



DARING TO ACT

PERCEPTIONS ON WHISTLE-BLOWING IN SOUTH AFRICA

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LIMITATIONS

This study, conducted by Corruption Watch, sought to understand perceptions, attitudes and behaviours related to whistle-blowing in South Africa. Twenty questions were developed and administered through an online surveying instrument, with a total of 2 010 responses received over a two-month period. Due to the nature of the study and its methodology, these findings cannot be considered as a representative view of the South African population in its entirety.

SAMPLE

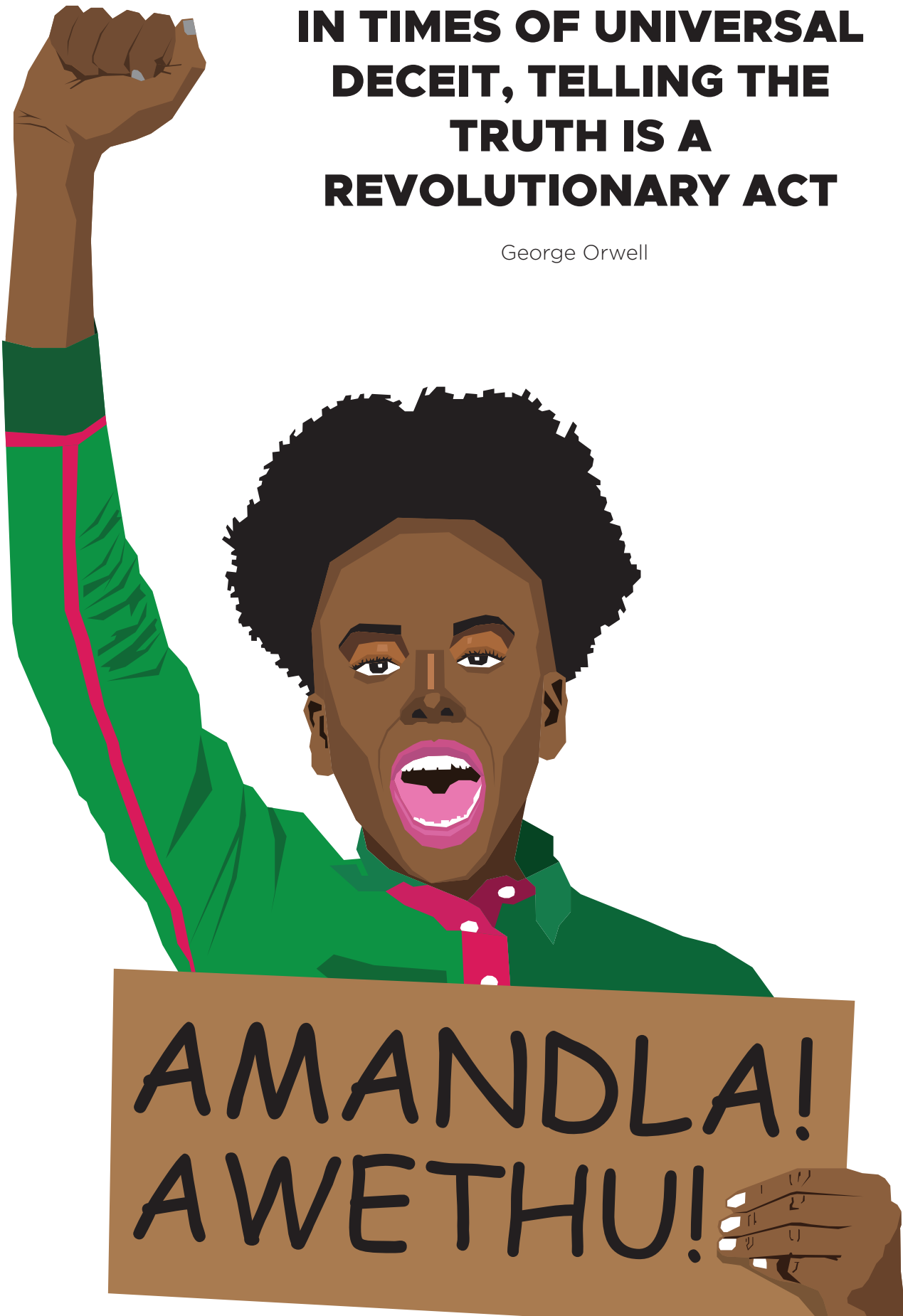
Some key factors to note with regards to the sampled group are:

- Of the total respondents, 52% identified as male, 47% identified as female and the remainder identified as non-binary or chose not to say.
- The majority of participants (38%) are between the ages of 18 and 35 years, with 23% between the ages of 36 and 50 years, and a further 23% aged 51-65 years.
- Most participants in this study identify as Black African (45%), followed by White (36%), Coloured (9%) and Indian (6%).
- In terms of provincial locations, 46% of respondents live in Gauteng, 19% in the Western Cape, 15% in KwaZulu-Natal and 6% in the Eastern Cape. The remaining 14% of participants are spread across Limpopo, Free State, Mpumalanga, North West, and the Northern Cape.
- Most people in the study have a post-graduate qualification and are considered as part of a middle-income group, and
- Though diverse, the group of participants is not statistically comparable with the social demographics data presented by Statistics South Africa.

A full breakdown of the population sample is available on request.

**IN TIMES OF UNIVERSAL
DECEIT, TELLING THE
TRUTH IS A
REVOLUTIONARY ACT**

George Orwell





CONTENTS

FOREWORD

01

EXECUTIVE SUMMARY

04

DEFINITIONS, PERCEPTIONS,
AWARENESS AND TRUST

07

REPORTING PATTERNS

12

MOTIVATIONS AND
EXPECTATIONS

14

CONCLUSION

18

FOREWORD

By Cynthia Stimpel
Former South African Airways treasurer

Whistle-blowing is a pro-social act that encourages, among other things, freedom in the sharing of information and the protection of human rights.

However, whistle-blowers often experience severe victimisation and retaliation in the workplace. They are treated as the pariahs of society, and often face such reprisals as threats by employers, harassment, character assassination, demotion, legal challenges, suspension and even dismissal. The majority of whistleblowers end up losing their jobs and subsequently face severe financial stress.

Reflecting on my own journey as a whistle-blower has not been easy as, I'm certain, many other whistle-blowers can attest. In one of the most horrible consequence of whistle-blowing in the history of our country, Babita Deokaran was shot several times and murdered on 23 August 2021. Her crime was speaking out on the alleged corruption involving the procurement of personal protective equipment at the Gauteng department of health in the wake of the Covid-19 pandemic.

More recently, Athol Williams, Author of *Deep Collusion*, and whistleblower against Bain and Company – a multi-national corporate accused in the capture of the South African Revenue Service – has had to flee South Africa for his own safety.

There are others who still feel unsafe and unprotected, and experience financial and mental health related issues as a result: Mosilo Mothepu, Bianca Goodson, Suzanne Daniels, Altu Sadie, Ian Erasmus, June Bellamy, Martha Ngoye, Tiro Holele, and many, many others.

Reviewing the results of Corruption Watch's recent survey as captured in *Daring to Act*, I can resonate with the key findings. In my own experience as a whistleblower, I did not view myself as this "great hero". I only did my job to the best of my ability when I saw members of the executive and the board of directors of my organisation transgressing company policies and procedures.



My first instinct was to give guidance, and then I tried to stop it from happening at various levels of our company. This resulted in my victimisation through firstly being suspended, then being charged with misconduct, and thereafter through character assassination, which led to my leaving SAA.

The character assassination has become common reaction from senior management and perpetrators, used in both small companies and large corporates alike, and even public institutions such as schools. It makes it so much harder to defend oneself, as it is intended to undermine and discredit the whistle-blower, causing damage to their psyche.

Another element of society that plays a role in the negative publicity of whistle-blowers is the media by sensationalising their experience for the sake of headlines aimed at getting readers' attention.

I believe that the media should become more sensitive to the whistle-blower, do their investigations correctly and also encourage the principle of right of reply.

No-one wakes up and decides to become a whistle-blower. It is a process that takes time and much thinking and planning. In most cases the whistle-blower does not even know the correct steps to follow because there isn't a proper path defined in the ordinary world of work. Furthermore, the only piece of legislation meant to protect whistle-blowers, the Protected Disclosures Act, is severely deficient and needs to be enhanced.

Whistle-blowers tend to speak out against wrongdoing out of a sense of duty to the company or to their country. We all battle with our conscience, as we decide how, and when, and to whom to report fraud or corruption.

With this said, the rising levels of illegal and unethical conduct in both the public and private sectors in our country reinforces the imperative for organisations to take active steps against corruption.

These steps range from inculcating ethical values within and beyond the company, and in our country, to developing processes to safeguard against individual and organisational misconduct, and more importantly, taking action when irregular conduct is discovered.

It's in this context that organisations learn to understand that the detriment suffered by an individual who blows the whistle against corruption may go far beyond the financial impact and the loss of their job. The detail is in the personal risk they have taken, to stand up and to speak their truth. They stand to lose everything!

Studies on the mental health of whistle-blowers also show that retaliation can severely impact their emotional being, causing anxiety, depression, feelings of isolation, and symptoms of post-traumatic stress disorder¹.

In conclusion, I would like to recommend points taken from various surveys and studies by the Gordon Institute of Business Science² on what organisations can do to encourage whistle-blowing:

1. Prioritise and focus executive attention on actively building an ethical culture that welcomes whistleblowing
2. Actively involve non-executive members of boards
3. Prioritise organisational communication and training on whistle-blowing
4. Make it easy and safe to blow the whistle
5. Take steps to avoid whistle-blower abuse and retaliation;
6. Monitor and manage investigations
7. Take action against unethical conduct
8. Regularly communicate the outcomes of whistle-blowing management
9. Support NGOs dedicated to working with whistle-blowers
10. Honour and celebrate whistle-blowers

¹ Bjorkelo, 2013

² South African Whistle-blowers: Tribulations and Triumphs, 2021



EXECUTIVE SUMMARY

As a social justice organisation actively pursuing a corruption-free society, Corruption Watch relies on the brave testimony and valuable evidence provided by whistle-blowers to inform our various interventions. Whistle-blowers have repeatedly told Corruption Watch about the threats – such as harassment, intimidation, violence, and in extreme cases, loss of life – that they face to their lives and livelihoods as a result of their disclosures. More recently, the violent killing of senior health department official Babita Deokaran, and the decision taken by Athol Williams to flee the country due to threats made on his life, have drawn extensive public attention to the serious challenges and risks that whistle-blowers have to endure in their efforts to root out corruption.

It is in this light that Corruption Watch conducted a study to understand the public's perceptions, behaviours and attitudes towards whistle-blowing. Through an online survey, we sought to understand the public's trust in institutions, their knowledge about whistle-blowing and reporting channels, their motivations to blow the whistle and expose wrongdoing, and their views on systemic improvements that need to be made to promote a culture of safety and protection, when disclosing information.



Some of the key findings of the survey include the following:

1. The majority of respondents understand whistle-blowing to be the disclosure of information to the public, media, persons of authority, or investigative agencies about any type of abuse of power or misconduct, in all sectors of society.
2. Respondents believe that whistle-blowing is important in order to a) bring justice to a situation where there was wrongdoing or to the person who was wronged, and b) to curb corruption and crime in South Africa.
3. Most respondents are only partially aware or not at all aware of the laws that protect whistle-blowers in the country.
4. A majority (58%) of participants noted that if they had to experience corruption, crime or any form of misconduct, in either the public or private sector, they would know where to report it.
5. In terms of whistle-blower reporting channels, most respondents are aware of the South African Police Service (71%), followed by Corruption Watch (63%), and Chapter 9 institutions such as the South African Human Rights Commission (48%) and the Public Protector (48%).
6. When respondents were asked about the institutions that they would trust with their disclosure, most respondents would approach civil society organisations with their complaints, followed by Chapter 9 bodies and the media.
7. The vast majority of participants (76%) noted that they would report corruption or misconduct in the future, if they had to experience it.
8. In terms of what would motivate people to report misconduct, the majority of respondents (73%) noted that their decision would be based on a desire to bring perpetrators to account, followed by a confidence that they would be protected by the law and provided with legal, financial and mental health support.
9. Respondents believe that whistle-blowers are well-meaning persons intending to do good in society, and individuals who are deserving of financial rewards/compensation for their disclosures.
10. In an effort to improve whistle-blowing in South Africa, participants believe that the government should:
 - (a) Establish a whistle-blowing institution/agency that can provide legal, financial and mental health support to individuals. And;
 - (b) Dedicate additional resources to law enforcement agencies to ensure that whistle-blower complaints are investigated thoroughly and perpetrators are held accountable.



All in all, participants in this study have a positive disposition towards whistle-blowing for they mainly view it as a means to bring about justice when wrong has been done. This is despite the grave challenges experienced by whistle-blowers in South Africa. However, due to a lack of trust in politicians, much of the optimism appears to be attributed to the role played by non-governmental organisations, journalists and Chapter 9 instruments as opposed to institutions such as the South African Police Service and parliament. Subsequently, given the seriousness of the practice, the respondents have also indicated that a great deal more needs to be done by government to improve the environment.



DEFINITIONS, PERCEPTIONS, AWARENESS AND TRUST

Asked to give a response to the question of what explanation was closest to their description of whistle-blowing, 70% of participants opted to say that it is 'reporting any form of wrongdoing' and 'disclosing information to the public, media, persons of authority, or investigative agencies about any type of abuse of power or misconduct, in all sectors of society'. The respondents' perspective goes beyond the official definition of a whistle-blower according to the Protected Disclosures Act³, which defines a whistle-blower as an employee who, in good faith, discloses information that reveals illegal or irregular conduct by their employer to a regulatory authority or reporting mechanism. The views reflected by participants are largely in line with Transparency International's⁴ official definition of a whistle-blower – someone who 'discloses information about corruption or other wrongdoing being committed in or by an organisation to individuals or entities believed to be able to effect action – the organisation itself, the relevant authorities, or the public'.

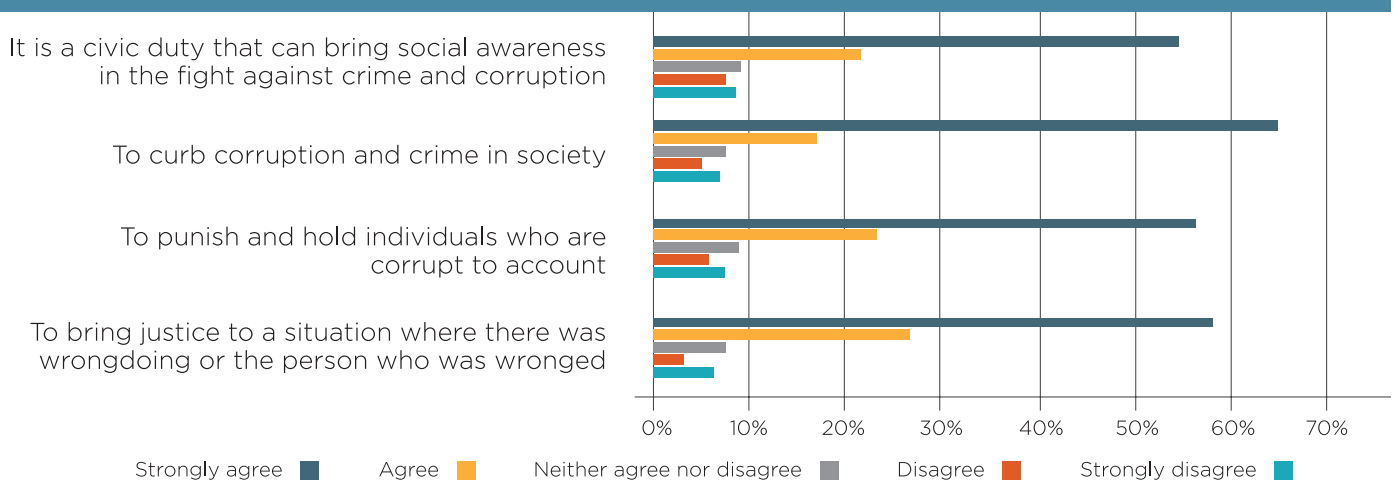
WHICH STATEMENT BELOW BEST DESCRIBES YOUR UNDERSTANDING OF WHISTLE-BLOWING?	
Reporting any form of wrongdoing.	31%
Disclosing information to the public, media, persons of authority, or investigative agencies about mismanagement and corruption in the public sector.	13%
Disclosing information to the public, media, persons of authority, or investigative agencies about any types of abuse of power or misconduct, in all sectors of society.	39%
Reporting any form of wrongdoing to a government or business hotline.	16%
Other.	1%

These interpretations are better understood when looking at why respondents deemed whistle-blowing as important. Almost 64% considered the act as a societal approach to reducing corruption and criminality. The second and third most important reasons pertain to the respondents' sense of justice and seeking accountability where there has been wrongdoing.

³ https://www.gov.za/sites/default/files/gcis_document/201409/a26-000.pdf

⁴ South African Whistle-blowers: Tribulations and Triumphs, 2021

WHISTLE-BLOWING IS IMPORTANT BECAUSE

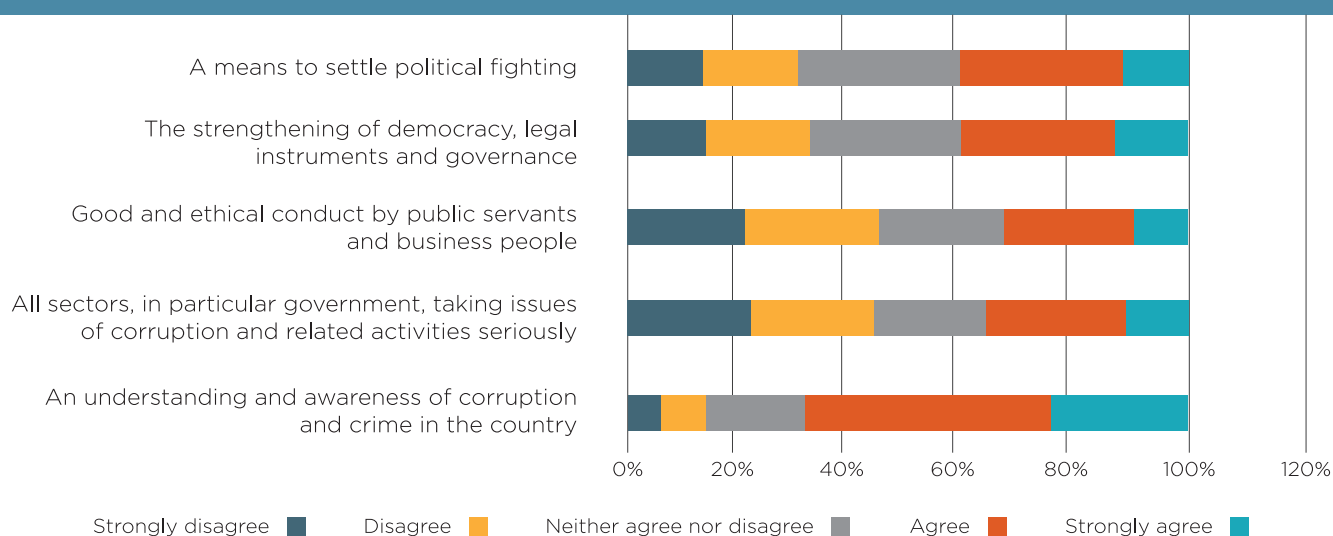


When it comes to the acts taken by individuals to expose corruption and misconduct in South Africa, respondents in this survey agree that whistle-blowers have contributed to an understanding and awareness of how corruption and crime has manifested in the country. There is also a belief that whistle-blowing, in its various forms, has led to the strengthening of our democracy, legal instruments and governance.

However, participants have also noted that despite the many individuals who have come forward with their disclosures, government in particular is still not taking serious steps to root out corruption, and there has been little to no impact in terms of motivating good and ethical conduct among public servants and the private sector.

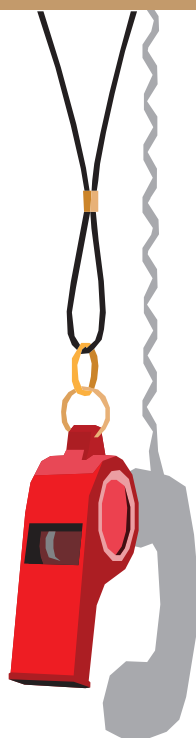


WHISTLE-BLOWING IN SOUTH AFRICA HAS LED TO

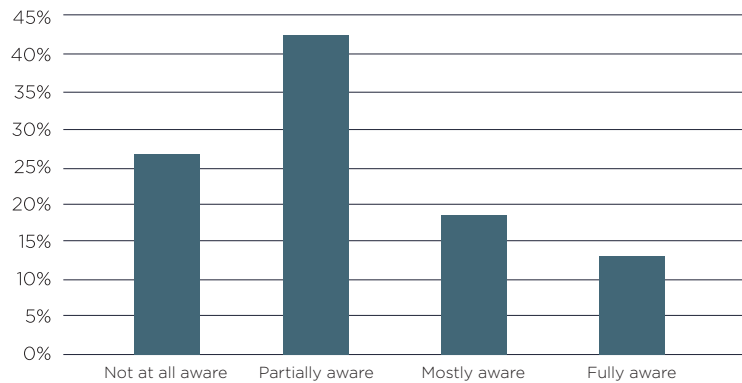


There is also a strong belief among respondents that whistle-blowers are well-meaning individuals, who are intending to do good in our society, and who are deserving of financial rewards and compensation for their disclosures.

PEOPLE WHO HAVE BLOWN THE WHISTLE ARE:	Weighted average (out of 5)
Well-meaning persons intending to do good in society	4,07
Protected in terms of the law and should not fear legal and/or financial consequences as a result of their disclosure	3,19
Recognised and respected for their public service	3,19
Individuals deserving of financial rewards/compensation for their public disclosure	3,36
People serving their own interests	2,7

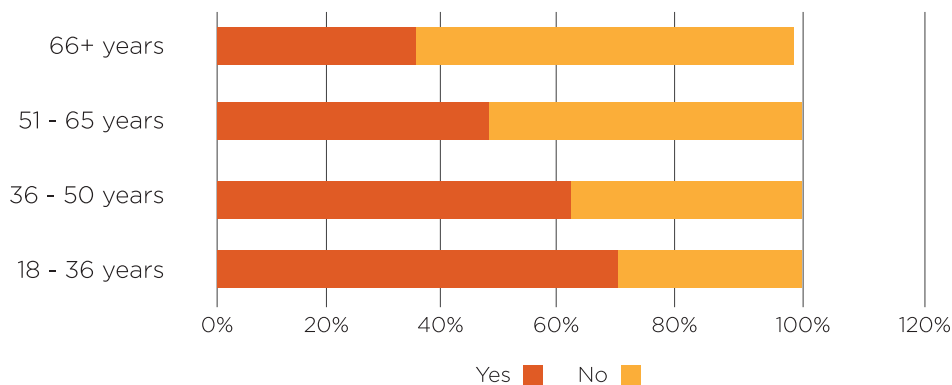


AWARENESS OF LAWS THAT PROTECT WHISTLE-BLOWERS IN SOUTH AFRICA



In relation to whistle-blower laws, the majority of respondents (68%) are only partially aware or not at all aware of the legislation that seeks to protect whistle-blowers in South Africa, whereas the remaining 32% of participants are either mostly or fully aware of whistle-blower laws.

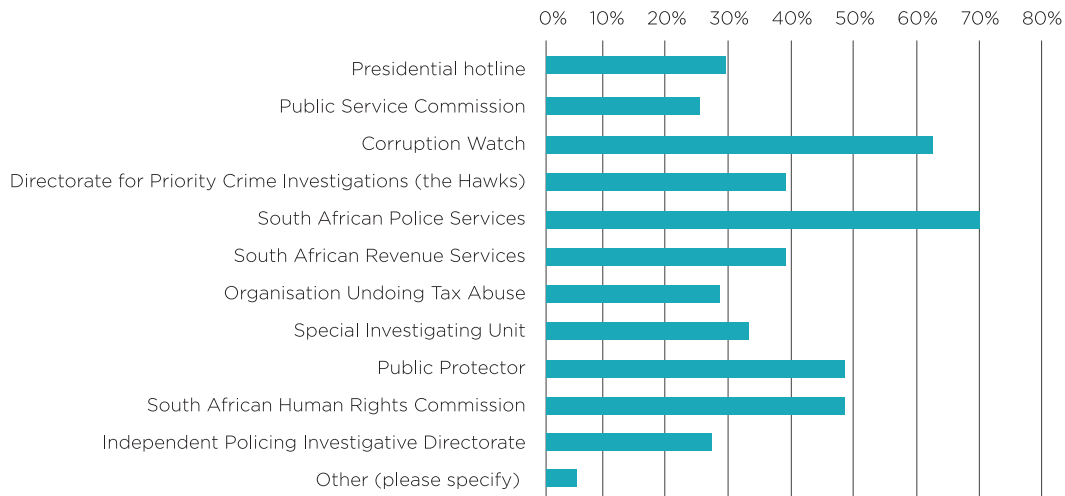
IF YOU HAD TO EXPERIENCE CORRUPTION, CRIME OR ANY OTHER FORM OF MISCONDUCT, DO YOU KNOW WHERE TO GO?



Moving to awareness of reporting channels, most people (58%) claim that if they had to experience corruption, crime or any form of misconduct in either the public or private sector, they know where to report such matters. This figure is highest in the age group of 18-35, with 70% of young people noting that they are aware of the different channels available to report issues of corruption, crime or misconduct. Awareness of reporting channels declines in the older age groups, especially 51-65 years, and 66 years and over.



AWARENESS OF REPORTING CHANNELS

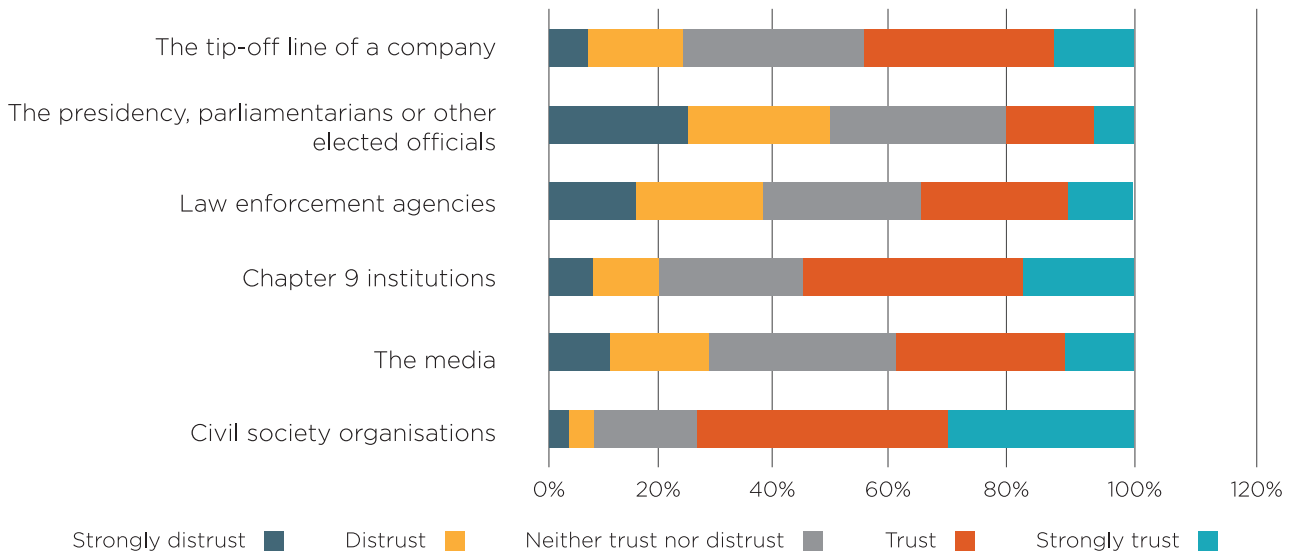


Related to knowledge and awareness about different whistle-blower channels, the majority of respondents are aware of the South African Police Services (70%), Corruption Watch (63%), followed by the South African Human Rights Commission (48%), and the Public Protector (48%). We note the potential for bias in responses to this question, due to Corruption Watch administering this survey, which may have led towards heightened awareness about the organisation amongst respondents.

Linked to the awareness of whistle-blower channels, most respondents note that if they were to blow the whistle on corruption, they would most likely trust civil society organisations with their disclosures, as well as chapter 9 institutions. However, there are strong sentiments of distrust towards the Presidency, parliamentarians and elected officials, and law enforcement agencies when it comes to disclosing information about corruption to these individuals and institutions.



IF YOU HAD TO BLOW THE WHISTLE ON CORRUPTION, WHO WOULD YOU TRUST WITH YOUR INFORMATION?

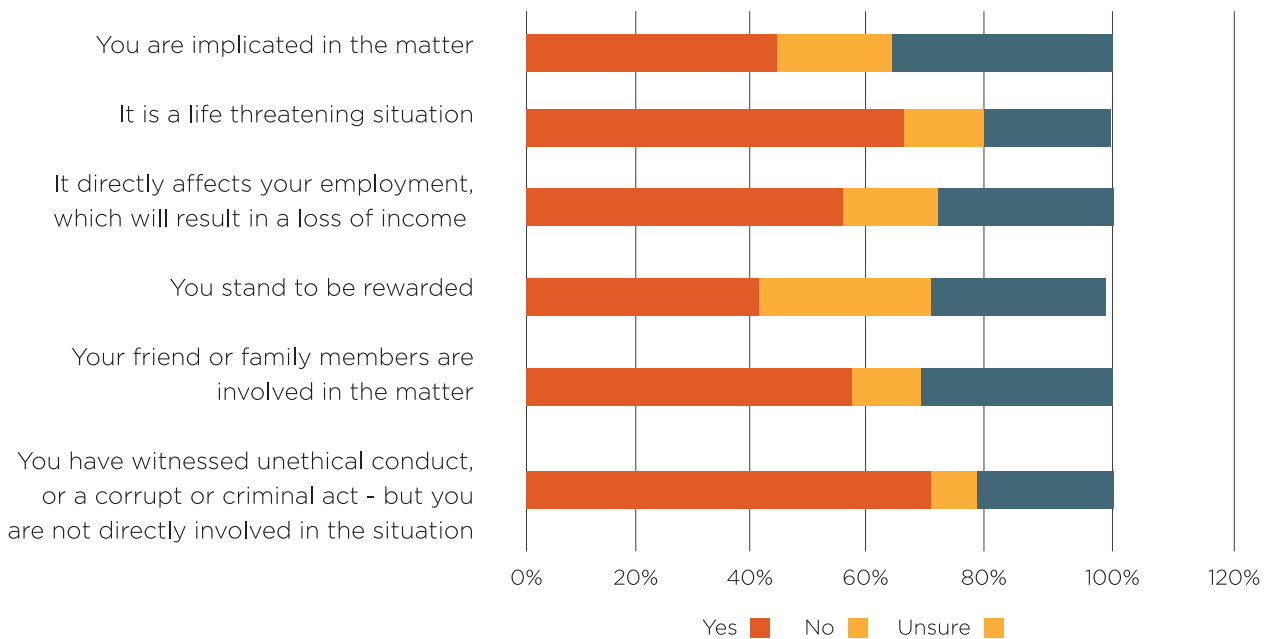


REPORTING PATTERNS

In an attempt to understand the different contexts that would drive people to report corruption, crime or other forms of misconduct, we posed various scenarios to the participants in order to gauge their willingness to report. In the first instance, respondents noted that they would most likely report wrongdoing if a) they had witnessed unethical conduct, but were not directly involved in the situation, and b) if it were a life-threatening situation. Participants also indicated that they would be willing to report an incident even if their friends or family members were involved in the matter.



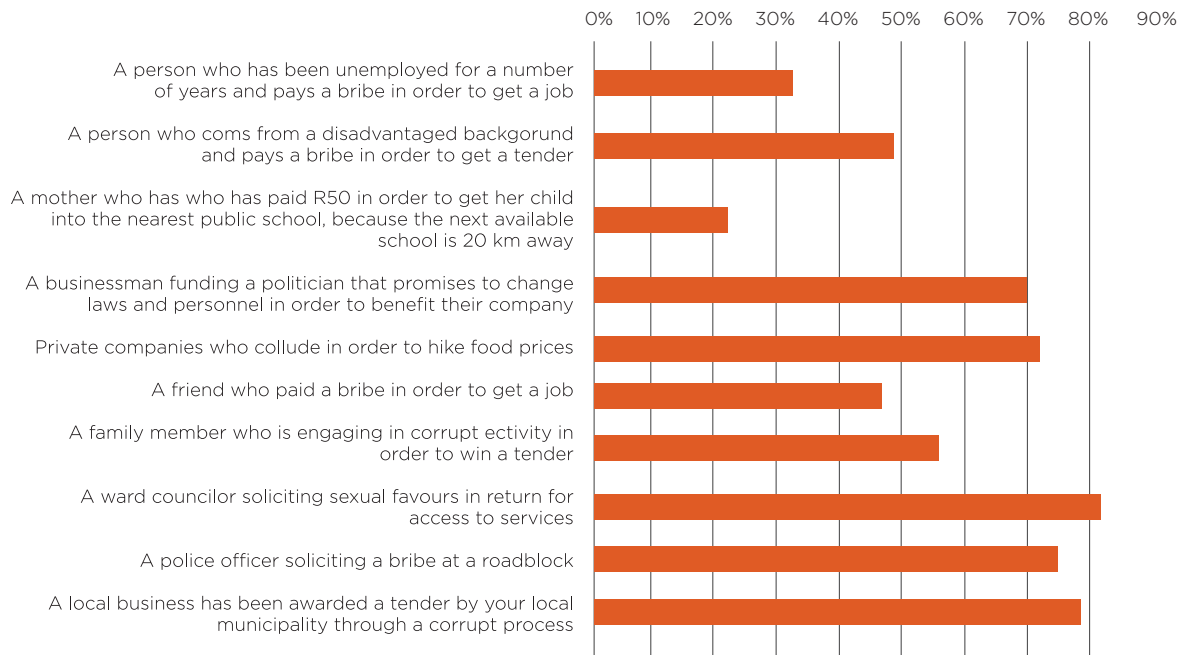
WOULD YOU REPORT WRONGDOING IF:



Faced with a further set of scenarios, respondents were more likely to report individuals who occupy positions of power, such as ward councillors, police officers, and business people. They were least willing to report acts that involved 'petty' corruption, or people coming from disadvantaged backgrounds where the supposed means of engaging in corruption justifies the ends. For example, respondents were least willing to report a mother who has paid a R50 bribe to get her child into a school, because the next available school is 20km away, or a person who has been unemployed over a number of years and pays a bribe to secure a job.



WHICH OF THE FOLLOWING ACTS ARE YOU LIKELY TO REPORT?

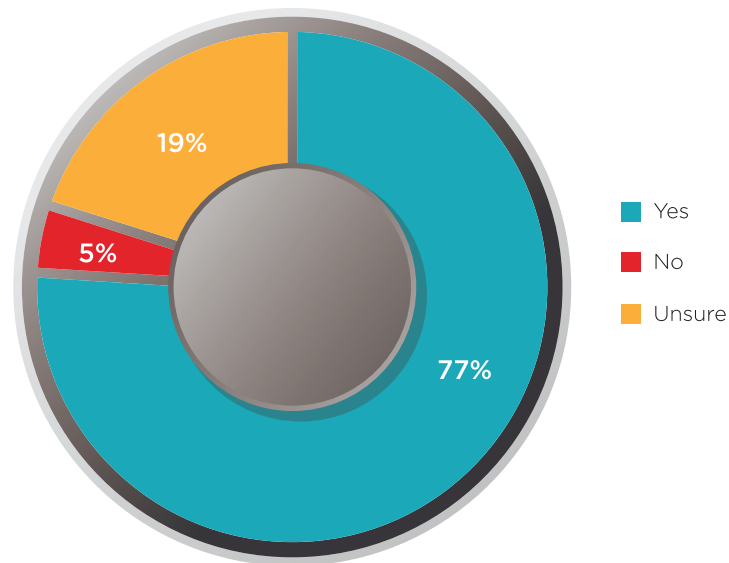


MOTIVATIONS AND EXPECTATIONS

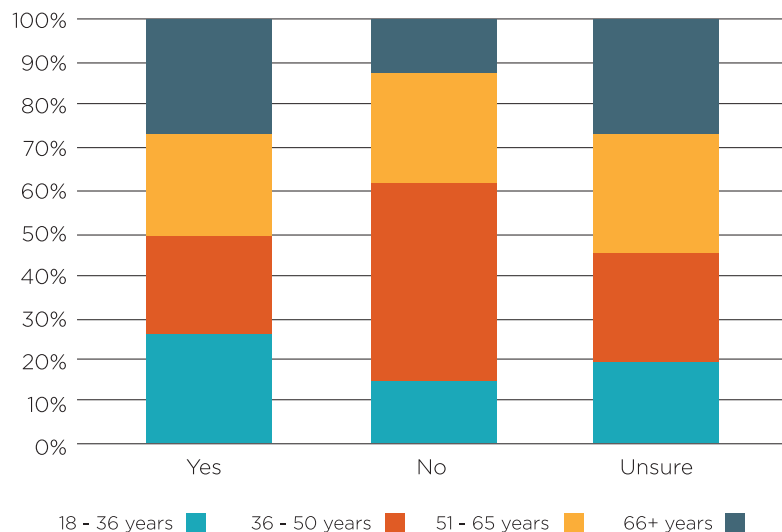
Despite the recent public attention in relation to the negative consequences that whistle-blowers face, 77% of the participants note that they would still be willing to report corruption or misconduct if they had to experience it. This figure is highest amongst the population group aged between 18-35.



IF YOU HAD TO EXPERIENCE CORRUPTION OR MISCONDUCT IN THE FUTURE, WOULD YOU REPORT IT?



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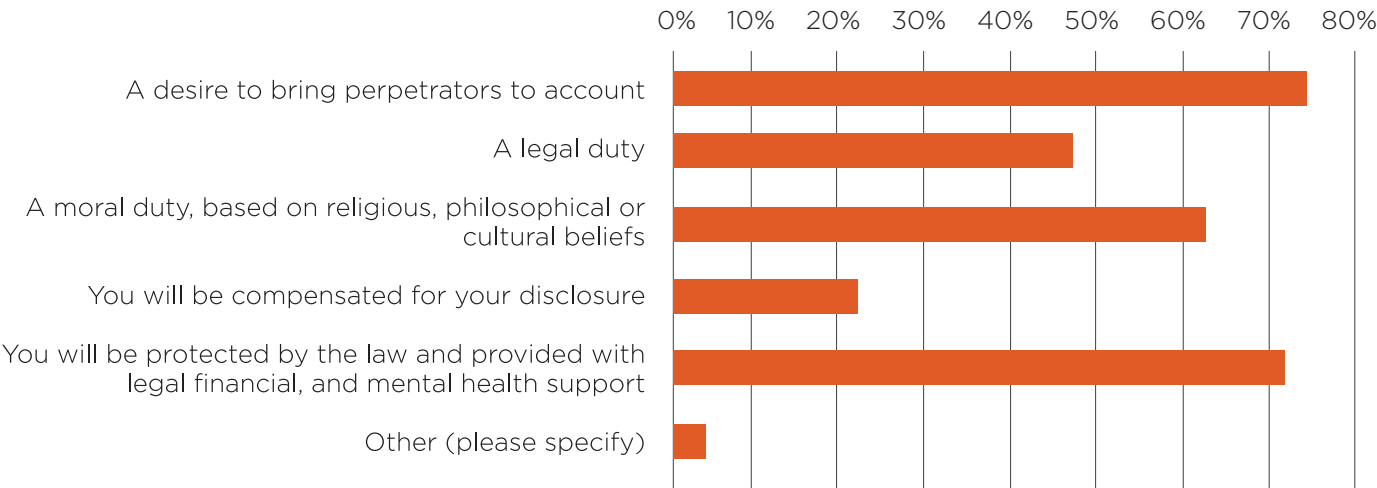


In the event that the respondents were to blow the whistle, they have high expectations that their disclosures would be treated confidentially and that they would be protected, and that their allegations would be investigated and if found to be true, the guilty party would be held accountable.

IN THE EVENT THAT YOU ARE A WHISTLE-BLOWER, YOU MOSTLY EXPECT:	Weighted average (out of 5)
That your information will be treated confidentially and you will be protected	4.24
That your allegations will be investigated and, if found to be true, the guilty party will be held accountable	4.26
That your information will be used to contribute towards research and policy changes which will result in closing the gaps that allow for wrongdoing and misconduct to occur	4.14

Participants in this survey said that their main motivation to report corruption, crime or misconduct in the future would be a desire to bring perpetrators to account, followed by a guarantee that they would be protected by the law and provided with legal, financial and mental health support.

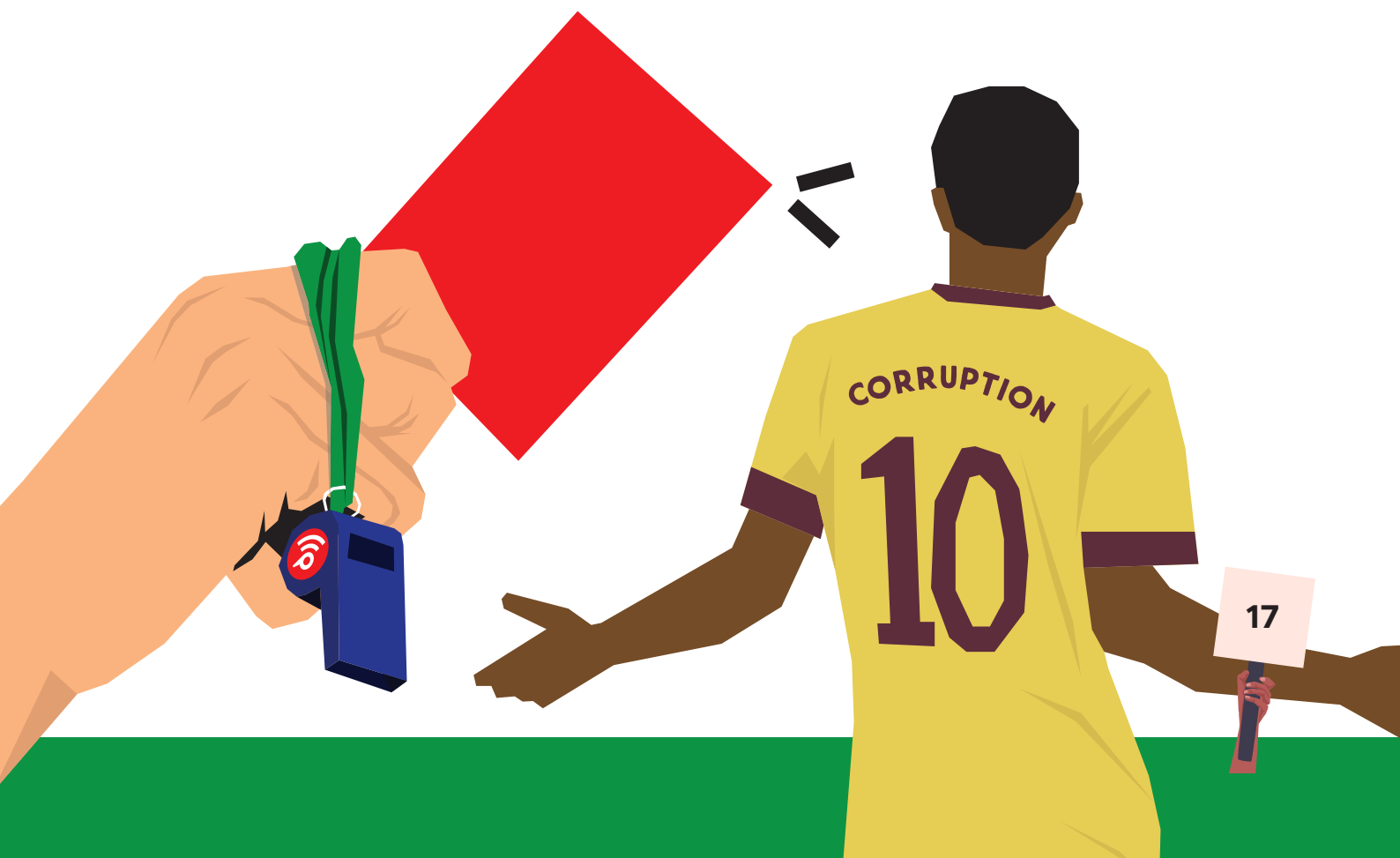
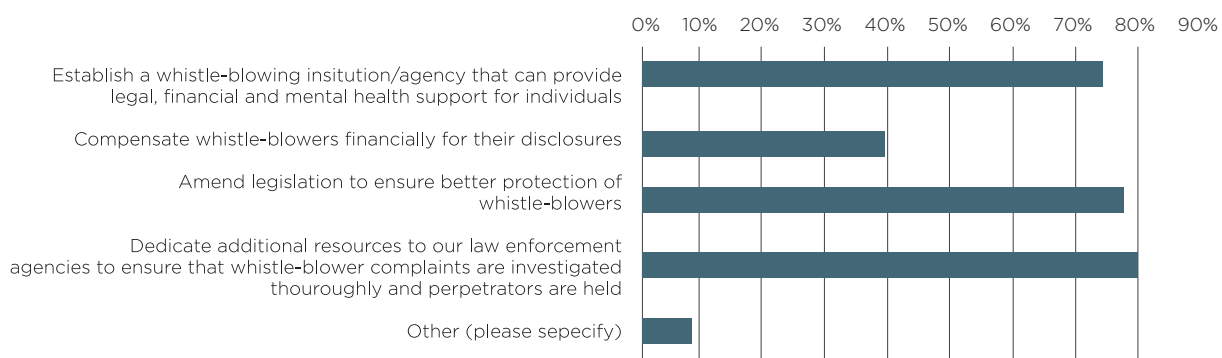
WHAT WOULD MOTIVATE YOU TO REPORT CORRUPTION, CRIME OR MISCONDUCT IN THE FUTURE?



Lastly, when it comes to steps that should be taken to improve whistle-blowing in South Africa, the majority of respondents (80%) indicated that the government should dedicate additional resources to law enforcement agencies to ensure that whistle-blower complaints are investigated thoroughly and perpetrators are held accountable.

Secondly, participants have called for an amendment of legislation to ensure better protection of whistle-blowers. Importantly, there is fairly strong support for the establishment of a whistle-blower agency that could provide whistle-blowers with legal, financial and mental health support.

WHAT SHOULD THE SOUTH AFRICAN GOVERNMENT DO TO IMPROVE WHISTLE-BLOWING?



CONCLUSION

Since Corruption Watch's inception in 2012, over 35 000 individuals have come to us to report issues of corruption and misconduct. Countless more have turned to law enforcement agencies, Chapter 9 institutions, investigative institutions and more recently to commissions of inquiry. These demonstrations of bravery and courage must not be in vain, and more needs to be done by civil society, government and the private sector to ensure that the policy, legislative and social environment is safe and conducive for whistle-blowing. In addition, there is a thirst to see real accountability and consequences to emanate from whistle-blower reports.

The findings of this study should be used to inform and improve systems, policies and programmes that could lead towards the eventual reduction of corruption in our society. In this regard, Corruption Watch recommends the following:

- The Protected Disclosures Act needs to be further reviewed and amended – in particular, the definition of a whistle-blower should not be limited to individuals who are employees or workers, but be expanded to anyone who has information about wrongdoing or misconduct. As such, with an expanded definition, anyone who has disclosed information about wrongdoing or misconduct is deserving of protection.
- Implement and establish an agency, in line with proposals contained in the National Anti-Corruption Strategy, to advise and support whistle-blowers. This mechanism should provide whistle-blowers with legal, financial and mental health support. It should also assess the security risks faced by whistle-blowers and make recommendations to law enforcement agencies on the necessary protection that is required.
- Leading to the establishment of the above mentioned agency, in the meantime the South African government should allocate money from the Criminal Assets Recovery Account Fund towards financially supporting whistle-blowers who are seeking legal, security and mental health support.
- Steps should be taken to ensure that individuals or institutions who are found guilty of intimidating or harassing whistle-blowers for their disclosures are criminally sanctioned, and/or are subject to paying personal fines towards a whistle-blower support fund, or organisations established to support whistle-blowers. Similarly, law enforcement agencies who are found to be derelict in their duty of protecting whistle-blowers should face penalties, and officials overseeing these matters held personally liable.

- Serious conversations should be held on and consideration given to compensating whistle-blowers for their acts of public service, and
- All sectors of society need to take responsibility for embarking on public awareness and education programmes related to whistle-blowing, as well as actions that would de-stigmatise the act of making disclosures.





REPORT CORRUPTION!



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