

Whistle-blowing Policy

Delegations of management authority to the Executive Officer and other Organisational leaders or managers occur throughout THINK's SOP

Policy Version Number:	v1.0
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Version Control

Version	Date	Contributor	Change Description
v1.0	06 March 2023	THINK	Initial version

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1. Introduction

THINK Tuberculosis and HIV Investigative Network (RF) NPC (“THINK”) is committed to the highest standards of ethical conduct and compliance with all applicable laws and regulations. To support this commitment, THINK has established a whistle-blowing policy to encourage employees, contractors, and other stakeholders to report any concerns they may have about misconduct, unethical behaviour, or illegal activity within the organization.

THINK is committed to conducting its operations with transparency, honesty, integrity and fairness. In turn, the organization expects that all its employees will maintain high standards in accordance with its policies and procedures. The organization aims to prevent unlawful and unethical behaviour at all times and to ensure the good name of the organization, its stakeholders and its funders are maintained.

However, if in the event that unlawful or unethical events do occur or are at risk of occurring, this should be reported and the matter dealt with in a swift and efficient manner whilst withholding the identity of the whistle-blower themselves.

2. Purpose

The primary purpose of a whistle-blowing policy is to encourage and establish a process for employees, contractors, and other stakeholders to report concerns about misconduct, unethical behaviour, or illegal activity within an organization. This can include financial fraud, violations of laws or regulations, abuse of power, or other forms of wrongdoing.

The South Africa Protected Disclosure Act, 26 of 2000 (“the Act”), makes provision for employees and any other person, to report this type of conduct and specifies that the company in question (THINK) must protect the individual from retaliation.

The policy includes the use of an external hotline as a confidential and anonymous way for individuals to report their concerns. The hotline will be managed by a third party, and all reports received through the hotline will be promptly and thoroughly investigated by the office of the Chief Executive Officer.

The policy is designed to protect the rights and reputation of the organization, and to ensure that all reports of misconduct or wrongdoing are properly addressed.

The policy is not intended as an appeal process to reconsider any matter that has already been dealt with through the disciplinary processes.

3. Scope

3.1 This policy applies to everyone who carries out work for THINK, including:

- All THINK employees, consultants, interns, service providers, and volunteers;
- THINK Board Members and/or Advisors
- THINK representatives
- Any other individual, group or organisation who has a formal or contractual relationship with THINK and any of their subcontractors who carry out work for THINK

3.2 Breach in the Policy by internal employees may lead to disciplinary action, including possible dismissal. For partners or contractors who breach this Policy (or in respect of whom THINK has a reasonable suspicion of a breach of Policy), action taken by THINK could lead to the termination of contractual and partnership agreements.

4. Responsibility for the Policy

The relevant Executive committee has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

THINK's Compliance and Human resource departments have day-to-day operational responsibility for this policy and must ensure that all managers and other employees who may deal with concerns or investigations under this policy receive regular and appropriate training.

5. Definitions

- 5.1 **Whistle-blowing** is the act of reporting misconduct, unethical behaviour, or illegal activity related to an organisation. Should staff not wish to report these issues directly to THINK, THINK may be advised of this by its employees, contractors and other stakeholders using a confidential process (whistleblowing). The issues to be reported can include financial fraud, violations of laws or regulations, abuse of power, and other forms of wrongdoing.
- 5.2 A **Whistle-blower** is an individual who reports misconduct, unethical behaviour, or illegal activity within an organisation. This can include financial fraud, violations of laws or regulations, abuse of power, or other forms of wrongdoing as outlined in the THINK Code of Conduct.

6. Policy Principles

- 6.1 This Policy applies to all activities and operations of THINK, including projects and programmes funded by donor partners and those implemented by partner organisations.
- 6.2 The policy encourages anyone to whom it applies to report wrongful acts committed by anyone involved in the activities and operations of THINK.
- 6.3 The Whistle-blowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.
- 6.4 This procedure does not replace other policies and procedures such as the THINK Code of Conduct, the complaints procedure, the Grievance and Harassment and Bullying Policies, and Anti-Fraud and Corruption processes, but will complement such procedures.
- 6.5 The matters and concerns which may be reported under this Policy include (but are not limited to)

- criminal activity;
- failure to comply with any legal or professional obligation or regulatory requirements;
- miscarriages of justice;
- improper conduct or unethical behaviour;
- danger to health and safety;
- damage to the environment;
- bribery under the Organisation's Anti-Fraud and Corruption Policy;
- financial fraud or mismanagement;
- participation in or facilitation of criminal tax evasion
- breach of the Organisation's policies and procedures;
- conduct likely to damage the Organisation's reputation or financial wellbeing (or that of its subsidiaries);
- unauthorised disclosure of confidential information;
- negligence;
- harassment, bullying;
- sexual harassment;
- sexual exploitation and abuse
- child or adult at risk abuse
- modern slavery or trafficking
- discrimination (e.g. against someone on the basis of their race or gender);
- manager/employee relations;
- abuse or excessive use of power;
- abuse of trust;
- fraudulent procurement;
- undeclared conflict of interest;
- the deliberate concealment of any of the above wrongful acts.

- 6.6 Complaints relating to personal circumstances in the workplace or to terms of employment (excluding the aforementioned wrongful acts listed above) should not be reported under the THINK Whistle-Blowing policy.
- 6.7 While THINK takes concerns relating to personal circumstances and terms of employment seriously, they should be raised with the Human Resources Department, by using the grievance procedure included within the HR Handbook.

7. Reporting

- 7.1 All THINK employees and its stakeholders are encouraged to report wrongful acts or suspected wrongful acts in accordance with this Whistle-Blowing policy, and in line with the THINK Code of Conduct. The identity of the reporter will be protected as per the laws of the Republic of South Africa.
- 7.2 Reports can be made as follows;
 - 7.2.1 Employees and Stakeholders may report their concerns anonymously when using the independent Whistle-Blowing Hotline. All reports, whether made anonymously or not, will be treated as confidential and the identity of the employee will be safeguarded.
 - 7.2.2 Details of the Whistle-Blowing contact information are given below.
 - A toll-free phone number: 0800 204 392
 - A toll-Free – fax number: 0800 200 796
 - An Email address: hotline@kpmg.co.za
 - Via Postal Address: PO Box 14671, Sinoville, Pretoria 0129
 - Access the Web at: www.thornhill.co.za/kpmgfaircallreporer



- 7.2.3 The Whistle-Blowing process is hosted by the KPMG FairCall service. This facilitates the anonymous reporting of incidents using the hotline.

- 7.3 The mechanism established by THINK to receive whistle-blower reports (through an externally managed hotline) informs the following roles at THINK:
- Chief Executive Officer (CEO)
 - Chief Finance Officer (CFO)
 - Compliance Manager (CM)
 - Human Resources Manager (HRM)
- 7.4 In instances where urgent information is received after hours the CEO will be contacted immediately.
- 7.5 In instances where allegations are levelled against any of the aforementioned recipients with the exception of the CEO, the report will be sent to the CEO.
- 7.6 In cases where alleged wrongdoing relates to the respective Chief Executive Officer, the case should be reported to the non-executive director of THINK (Debbie Gebhardt).
- 7.7 Concerns raised anonymously may not be easy to investigate, because the reports often contain little information. Employees who elect to report anonymously are requested to include as much detail as possible in their report.
- 7.8 Provision of the following information is recommended where possible:
- Provide a description of the alleged wrongdoing;
 - Where possible provide any existing information that supports the allegation (e.g. emails, photographs);
 - Date the disclosure;
 - Provide contact details for follow-up by THINK on the concern raised.

8. Confidentiality

- 8.1 Cases may be reported on a confidential basis or may be reported anonymously using the above methods as mentioned in section 7 above.
- 8.2 THINK encourages both anonymous and open disclosures. However, the organisation notes that investigations may be more difficult if there is a need to obtain further information in the case of an anonymous report.
- 8.3 While every effort will be made to keep a Whistle-Blower's identity confidential, there may be circumstances in which it will be necessary to disclose an identity; this may occur in connection with associated disciplinary or legal investigations or proceedings.

- 8.4 THINK will work with Whistle-Blowers to ensure that they receive information about their status under national law (for example, if their identity will need to be disclosed). The security of the Whistle-Blower will be paramount.
- 8.5 Whistle-Blowers, who are concerned about possible reprisals if their identity is revealed, should report Whistle-Blowing events. Once this is done, appropriate measures will be taken to preserve their identity in circumstances where confidentiality is required but complete anonymity has not been requested.
- 8.6 If it is deemed necessary that those investigating an allegation reported by a Whistle-Blower are informed of a Whistle-Blower's identity, THINK will discuss this with the Whistle-blower in advance. Employees, contractors and stakeholders should be able to voice Whistle-Blowing concerns openly under this policy. Where any concerns are raised anonymously, THINK will make every effort to keep the Whistle-Blower's identity secret.

9. Protection and Support for Whistle-blowers

- 9.1 It is understandable that Whistle-blowers are sometimes concerned about possible repercussions emanating from the complaints or concerns lodged. THINK therefore aims to encourage openness and will support staff and others who raise genuine concerns under this policy, even if such concerns turn out to be of a mistaken nature.
- 9.2 No individual raising genuinely held concerns in good faith under this policy will be dismissed or be subject to any detrimental consequences arising from their actions such as unwarranted disciplinary action, victimisation, threats or other unfavourable treatment.
- 9.3 If any person/s is subjected to detriment as a result of making a disclosure, they should inform the appropriate authority immediately using the methods and channels as set out in this policy. If the matter is not remedied, they should raise it formally with the THINK Compliance or HR Team
- 9.4 THINK staff, contractors and stakeholders must not, in any way, threaten or retaliate against Whistle-Blowers. If any party is found to be guilty of such conduct, that person will be subject to disciplinary action.
- 9.5 If any THINK staff member is found to have made an allegation that they knew to be false they will be subject to disciplinary action, which may include termination of employment. It is important to note that if a case is not upheld that does not always

mean that the complaint was false, but rather in some cases that there was insufficient evidence to uphold the allegation or complaint in question.

- 9.6 Support will be offered to Whistle-Blowers as appropriate, regardless of whether or not a formal response is carried out (e.g. an investigation). This may include specialist psycho-social counselling, medical support, legal support and/or access to other specialist and appropriate support as needed.

10. Handling of Reported Cases

- 10.1 Disclosures may, depending on the seriousness and nature of the allegations, be referred immediately to the appropriate authorities e.g. the police. If urgent action is required (for example to remove a health and safety hazard) such action will be taken before any other investigation is conducted. Risk assessments will subsequently be carried out on the relevant processes affected by the disclosure to ensure the safety and well-being of staff, contractors or other stakeholders involved.
- 10.2 All concerns raised will be responded to. In order to ensure natural justice and prevent malicious allegations, an initial inquiry will be made to decide whether an investigation is appropriate, and if so, what form it should take.

11. False Allegations

- 11.1 If a concern is reported in good faith, but due to the nature of the circumstances the concerns or allegations cannot be substantiated, or if they are proven to be incorrect, no action will be taken against the reporter.
- 11.2 Mischievous, intentionally false and malicious reporting, or reporting done for personal gain or otherwise, will be viewed as misconduct on the part of the reporter. The reporter will not be protected in terms of this policy and may be subject to disciplinary and/or legal action.
- 11.3 The protection described in this policy is not available to someone who reports information relating to their own misconduct.

12. Compliance with this Policy

THINK regards any non-compliance with this policy as a serious offence. If it is proven that deliberate action was taken by an employee to contravene the policy, disciplinary action may be taken if deemed appropriate by management.