

## Whistle Blowing

For those who are willing to step into the dirty fast flowing river of corruption together with others in order to stem the tide, they may very well encounter instances of fraud and corruption which deserve to be reported.

Most corporates and public sector entities will have hotlines to call in such an event, usually guaranteeing anonymity.

Since what you are wanting to report is a crime you can use SAPS Crime Stop (Tip Off Line) 0860 010 111.

There are also some independent organisations, the most popular of which is Corruption Watch ([info@corruptionwatch.org.za](mailto:info@corruptionwatch.org.za)).

### **Protection for Whistle-blowers**

South Africa’s Protected Disclosure Act (PDA) provides a broad scope of legal protections to private and public-sector employees who suffer workplace retaliation after reporting crime, corruption and other misconduct.

To the apparent benefit of whistle-blowers, the law covers most employees, allows a wide range of misconduct to be reported, defines retaliation broadly, and allows employees to choose from many disclosure channels.

Even though PDA was passed nearly 20 years ago, it contains many provisions considered best practice by today’s standards.

As with all whistle-blower laws, however, PDA’s success in actually protecting people should be evaluated based on its implementation, rather than merely on its language. The following information was extracted from a report by GAP (Government Accountability Project) on a study done on the experience in South Africa.

To gauge how well PDA has worked in practice, 30 whistle-blower cases heard in South African courts between 2003 and 2014 were analysed. These critical questions were posed:

- What types of whistle-blower disclosures are being made?
- Who is blowing the whistle?
- What types of relief are whistle-blowers seeking?
- Has whistle-blowing become more frequent over time?
- To what extent are whistle-blowers in South Africa winning their cases? What types of whistle-blower disclosures are being made?

Before assessing the overall effectiveness of PDA, it is important to establish the validity of disclosures made by employees. In other words, analyzing the law’s success relies on the assumption that employees’ claims of retaliation are prima facie valid.

Of the 30 cases, South African courts found 90 percent of the occupational detriment claims were valid. This strongly suggests employees have used PDA as it was intended, and that it is not being abused or misused to file frivolous claims.

There will still be cases that we hear about where the whistle-blower is seemingly victimised and loses their position of employment, that being the nature of bad news, it travels further.

Some of those cases may very well be as a result of a last-ditch attempt to hold onto a job, where they have not been pulling their weight.

So, where you work unto God and not unto man, that should never be a problem.