



# WHEN YOU NEED TO BLOW THE WHISTLE A QUICK GUIDE TO YOUR RIGHTS AND RESPONSIBILITIES

In terms of South Africa's Protected Disclosures Act



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## YOUR OBLIGATION TO RAISE A FLAG

On employment we accept a duty to act in the best interests of our employer. Reporting suspected or known unethical activity forms part of this duty. The Protected Disclosures Act of 2000, amended in 2017 ('PDA'), sets out rights and responsibilities of employers, employees, former employees and contractors in the exercise of this obligation.



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## YOUR RIGHT TO KNOW HOW TO DO SO

The PDA requires employers to communicate the avenues by which employees can fulfil their duty to report unethical and illegal activity. You can make open and confidential reports using internal channels, and you can make open, confidential and anonymous reports via your ethics hotline service provided by Whistle Blowers. Make sure you are familiar with your organisation's policy and take note of the Whistle Blowers contact details.



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## MATTERS TO WHICH PDA PROVISIONS APPLY

The PDA does not apply to every report of alleged wrongdoing. It does apply to: A potential or actual criminal offence, a failure to comply with a legal obligation, an actual or likely miscarriage of justice, the endangerment of the health and safety of a person or the environment, unfair discrimination in terms of Chapter II of the Employment Equity Act or the Promotion of Equality and Prevention of Unfair Discrimination Act.



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## CRITERIA FOR A DISCLOSURE TO BE PROTECTED

To qualify for legal protection, a disclosure must be: made in good faith, reasonably believed by the whistleblower to be true, not for personal gain, according to a substantively correct procedure, and to the right authority.



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## THE RIGHT NOT TO SUFFER OCCUPATIONAL DETRIMENT

If you make a protected disclosure, you have a right not to suffer adverse consequences relating to your employment status. The following are examples of 'occupational detriment' prohibited in the Act: harassment, intimidation or disciplinary action, disadvantageous alteration of terms and conditions, refusal to give or an unfairly negative reference, civil claim for breach of confidentiality, and other types of negative impact on employment prospects or job security.



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## THE RIGHT TO FEEDBACK

Whistleblowers have the right to feedback regarding whether the employer is investigating an allegation and if not, why not, and what the outcome of any investigation is. However, the employer is not required to provide information that might compromise an investigation or contravene another law. Remember, if you make a report anonymously, your employer will not be able to contact you to provide feedback, but you can safely maintain contact via your ethics hotline.



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## THE OFFENCE OF FICTITIOUS REPORTING

You commit a legal offence in terms of the law, and gross misconduct in your employment relationship, if you abuse whistleblowing systems by making a report that you know, or reasonably ought to know, is false. Don't abuse the resources that exist to protect the best interests of your colleagues and your employer. Where intentional harm is caused and suffered, the PDA provides for either or both a fine and imprisonment for up to two years.

Read the Protected Disclosures Act [here](#)

Remember: Report suspected or known wrongdoing using the internal channels available in your organisation, or make an open, confidential or anonymous report via Whistle Blowers, your ethics hotline. Call Whistle Blowers using the dedicated hotline number advertised by your employer, make an online report via [www.whistleblowing.co.za](http://www.whistleblowing.co.za), download and report via the Whistle Blowers app, SMS 33490 or email [information@whistleblowing.co.za](mailto:information@whistleblowing.co.za).

**WHISTLE  
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