

1. Definitions

"Act", means the Protected Disclosures Act 26 of 2000, or any other national legislation enacted as the result of the repeal of the said Act.

"Department" means the Human Resource Department of Emalahleni Local Municipality or any department that performs the function of regulating the enforcement of policies within the Municipality.

"Disclosure", means the any disclosure of information regarding any conduct of an employer or an employee of that employer made by any employee who has reason to believe that the information concerned shows or tend 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 miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health of 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 section 9 of the Constitution Act 108 of 1996 and any national legislation enacted in pursuit of the said section,
- Information regarding improper conduct is about or is being concealed.

"Employee" means a employee as contemplated in the Labour Relations Act 66 of 1995 where such employee is employed by the Emalahleni Local Municipality or a part time or full time basis including a former employee who has been dismissed from employment as a result of disclosing information is pursuit of the objects of this Act.

"Employer" means Emalahleni Local Municipality.

"Impropriety" means any conduct falling with the definition of disclosure referred to above.

"Municipality" means Emalahleni Local Municipality

"Occupational Detriment" has the same definition as the one contained and contemplated in the Act.

"Organ of state" means a public institution a contemplated in section 239 of the Republic of South Africa Constitution Act 108 of 1996.

Prescribed means prescribed in this policy

ELM means Emalahleni Local Municipality established in terms of the Municipal Structures Act.

2. APPLICATION

2.1 This policy shall:

- 2.1.1 apply to all employees of the Emalahleni Local Municipality.
- 2.1.2 bind all departments, directorates and sections of the Municipality.
- 2.1.3 Not be deviated from unless with resolution of the Council.

3. ENFORCEMENT

The Corporate Service Department is hereby charged with a duty to enforce this policy and the Municipal Manager shall designate an officer within the department as a person charged with the duty to enforce this policy.

4. PROTECTION OF DISCLOSURE

- 4.1 No conduct that has as its purpose the purpose the disclosure of information for in pursuit of the objectives of the Act shall constitute misconduct.
- 4.2 No disciplinary proceedings shall be valid if taken against an employee who has disclosed information in terms of the Act.
- 4.3 In any proceedings in which it becomes an issue whether certain information has been disclosed in pursuit of the objectives of the Act, it shall be enough for anyone to say so if such a disclosure is free from any motives other than the pursuit of the objectives of the Act.

5. PUBLICATION OF POLICY

It shall be the duty of the Municipal Manager to ensure that all employees are aware about this policy.

It shall be the duty of the Municipal Manager to ensure that in any disciplinary proceedings all employees are made aware of the justification of the disclosure of information as contemplated in the Act where such issue of justification arises as;

- 5.1 Between the employer and the employee charged in the disciplinary proceedings.

Whistle blowing policy

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DR SHAYATA
MUNICIPAL MANAGER

DATE


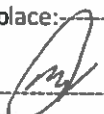
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CHIR N LAU
HON. SPEAKER

5.2 Between the employer and the employee where such employee is a witness for either the employer or employee in the disciplinary proceedings contemplated above.

6. EFFECTIVE DATE

This Policy will be effective on the date of approval by Council (in this case it is the 20th of November 2014).

SIGNATORIES	
Signed by Municipal Manager	
Signed on this <u>21st</u> day of <u>NOVEMBER</u> year <u>2014</u>	
At place: <u>LADY FRERE</u>	
	
Municipal Manager	
Signed by Speaker	
Signed on this <u>21st</u> day of <u>NOVEMBER</u> year <u>2014</u>	
At place: <u>LADY FRERE</u>	
	
Speaker	