



# NAMMC

Promoting market access for South African agriculture

## WHISTLEBLOWING POLICY

NATIONAL AGRICULTURAL MARKETING COUNCIL

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## WHISTLE BLOWING POLICY

Policy No:	WB 011
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Effective date:	Immediately upon approval by Council
Policy application:	To all staff members
Managed by:	Chief Executive Officer

## CONTROL MEASURES OF THE POLICY

Recommended by: Chief Executive Officer	Date: 30 June 2023	Chief Executive Officer's Signature: 
Recommended by: Risk Management Committee	Date: 10 July 2023	Chairperson's Signature: 
Recommended by: Human Resources and Remuneration Committee	Date: 13 July 2023	Chairperson's Signature: 
Recommended by: Audit and Risk Committee	Date: 10/7/23	Chairperson's Signature: 
Approved by: Council	Date: 17 July 2023	Chairperson's Signature: 
Next review date	Date:	Policy will be reviewed every three years

## REVISION RECORD

Date	Revision Description
24 May 2019	First Time
05 October 2020	Second Review
01 August 2022	Review



## TABLE OF CONTENTS

1. INTRODUCTION.....	6
2. POLICY STATEMENT.....	6
3. REGULATORY FRAMEWORK.....	6
4. PRINCIPLES.....	8
5. FALSE AND MALICIOUS ALLEGATIONS.....	10
6. REPORTING PROCEDURE.....	8
7. FRAUD RESOLUTION.....	9
8. DISCIPLINARY PROCEDURES.....	9
9. CREATING AWARENESS.....	11
10. POLICY REVIEW PROCESS.....	11
11. CONCLUSION.....	11

## ABBREVIATIONS / ACRONYMS

DALRRD	Department of Agriculture, Land Reform and Rural Development
The Council	Council Members
NAMC	National Agricultural Marketing Council established by section 3 of the Marketing of Agricultural Products Act 47 of 1996 as amended.
CEO	Chief Executive Officer
A&RC	Audit and Risk Committee
RMC	Risk Management Committee
PDA	Protected Disclosure Act 26 of 2000
RCM	Risk and Compliance Manager, meaning a staff member who is responsible for overseeing the day-to-day risk management of the organisation

## DEFINITIONS

The Council	Governs risks with applicable laws, codes and standards to support the organization in setting and achieving its strategic objectives, as indicated in King IV: Principle 11.
MAP Act	Marketing of Agricultural Products Act 47 of 1996
Whistleblowing	An act of an employee, contractor or any other stakeholder raising their voice against specific concerns or unethical activities being carried out at the NAMC.
Whistleblowing Policy	A Policy which is based on the Protected Disclosure Act 26 of 2000 which encourages employees to disclose any acts of misconduct without fear of any victimization or reprisals



## DEFINITIONS

Disclosure	Disclosure of information regarding any conduct of an employer, or an employee of that employer, made by any employee who has the reason to believe that the information concerned shows or tends to show, a criminal offence, unfair discrimination, failing to comply with any legal obligation etc.
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## **1. INTRODUCTION**


- 1.1. Whistleblowing is an act of an employee, contractor or any other stakeholder raising their voice against specific concerns or unethical activities being carried out at the National Agricultural Marketing Council.
- 1.2. Understood correctly, whistleblowing regarding unlawful or irregular conduct is not about informing in the negative but rather about raising a concern about a malpractice within the National Agricultural Marketing Council in good faith. The NAMC is committed to its Code of Ethics and to promote a high standard of honesty, openness, and accountability.
- 1.3. It is therefore important to establish procedures in terms of which employees may, without fear of victimisation, disclose information relating to suspected alleged criminal or other irregular conduct affecting them or the NAMC.
- 1.4. It is the responsibility of every employee to disclose criminal and any other irregular conduct in the workplace and it is the responsibility of the NAMC to provide protection to any person who reports criminal activity or any other irregular conduct committed within the NAMC.

## **2. POLICY STATEMENT**

- 2.1. Whistleblowing is an important early warning system used to protect the stakeholders when reporting an offence to the NAMC.
- 2.2. The policy is intended to encourage and enable employees and other stakeholders within the NAMC to raise concerns regarding suspected or alleged conduct.
- 2.3 The Whistleblowing Policy will assist the NAMC to break the cycle of silence and inaction, and prevent fraud and corruption in the organisation.

## **3. REGULATORY FRAMEWORK**

- 3.1. The Whistleblowing Policy is based on the Protected Disclosure Act 26 of 2000. The Act encourages employees to disclose any acts of misconduct without fear of any victimization or reprisals. Section 2(1) of the Protected Disclosure Act describes its objectives as follows but not limited to:

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- 3.1.1. To provide an employee protection from being subjected to an occupational detriment on account of having made a protected disclosure.
  - 3.1.2. To provide for remedies in connection with any occupational detriment suffered on account of having made a protected disclosure.
  - 3.1.3. To provide for procedures in terms of which an employee can in a responsible manner, disclose information regarding improper conduct by his/her colleagues, other stakeholders or employer.
  - 3.1.4. To provide guidance on occupational detriment, including being subject to disciplinary action, dismissal, suspension, demotion or transferal against one's will; being harassed, denied promotion, subjected to terms and conditions of employment or retirement which have been changed, intimidated, refused a reference, or provided with a negative reference as a result of one's disclosure.
- 3.2. This Policy should be read in conjunction with the following prescripts, not limited to:
- 3.2.1 Labour Relations Act 1995 as amended.
  - 3.2.2 Protected Disclosures Act 2000 as amended.
  - 3.2.3 The Prevention and Combating of Corrupt Activities Act 2004 as amended.
  - 3.2.4 The Promotion of Access to Information Act 2000 as amended.
  - 3.2.5 The Promotion of Administrative Justice Act 2000 as amended.
  - 3.2.6 The Public Finance Management Act 1999 as amended.
  - 3.2.7 The Code of Conduct for the Public Service.
  - 3.2.8 The Public Service Anti-Corruption Strategy.
  - 3.2.9 The Public Service Act 1994 as amended.

3.2.10 The Financial Intelligence Centre Act 2001 as amended.

3.2.11 Electronic Communications and Transaction Act 2002 as amended.

#### **4. PRINCIPLES**

It is the responsibility of the Accounting Authority, and the CEO to ensure that fraud and corruption activities are identified, investigated and corrected across the entity, and to do this the following principles should be adhered to:

##### **4.1 Protection**

4.1.1 Any employee of the NAMC who makes a disclosure (blows the whistle) in terms of this Policy and the Protected Disclosure Act will be protected against occupational detriments, provided it is not a false, malicious or frivolous disclosure.


4.1.2 Potential whistle blowers should, however, be aware that frivolous and vexatious, and especially malicious and false, allegations against another employee may lead to disciplinary or legal action against the person who made the disclosure.

4.1.3 This implies that a whistle blower must have a reasonable suspicion that an act of misconduct or impropriety and unethical behaviour has or is being committed. However, it is not expected of a potential whistle blower to conduct his/her own investigation(s). That could in fact jeopardize any later investigation(s) by the employer and could also be dangerous. Concerns or doubts should be discussed with the person to whom the disclosure is made.

##### **4.2 Confidentiality**

4.2.1 All the information received and investigated relating to fraud, corruption and unethical behaviour will be treated confidentially. The progression of the investigation will be handled in a confidential manner and will not be disclosed or discussed with any person(s) other than those who have a





legitimate right to such information. This is important in order to protect the rights of all person(s) until the conclusion of the investigation and to avoid harming the reputation of the suspected person who is subsequently found innocent of wrongdoing.

### **4.3 Fairness**

- 4.3.1 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment and this Policy is not to be used as an avenue to re-run issues that have already gone through grievance, complaints or disciplinary procedures.

### **4.4 Transparency**

- 4.4.1 Ensure that employees, bursary-holders, casual employees, interns, learners and other stakeholders receive a response regarding their concerns, and that they are aware of how to pursue them further if and when they report to the relevant authority.
- 4.4.2 To provide avenues for employees, bursary-holders, casual employees, interns, learners and other stakeholders to raise their concerns and receive appropriate feedback on action taken.



## **5. FALSE AND MALICIOUS ALLEGATIONS**

- 5.1. Persons intending to report on a matter under the Protected Disclosure Act shall guard against making allegations which are false and made with malicious intention.
- 5.2. When reporting a matter under the Protected Disclosure Act, care should be taken by the person reporting that allegations are done without malicious intention.
- 5.3. If it is established that a person made malicious and false reports, such a person will not enjoy the protection offered by the Protected Disclosure Act. Cost implications, if any, that arise due to investigations against such a claim will be claimed as damages suffered by the NAMC.
- 5.4. An employee who reports maliciously and not in good faith shall be subjected to disciplinary hearings.

## **6. REPORTING PROCEDURE**

- 6.1. Reports of possible fraud or corruption from an internal or external source can be submitted anytime to:
  - 6.1.1. The independently managed anonymous fraud hotline: The service provider managing the fraud hotline shall inform the Risk and Compliance Manager when cases are reported as well as provide monthly and quarterly reports to the NAMC, indicating the summary of cases reported via the fraud hotline. The Audit and Risk Committee Chairperson and Risk Management Committee Chairperson shall have access to the detailed reports from the service provider and shall then decide on the process going forward.



## **7. CREATING AWARENESS**

7.1 Policy awareness sessions will be conducted throughout the NAMC.

7.2 Management has a responsibility to ensure that all employees are made aware of and receive appropriate training and education with regard to the Whistleblowing Policy.

7.3 For the purpose of reporting to the public, the CEO must ensure that the Policy is available on the NAMC website.

## **8. POLICY REVIEW PROCESS**

The Whistleblowing Policy shall be reviewed every three years or when justifying circumstances occur, such as a pronouncement by legislation and/or regulations.

## **9. CONCLUSION**

The Whistleblowing Policy is implemented to ensure that ethical conduct by all stakeholders is maintained in the NAMC.