of information and a statement may be required as part of the evidence.
- 7.4 Allegations / Complaints can be made anonymously; however it should be noted that such cases can be more difficult to investigate. The likelihood of action will mainly depend on the seriousness of the issue raised, the credibility of the allegation / complaint and availability of evidence.
- 7.5 No action will be taken against whistle blowers if allegations are made in good faith.
- 7.6 The Protected Disclosure Act was promulgated to facilitate reporting by employees (whistle blowers) of fraud, corruption or other unlawful or irregular actions by their employer(s) or co – employees without fear of any discrimination or reprisal by their employers or co employees.
- 7.7 The Municipality recognizes that potential whistle blowers will be concerned about potential victimization, recrimination and even threats to their personal safety as a consequence of disclosing such fraudulent and/or corrupt activities. The Municipality shall provide measures to protect the information and the identity of the person (when such protection is required).
- 7.8 However malicious and/or false allegations may result in disciplinary action and/or police investigation against such a whistle blower.

## **8. WHO CAN REPORT?**

- 8.1 Any person who has a reasonable belief that there is fraud or corruption or misconduct relating to any of the protected matters specified in Section 6 of this Policy, may report under the procedure as set out in this Policy.
- 8.2 Concerns must be raised without malice, in good faith and not for personal gain and the individual must reasonably believe that the information disclosed, and any allegations contained in it are substantially true.
- 8.3 Any member of the community may report fraud, corruption, theft, misconduct, maladministration or any other unethical conduct of a similar nature if it impacts the municipality by using one of the following mechanisms. (see para.12 reporting procedure)

## **9. HARASSMENT OR VICTIMISATION**

- 9.1 The municipality acknowledges the fact that the decision to report a concern can be a difficult one to make, not least because of fear of reprisals from those responsible for the irregularity.
- 9.2 The municipality will not tolerate harassment or victimisation and will take action to protect employees against such conduct when they report in good faith.
- 9.3 Any act of harassment or victimisation should be reported to the Accounting Officer or, alternatively, to the Manager: Risk and Security.
- 9.4 Where an employee is already or stands to be the subject of disciplinary or other action, reporting of the nature stipulated in the Protect Disclosure Act, shall not mean that action will automatically be ceased as a result of their whistleblowing.

## **10. GUARANTEES AND PROTECTION**

- 10.1 Confidentiality regarding the identity of the person reporting under this policy will be maintained at all times, and nobody acting in good faith will be penalized for making such disclosure regarding information that might be in the interest of the municipality. Every effort will be made not to reveal the identity of the whistleblower unless he/she permit/allows.

10.2 Notwithstanding clause 9.4 above, the municipality as an employer shall ensure that any employee who makes a disclosure in terms of the Protected Disclosures Act and in circumstances as herein discussed will not be penalized or suffer any occupational detriment for doing so.

10.3 Any employee who raises a concern in good faith in terms of the Protected Disclosures Act will not be at risk of losing their job or suffering any form of retribution as a result. The municipality will not tolerate the harassment or victimization of anyone raising a genuine concern.

10.4 A guarantee and protection/assurance regarding occupational detriment can, however, not be extended to employees who maliciously raise matters they know to be untrue, and action will be taken against such employees.

## **11. FALSE AND MALICIOUS ALLEGATION**

11.1 Persons intending to report a matter under the Protected Disclosures Act shall guard against making allegations which are false and made with malicious intent.

11.2 In instances where persons do make such false and malicious reports, such persons will not enjoy the protection offered by the Protected Disclosure Act and where cost implications arise due to investigations done and resources allocated on the basis of false allegations, such costs shall be claimed as damages suffered by the Municipality from the person who made the false or malicious allegation.

11.3 An employee who does not act in good faith or who makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it maliciously, shall be subjected to disciplinary proceedings.

## **12. WHISTLEBLOWER DISSATISFACTION**

12.1 If a whistle blower is unhappy with the municipality's response, he/she can go to the other levels and bodies detailed in this policy. While the municipality cannot guarantee that it will respond to all matters in the way that the whistle blower might wish, the municipality commits to handle all matters fairly and properly.

### 13. REPORTING PROCEDURE

13.1 Reports of possible fraud or corruption from any internal or external source can be submitted internally to:

13.1.1 Line management;

13.1.2 Senior Managers;

13.1.3 Municipal Manager; or

13.1.4 Risk and Security Management Unit

13.2 An alternate way of reporting possible fraud and corruption can be made by contacting the Municipality's approved Fraud Hotline. Persons may remain anonymous when making reports via this Hotline.

13.3 Where a person has reported his/her concern through any of the channels described in sub-paragraphs 13.1 and 13.2 above and have substantial reason to believe that there may be a cover-up or that evidence may be destroyed or that the matter might not be handled properly, that person may raise his/her concern in good faith with a Member of the Executive Committee of the Municipality.

13.4 Employees and members of the public not wishing to report a matter internally may make reports or Public Interest Disclosures to the following investigating authorities:

13.4.1 SAPS;

13.4.2 Public Protector;

13.4.3 Auditor-General; or

13.4.4 Any other relevant authority

13.4.5 Audit Committee Chairperson

13.4.6 Risk Management Committee Chairperson

## **14. HOW THE MUNICIPALITY WILL RESPOND**

The action taken by the Municipality will depend on the nature of the allegation reported. The possible routes of action open to the Municipality are to:

- 14.1 Investigate internally; and / or refer the matter to South African Police Service or other relevant law enforcement agency, where applicable.
- 14.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form the investigation should take. Allegations raised may not necessarily require an investigation to be resolved.
- 14.3 The frequency of contact between the investigating officer and the person reporting (where not anonymous) will depend on the nature of the allegations raised and the investigations which may be required to be performed. If required and where possible, further information may be sought from the person who made the report.
- 14.4 All investigations will be handled confidentially and will not be discussed with any persons other than those who legitimately have the right to such information.

## **15. CREATING PROMOTION, AWARENESS AND EDUCATION**

- 15.1 For this Policy to be sustainable, it must be supported by a structured education, communication and awareness programme.
- 15.2 It is the responsibility of all Senior Managers and Managers to ensure that all employees, are made aware of, and receive appropriate training and education with regard to the whistle blowing policy.
- 15.3 For purposes of reporting by members of the public the Municipal Manager must ensure that this Policy is available on the Municipal website.
- 15.4 Regular or ongoing steps will be undertaken to educate any person on the relevant provisions of the Protected Disclosure Act and the protection which that Act affords employees who make protected disclosures in good faith.

## **16. LEGISLATIVE AND REGULATORY FRAMEWORK**

The policy is premised on, amongst others, the following legislative prescripts:

16.1 The Bill of Rights of the Constitution of the Republic of South Africa, which guarantees every person the right to privacy and protection from any form of violation of their rights.

16.2 The Protected Disclosure Act No.26 of 2000

16.3 Batho Pele principles

16.4 Witness Protection Act

16.5 Public Service Act (Act 103 of 1994)

16.6 Prevention and Combating of Corrupt Activities (Act 12 Of 2004)

16.7 Prevention of organised crime Act (Act 121 of 1998)

16.8 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)

16.9 Labour Relations Act, 1995 (Act No. 66 of 1995)

16.10 Employment Equity Act, 1998 (Act No. 55 of 1998)

## **17. STAKEHOLDER ENGAGEMENT**

17.1 All the relevant stakeholders internal and external will be consulted through the development and implementation of this policy.

## **18. IMPLEMENTATION: ROLES AND RESPONSIBILITIES**

18.1 Potential Whistle-Blower identify the need to report unlawful conduct which can be referred to as fraud and corruption as outlined in the Fraud Prevention Plan & Strategy

18.2 The Risk management committee analyzes all recommendations made regarding unethical conduct and determine which complaints warrant further investigation.

18.3 External forensic expertise where required, may investigate allegations of unethical conduct reported and provide feedback on the outcome to the structure dealing with the investigation.

## **19. MONITORING AND EVALUATION**

19.1 On a continuous basis this policy will be assessed to determine its relevance and effectiveness and to assess whether it has achieved the intended objectives.

## **20. CONCLUSION**

20.1 In conclusion, the Whistle Blowing Policy outlines critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.

20.2 The municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy

## **21. REVIEW OF THE POLICY**

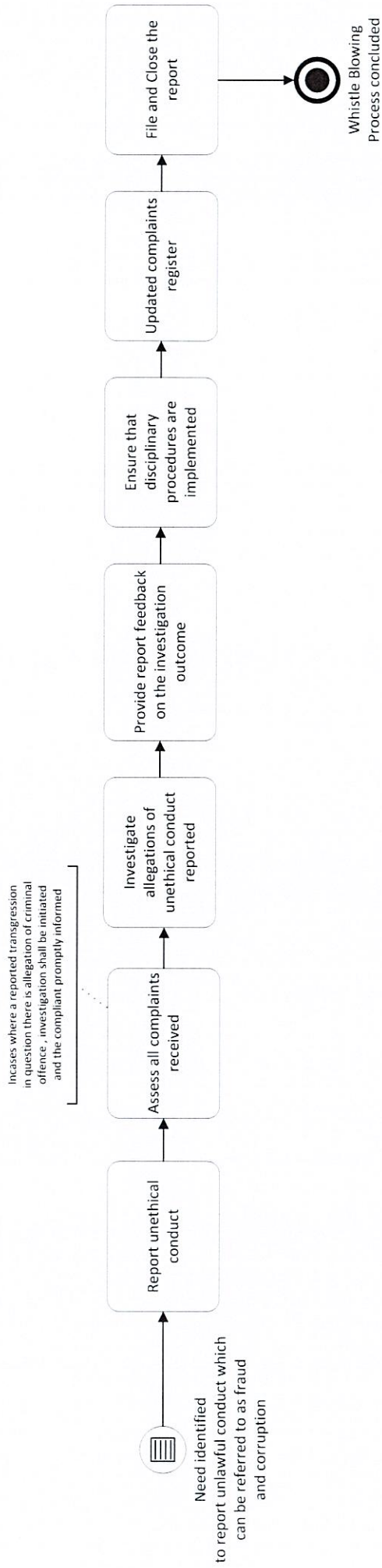
21.1 This Policy shall be reviewed annually or as and when the need arises to reflect the current stance on risk management.

## **22. ANNEXURES**

22.1 Business Process Map

22.2 Standard Operating Procedure

## WHISTLE-BLOWING POLICY



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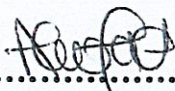
**EXTRACT RESOLUTION OF THULAMELA  
MUNICIPALITY SPECIAL COUNCIL MEETING NO.  
05/2026 HELD ON THE 29 JUNE 2026.**

**RESOLUTION NO. SC 23/05/2026**

**REQUEST OF THE 2026/2027 RISK MANAGEMENT  
RELATED POLICIES.**

**Council resolved:**

- a) To approve the reviewed 2026/2027 risk management-related policies and note the related strategies and plans.

  
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**CHAIRPERSON OF COUNCIL  
29 JUNE 2026**

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