



WHEN YOU NEED TO BLOW THE WHISTLE

A QUICK GUIDE TO YOUR RIGHTS AND RESPONSIBILITIES

THE OBLIGATIONS OF EMPLOYERS AND EMPLOYEES



01

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. If we are aware of or suspect wrongdoing affecting our organisation and choose to remain silent, we run the risk that if the threat and our silence is discovered, our employer will lose trust in us. When wrongdoing persists, the harm caused can have a negative effect on all of us.



02

YOUR RIGHT TO KNOW HOW TO DO SO

Just as we have an obligation to speak up, our employer must provide us with and inform us about the ways in which we can do so. Make sure that you are familiar with the speak up / whistleblowing avenues and mechanisms in place for the employees working for your employer. If you are comfortable raising your concerns internally and openly you should do so, but if you have concerns about this you can use the channels for confidential and anonymous reporting your employer has put in place.



03

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': harassment, intimidation or disciplinary action, disadvantageous and unilateral alteration of terms and conditions, being given an unfairly negative reference, civil claim for breach of confidentiality, and other types of negative impact on employment prospects or job security.



04

CRITERIA THAT A WHISTLEBLOWING REPORT MUST MEET

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. If a report does not meet these criteria, whistleblowing legislation prohibiting occupational detriment is not applicable.



05

MATTERS THAT SHOULD BE REPORTED

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



06

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. If you made your report via an independent ethics hotline service, you will have received a reference number to use to make follow-up queries while maintaining your anonymity.



07

THE OFFENCE OF FICTITIOUS REPORTING

You commit a legal offence, 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, you may not only face disciplinary action but depending upon the applicable law you may face a fine or imprisonment or both.

Report suspected or known wrongdoing using the internal channels available in your organisation, or make a confidential or anonymous report via the ethics hotline service contracted by your employer.

If your employer has appointed Whistle Blowers Ethics Hotline to receive your reports, contact us and have your say, your way. You can use the dedicated hotline number applicable to your employer, you can make an online report via www.whistleblowing.co.za, download and make a report via the Whistle Blowers app, make a report via WhatsApp chatbot on +27 31 308 4664, SMS 33490 or email information@whistleblowing.co.za.

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