
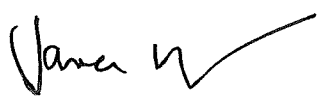





**ANOVA**  
HEALTH INSTITUTE

# Whistle-Blowing Policy

<b>POL Number</b>	POL-ORG-009 – Whistle Blowing Policy
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<b>Custodian</b>	Board of Directors
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<b>Date</b>	30/11/2020
<b>Reviewed by Exco</b> (Name, Signature)	James McIntyre, CEO 
<b>Date</b>	30 NOV 2020
<b>Approved by Board</b> (Name, Signature)	René Kenosi, Chair 
<b>Date</b>	30/11/2020

## 1. Introduction

The Anova Health Institute (Anova) conducts all of its work in an honest and ethical manner, and we aim to comply with all applicable legal and regulatory requirements related to work performance, asset management, accounting, internal controls and auditing matters and to require its staff and Board members to do likewise.

We take a zero-tolerance approach to corruption and bribery, and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships, and this is clearly explained and detailed in the Anti-Corruption Policy (POL-ORG-003).

This Policy has been developed to further encourage individuals to come forward and to enable the reporting of suspected illegal or fraudulent acts to the delegated authority at Anova who can address them adequately.

## 2. Purpose

The purpose of this Policy is to encourage any person with credible information on illegal practices or violations of Anova's policies, to come forward and report unlawful or irregular conduct by anyone to whom this Policy applies.

The South African Protected Disclosures Act<sup>1</sup>, Act 26 of 2000 ("the Act"), makes provision for employees and any other person, to report this type of conduct, and specifies that the affected organisation (Anova) must protect the individual from retaliation.

This Policy includes the use of a Hotline, as required, from time to time, and those to whom the information received through the Hotline gets reported to.

## 3. Definitions

<b>Consultant</b>	A professional who provides expert advice or services in a particular area of expertise.
<b>Employee</b>	Somebody who is paid to work for Anova (full-time or part-time, permanently or for a fixed term).
<b>Intern</b>	Student, recent graduate or learner undertaking a temporary position at Anova to gain relevant skills and experience in a field. These positions may be paid or unpaid and are temporary.
<b>Representative</b>	Any individual who may be seen as representing Anova in any way, to anyone or to any entity.
<b>Service Provider</b>	A natural person, business or corporation which provides services to Anova under terms specified in a contract.
<b>Volunteer</b>	An individual or group engaged by Anova that provides services for no financial or personal gain.
<b>Whistle-blower</b>	A person who exposes secretive information or activity within Anova that is deemed illegal, unethical, or not correct. 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

For detailed definitions of corruption and methods of corruption, please refer to the Anti-Corruption Policy (POL-ORG-003).

<sup>1</sup> <http://www.justice.gov.za/legislation/acts/2000-026.pdf>

## 4. Scope of Application

This Policy applies to everyone who carries out work for the organization, including:

- All Anova employees, consultants, interns, service providers, volunteers;
- Anova Board Members and/or Advisors;
- Anova representatives;
- Any other individuals, groups or organisations who have a formal/contractual relationship with Anova and any of their subcontractors carrying out work for Anova.

Breaches in the Policy may lead to disciplinary action, including possible dismissal. For partners/contractors who breach this Policy (or that we have a reasonable suspicion to believe this is the case), breaches can lead up to and including termination of contractual and partnership agreements, or any other arrangements between Anova and the other party.

## 5. Guiding Principles

The Prevention and Combating of Corrupt Activities Act No.12 of 2004<sup>2</sup> makes corruption a crime, and as such, all forms of corruption are prohibited. This Policy deals with concerns relating to all methods of corruption.

The matters and concerns which may be reported under this Policy include (but are not limited to):

- Bribery and corruption;
- Any other criminal activity or failure to comply with legal obligations;
- Any conduct likely to damage Anova's reputation;
- Accounting or audit matters;
- Possible money laundering or sanctions breaches;
- The deliberate concealment of any of the above matters.

While the most common occurrences are corruption concern, others may arise around the following areas:

- Financial risk;
- Health and safety risks;
- Environmental damage;
- Unfair discrimination;
- Misconduct;
- Manipulation of information and/or data.

### 5.1. Reporting Corruption

Reports made will be handled in confidence and requests for anonymity by reporting individuals will (if possible) be granted. Any employee who reports an issue in good faith will not suffer any form of retaliation or prejudice as a result of making a report.

As some of Anova's projects are funded by the United States Government (USG), these projects regulations may require Anova to inform USG of fraud and/or corruption, which could result in the individuals involved and/or Anova paying severe fines and limit or prohibit Anova from engaging in future business with the U.S. Government. Anova's management is responsible for communicating relevant reports to USG.

All material whistle blowing reports must be reported at an appropriate time using the mechanisms established by Anova to handle reporting. Information on how to access to this mechanism is

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<sup>2</sup> <http://www.justice.gov.za/legislation/acts/2004-012.pdf>



available on Anova's website and Anova's intranet, and further details can be found in the Associated Whistle-Blowing SOP (SOP-ORG-003), which is aligned with the Act.

## **5.2. Recipients of Whistle-Blowing Reports**

The mechanism established by Anova to receive whistle blower reports (through an externally managed hotline) informs the following roles within Anova:

- Chief Executive Officer (CEO)
- Chief Operating Officer (COO)
- Chief Financial Officer (CFO)
- Executive Manager: Human Resources

In instances where urgent information is received after hours the CEO and COO will be contacted immediately. In instances where allegations are levelled against either of the aforementioned recipients, the report will be sent to the CEO.

Where the Chief Executive Officer is involved in alleged irregularities, the report will be sent to the Chairperson of the Audit & Risk Committee.

## **6. Legal framework**

**Key Acts of Parliament related to this Policy:**

- Prevention and Combating of Corrupt Activities Act [No. 12 of 2004]<sup>3</sup>
- Protected Disclosures Act [No. 26 of 2000]<sup>4</sup>

**Other Key Legislative Acts Addressing Corruption:**

- Local Government: Municipal Finance Management Act [No. 56 of 2003]<sup>5</sup>
- Promotion of Administrative Justice Act [No. 3 of 2000]<sup>6</sup>
- Promotion of Access to Information Act [No. 2 of 2000]<sup>7</sup>
- Public Finance Management Act [No. 1 of 1999]<sup>8</sup>
- Public Service Act - Proclamation 103 [Published in Government Gazette 15791 of 3 June 1994]<sup>9</sup>

<sup>3</sup> <http://www.justice.gov.za/legislation/acts/2004-012.pdf>

<sup>4</sup> <http://www.justice.gov.za/legislation/acts/2000-026.pdf>

<sup>5</sup> <https://www.gov.za/documents/local-government-municipal-finance-management-act-0>

<sup>6</sup> <http://www.justice.gov.za/legislation/acts/2000-003.pdf>

<sup>7</sup> <http://www.justice.gov.za/legislation/acts/2000-002.pdf>

<sup>8</sup> <http://www.treasury.gov.za/legislation/pfma/act.pdf>

<sup>9</sup> <http://www.dpsa.gov.za/dpsa2g/documents/acts&regulations/psact1994/PublicServiceAct.pdf>