



**TRANSPARENCY
INTERNATIONAL
ZAMBIA**

WHISTLEBLOWER POLICY

October, 2020

1. PURPOSE OF POLICY

The purpose of this Policy is to complement the provisions of the Public Interest Disclosure (Protection of Whistle-blowers) Act, 2010 and the TI-Z Code of Ethics. It is also intended to encourage and enable employees to raise serious concerns within Transparency International Zambia (TI-Z) rather than seek resolution outside the institution.

2. SCOPE

This Policy applies to all employees of TI-Z (whether on a fixed term contract or temporary i.e. internship), technical or other consultants, agents or any person associated with or acting on behalf of TI-Z collectively referred to as **'representatives'** in the policy.

3. DEFINITION OF TERMS

In this document, unless the context otherwise requires:

- **"Employee"** means any individual who is employed by TI-Z (i.e. Individuals with fixed term contracts with the organisation);
- **"Member"** means a person who has paid for membership to TI-Z and is eligible to attend Annual General Meetings
- **"Good Faith"** means communication made where there is a reasonable basis for reporting unethical and improper practices or any other alleged wrongful conduct. Good faith shall be deemed lacking when the person reporting does not have personal knowledge or a factual basis for the communication or where the person reporting knew or ought to have reasonably known that the communication about the unethical and improper practices or alleged wrongful conduct is malicious, false or frivolous;
- **"Integrity Committee"** means the Committee established within TI-Z to spearhead the prevention of corruption and maladministration;
- **"Malicious Reports or bad faith"** means reports characterized by ill motives or intentions
- **"Organisation"** means Transparency International Zambia.
- **"Retaliation"** means a direct or indirect adverse administrative decision and/or action that is threatened, recommended or taken against a whistle-blower or an individual who has reported suspected wrongdoing that implies a significant risk; or an Individual who cooperated with a duly authorized audit or an investigation of a report of wrongdoing; and
- **"Whistle-blower"** means a person who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The Whistle-blower is not responsible for investigating the activity or for determining fault or corrective measures. Appropriate Management officials are charged with these responsibilities.

4. THE REPORTING PROCEDURE

4.1. Introduction

- 4.1.1. All employees of TI-Z are expected to observe the highest ethical standards in their business dealings with the organisations' stakeholders as elaborated in the Code of Ethics.
- 4.1.2. Employees and representatives of TI-Z are required to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.
- 4.1.3. Whistleblowing is the deliberate, voluntary disclosure of individual or organisational malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing or scam within or by an organisation that is within the organisation's ability to control.

4.2. Reporting Responsibility

- 4.2.1. It is the duty of each employee to comply with the Code of Ethics and other applicable policies and further report violations or suspected violations in accordance with this Policy.
- 4.2.2. Stakeholders are encouraged to report any actual, suspected or anticipated wrong doing which relates to TI-Z.

4.3. Reporting Violations

- 4.3.1. TI-Z supports an open door policy - therefore all employees and stakeholders should use the established channels of reporting to highlight any area of concern.
- 4.3.2. All employees and stakeholders are encouraged to report directly to the Management and in the event of management being involved, to the Integrity Committee (TI-Z IC) and/or Staff and Members' Welfare Committee.
- 4.3.3. Similarly, Supervisors and Managers are required to report suspected violations directly to the Staff and Members' Welfare Committee and/or Integrity Committee.
- 4.3.4. The TI-Z IC has the specific and primary responsibility to investigate all reported violations.

4.4. Duty to Act in Good Faith

- 4.4.1. Anyone filing a complaint concerning a violation or suspected violation under this Policy must act in good faith and have reasonable grounds for believing the information disclosed indicates a violation.
- 4.4.2. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious offence and therefore liable to applicable administrative and/or legal sanctions.

4.5. Protection from Retaliation

- 4.5.1. An employee who in good faith reports a violation of the Code of Ethics or other TI-Z policies and regulations shall not suffer harassment, retaliation or any prejudice.
- 4.5.2. Any employee who retaliates against someone who has reported a violation in good faith shall be subject to disciplinary action.

4.5.3. Any action which is deemed to have been taken in retaliation to a report under this Policy shall be null and void.

4.6. What should be Reported under the Policy

4.6.1. This Policy covers both public interest and protected interest disclosures, including disclosures of information made by any person or an employee, regarding any conduct of any person or an employer, or an employee of that employer, that the person making the disclosure believes on reasonable grounds shows or tends to show one or more of the following:

- That a person has engaged, is engaging or intends to engage in disclosable conduct;
- Conduct involving substantial risk or danger to the environment;
- That a person has engaged, is engaging or intends to engage in an unlawful reprisal;
- That an employee has engaged, is engaging, or intends to engage in conduct that amounts to a substantial and specific danger to the health or safety of the public;
- 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; and
- That any matter referred to above has been, is being or is likely to be deliberately concealed.

4.6.2. Under this Policy all employees are required to disclose any misconduct involving TI-Z's personnel, a person acting on behalf of TI-Z and/or a third party that undermines the operations of TI-Z. These include the following:

- Theft;
- Accepting or offering bribe(s) in respect of TI-Zs' business;
- Unauthorized removal of property from TI-Z premises;
- Removing, altering or destroying official records;
- Abuse of office;
- Providing false or misleading information to TI-Z;
- Any form of dishonest conduct; and
- Any criminal or suspected criminal conduct.

4.7. Reporting Methods

4.7.1. Public interest disclosures under this Policy may be made in the following ways:

- By letter
- By phone
- Through the Integrity Committee and/or Staff and Members' Welfare Committee
- In person
- By email directed to Management (Executive Director)
- Any other means provided by the TI-Z.

4.8. Handling of Reported Violations

- 4.8.1. Upon receipt of a suspected violation, the TI-Z IC and/or Staff and Members' Welfare Committee (whosoever has received the report) shall record in an approved register the date and nature of the reported violation and shall, where applicable, acknowledge receipt in writing within seven working days from the date of receipt of the report.
- 4.8.2. All reports will be investigated and appropriate corrective action will be taken if warranted by the investigation that shall be spearheaded by the TI-Z IC.
- 4.8.3. All matters will be concluded promptly and as soon as possible.
- 4.8.4. The TI-Z IC shall be responsible for investigating and resolving all reported complaints and allegations concerning violations of this Policy and shall advise the Executive Director of investigations being carried out.
- 4.8.5. The TI-Z IC through the office of the Executive Director shall report or refer any matter to the Anti-Corruption Commission, Drug Enforcement Commission, the Zambia Police Service or any other Law Enforcement Agency within the Republic of Zambia, as the nature of the case may dictate.
- 4.8.6. The TI-Z IC may recommend engagement of third party subject matter experts or professionals to carry out forensic investigations.

5. CONFIDENTIALITY

- 5.1.1. Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously.
- 5.1.2. Reports of violations or suspected violations will be kept confidential to the largest extent possible, consistent with the need to conduct an adequate investigation.
- 5.1.3. Any breach of confidentiality shall be dealt with in accordance with the TI-Z's Disciplinary and Grievance Procedures.

6. PUBLICATION AND REVIEW

- 6.1.1. This Policy shall be communicated to all employees.
- 6.1.2. The Policy will be reviewed as and when needed or at least every two years.

7. APPENDIX

Appendix 1: Typical Scams

SCAM

1) **Maladministration or financial misconduct in handling of TI-Z resources, financial transactions or other assets**

- Presentation of fake receipts for goods or services bought from TI-Z resources;
- Presentation of inflated receipts for goods or services bought from TI-Z resources and any other offence relatable in this category.

2) **Disclosing confidential or proprietary information to outside parties (e.g. bidders);**

- Informing preferred bidders of the budget
- Giving preferred bidders key information to use in bid document which disadvantages others

3) Procurement fraud e.g. irregular collusion in awarding of tenders or orders for good and/or services; and Colluding with bidder to set tender requirements that can only be met by that bidder

4) **Deliberate non-compliance with delegation of authority limits**

- Approving of extra works that may not have been in the original scope
- Release of payments before completion of works
- Issuance of completion certificate even when the works are unsatisfactory

5) **Diverting payments to incorrect creditors**

- Payment of benefits to wrong beneficiaries
- Over-payment of benefits to beneficiaries e.g. discretionary credits, double payments
- Paying for services that have not been provided
- Claiming for extra payment in a fixed contract by making unsupported claims

6) **Fraud related to Benefits Claims**

Members of staff soliciting for funds from beneficiary of a deceased TI-Z employee so that the deceased TI-Z employees' terminal benefits are processed quickly.