



ZICTA

ZAMBIA INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY

WHISTLEBLOWER POLICY

2019

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1.0 POLICY STATEMENT

The Whistleblower Policy is established to provide a framework and procedures to protect employees from reprisals that are or may be taken against them for making protected disclosures in accordance with the provisions of the Public Interest Disclosure (Protection of Whistleblowers) Act No. 4 of 2010.

The policy is designed to set forth the requirement for reporting and investigating unethical conduct involving violations of policies/procedures and fraudulent behavior within the Authority to enable employees and other relevant stakeholders report acts of impropriety to relevant authorities.

2.0 SCOPE

This policy shall be applicable to all Authority staff, clients and stakeholders.

3.0 DEFINITIONS

'Whistleblower' shall mean a person who exposes any kind of information of alleged wrong doing or activity that is deemed illegal, unethical, or not correct within an organization that is either private or public.

'Internal Whistleblower' shall mean an employee from within the Authority who exposes any kind of information or activity that is deemed illegal, unethical, or not correct within an organization.

'External Whistleblower' shall mean clients, customers, service providers or other members of the public who report unethical conduct of an employee to the Director General or the Chairperson Integrity Committee.

'Ethics' shall mean moral principles that govern a person's behavior or the conducting of an activity.

'Integrity' shall mean the quality of being honest and having strong moral principles, or moral uprightness.

'Accountability' shall mean to perform the duties required by one's job, in order to fulfill the obligations and goals of the organization.

'Service Provider' shall mean a firm that provides the Authority with either a service or product for Authority consumption.

'Customer' shall mean a client, buyer, or recipient of a good or a service, or a product, or an idea, obtained from a seller, vendor, or supplier via a financial transaction or exchange for money or some other valuable consideration.

'Stakeholder' shall mean a person, group or organization that has interest or concern in the Authority.

'Good Governance' shall mean organizational processes that produce results that meet the needs of society while making the best use of resources at their disposal.

'Illegal' shall mean an **act** in violation of a law in the jurisdiction in which it is committed.

'Unethical conduct' shall mean a behavior that falls below or violates the professional standards in a particular field.

'Disclosure' shall mean the action of exposing unethical and or illegal acts/intentions.

'Fraudulent' shall mean an act that is dishonesty and has been made with bad faith.

4.0 OBJECTIVES

The policy intends to encourage staff and other relevant stakeholders to report unethical or illegal conduct of employees, clients and stakeholders to appropriate authorities in a confidential manner without any fear of harassment, intimidation, victimization or reprisal of anyone for raising a concern under this policy. Specific objectives of the policy shall include;

- a. To encourage timely reporting of alleged malpractices/misconduct;
- b. To provide a means of discreet and confidential channel for escalation of concerns without fear of reprisal;
- c. To ensure consistence and timely responses to reported impropriety and awareness by whistleblowers of their obligations/rights;
- d. To serve as a means of preventing and deterring misconduct that may be contemplated but has not yet taken place;
- e. To protect the rights of the Authority and its stakeholders;

5.0 AUTHORITY COMMITMENT TO POLICY

- a. The Board and Management of the Authority shall promote a culture of openness, accountability and integrity and will not tolerate harassment, victimization or discrimination of the whistleblower provided such disclosure is made in good faith with belief that what is being reported is true.

Therefore, employees, stakeholders and members of the public can raise legitimate concerns without fear and by this policy assurance is guaranteed that such concerns would be adequately addressed.

- b. The Whistleblower Policy is a fundamental tool to the Authority's professional integrity as it reinforces the value it places on staff to be honest and respected members of their individual professions. It provides a platform for addressing concerns that staff within the organization might have, whilst also offering whistle blowers protection from victimization, harassment or disciplinary proceedings.
- c. Whilst the Authority encourages disclosure of identity by the whistleblower, it also appreciates disclosure under anonymity with re-assurance that such identity would be protected at all stages in any internal matter.

6.0 WHO SHOULD BLOW THE WHISTLE

Any employee/individual who has observed reportable misconduct can report his/her concerns to designated authorities as prescribed by this policy provided they are made in good faith and the disclosure is true and reasonable.

A report of alleged unethical behavior relating to the Director General shall be reported to the Board Chairperson, while reports relating to all staff shall be reported to the Director General.

7.0 TYPES OF WHISTLEBLOWING

There are two (2) categories of Whistleblowers namely;

7.1 Internal Whistleblowers

Employees are expected to report incidents of misconduct involving peers, supervisors or Senior Management to relevant reporting authorities.

7.2 External Whistleblowers

Clients, customers, service providers and other members of the public who report unethical conduct of employees to the Board Chairperson on issues relating to Management and the Director General on matters relating to all staff.

8.0 WHISTLE BLOWING PROCEDURE

- i. The whistle blowing procedure provides a mechanism for reporting any unlawful conduct at work and assurance that exposing wrong vices would not pose any detriment to the whistleblower.
- ii. The whistleblower should however, ensure that they make their disclosures within the scope of the whistleblowing policy to ensure that the recipient of the disclosure conducts investigations within the ambit of the policy.
- iii. The report should however not be based on mere speculation, rumors or gossip but on personal knowledge of verifiable facts or circumstances to warrant that the reported misconduct had occurred or is likely to occur.
- iv. All staff shall be protected from victimization, harassment or disciplinary action as a result of any disclosure, where the disclosure is not made maliciously or for personal gain, but in good faith.
- v. If an allegation is made in good faith but not confirmed by subsequent investigation, no action shall be taken against the person concerned. However, an employee who knowingly makes a false unsubstantiated claim with malice intent will be subjected to appropriate disciplinary action.
- vi. The Authority shall not process any frivolous and vexatious reports.
- vii. Reported misconduct includes but not limited to the following;

- a. Improper conduct or unethical behavior that undermines core ethical values such as integrity, honesty, accountability, unfairness and respect;
- b. Failure to comply with relevant regulations, policies and procedures during discharge of duties;
- c. All forms of financial malpractices or impropriety such as fraud, corruption, bribery, nepotism or theft;
- d. Breach of the Authority Code of Ethics;
- e. Failure to comply with legal obligations and statutes;
- f. Manipulation of Authority data/records;
- g. Other forms of corporate governance breaches;
- h. Physical abuse of any staff, customer, service providers and other related stakeholders;
- i. Wastage of Authority resources;
- j. Any form of criminal activities;
- k. Sexual harassment as defined in the Gender Policy;
- l. Attempt to conceal any of the above acts etc.

8.1 Reporting Channels

8.1.1 Internal Whistle Blowing Procedure

- a. An internal whistleblower may raise concerns anonymously through writing either electronically or hardcopy to the following:
 - 1. The Board Chairperson;
 - 2. The Director General; or
 - 3. Chairperson;
 - 4. Whistle blowing email: whistleblower@zicta.zm
- b. The above is a formal channel of communication however, changes to any of the above channels would be communicated to all stakeholders through the approved process after which the policy would be amended accordingly.

- c. Where a concern is received by staff other the Board Chairperson and Director General, the staff to which the concern has been directed shall be required to;
 - i. Forward the concerns immediately to the Board Chairperson and or Director General; and
 - ii. If concerns affect the Board Chairperson, the appointing authority shall be notified, and where such issues affect the Director General or member of Senior Management, such concerns shall be referred to the Board for appropriate action within a reasonable.

8.1.2 Reporting Format

The concerns shall be presented in the following format;

- a. Background of the concerns with relevant dates, location, time and any detail that could assist; and
- b. Reasons why the whistleblower is particularly concerned about the situation, supporting evidence for the allegations, if available would be helpful.

8.1.3 Investigating Process

The Director General or Board Chairperson shall within seven (7) working days of receipt of the concerns from the whistleblower;

- a. Acknowledge receipt of the issues raised;
- b. Commence review through members of the Integrity Committee to ascertain validity of claim and also determine whether the concerns fall within the scope of the whistleblower policy.

8.1.4 Purpose of investigations

- a. Establish whether a wrong- doing has occurred based on the concerns raised, and if so, to what extent; and

- b. Minimize the effect of the wrong -doing; prevent any further damage to the reputation of the Authority and any loss of assets.

8.1.5 External Whistle Blowing Procedure

- a. An external whistleblower is a client, customer, service provider and other members of the public who report wrong doings of employees to the Board Chairperson or Director General. An external whistleblower may raise concerns anonymously through the procedures stipulated in clause 8.1.1 above and investigation process of concerns of an external whistleblower shall be as stipulated in 8.1.3.

If preliminary investigations show that the concerns fall within the whistleblowing reportable concerns, then further investigation shall be carried out. The Board Chairperson or Director General, as the case may be, shall depending on the gravity of the concerns refer the matter to appropriate jurisdictions for further action. If criminal activity has taken place, the matter may be referred to the Police, Drug Enforcement Commission or Anti- Corruption Commission and where necessary, appropriate legal action taken.

9.0 NON- DISCLOSURE OF PERSONS IDENTITY BY INVESTIGATING AUTHORITY

Whilst the Authority shall encourage disclosure of identity by the whistleblower, disclosure under anonymity would also be appreciated with re-assurance that such identity would be protected at all stages in any internal matter.

10.0 TIME LIMITS FOR INVESTIGATIONS

The Authority shall be committed to prompt resolutions of all concerns or issues raised within fourteen (14) working days. In an event that the investigation of whistleblowing concerns is not concluded within the timeframe, the Chairperson of the Integrity Committee shall seek from the Director General an extended period for a further 14 days in which to conclude.

11.0 PROTECTION FOR THE WHISTLEBLOWER

- a. The Authority has an obligation to adequately protect the Whistleblower. Therefore, reprisal against any employee who in good faith reports a concern about illegal or unethical conduct will not be tolerated.
- b. The Authority is also committed to maintaining confidentiality to the fullest extent possible and provide assurance that all reports will be subjected to appropriate investigation and conclusion through an efficient process.

12.0 DISQUALIFICATIONS OF THE WHISTLEBLOWER

- a. While it will be ensured that genuine whistleblowers are accorded complete protection from any kind of unfair treatment as set out herein, any abuse of this protection will warrant disciplinary action;
- b. Protection under this policy would not mean protection from disciplinary action arising out of false allegations made by the whistleblower;
- c. Whistleblowers who make any disclosures which have been subsequently found to be malicious shall be liable to disciplinary action.

13.0 RIGHTS OF PERSONS IMPLICATED

- a. Any ZICTA employee implicated by a report of misconduct or irregularities must be notified in good time of the allegations made against them, provided that this notification does not impede the progress of the procedures for establishing the circumstances of the case.
- b. It is important to note that the basic rights of any employee implicated by the reported incidents shall be respected whilst ensuring that the procedures provided for are effective.

14.0 OWNERSHIP/CUSTODIANSHIP

The Whistleblower Policy is vested in Management, through the Human Capital and Operations Directorate, which shall be responsible for its implementation and operationalization.

All queries relating to application of this Policy shall be made to the Directorate responsible for Human Capital and Operations.

15.0 POLICY REVIEW

This policy shall be subject to review after two (2) years as appropriate.

Endorsement

Date of Approval.....

Signature:.....