

**EFFECTIVENESS OF THE IMPLEMENTATION OF PROTECTED DISCLOSURE  
ACT AMONGST MUNICIPAL EMPLOYEES IN NGAKA MODIRI MOLEMA  
DISTRICT MUNICIPALITY**

**by**

**BOETIE KRISJAN**

**(16311167)**

A mini-dissertation submitted in partial fulfilment of the requirements for the Master's Degree in Business Administration presented to the Graduate School of Business and Government Leadership, Faculty of Commerce and Administration, Mafikeng Campus of the North West University

Supervisor: Dr G N Molefe

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## **DECLARATION**

I, Boetie Krisjan, hereby declare that this research project for the Master's Degree in Business Administration at the Graduate School of Business and Government Leadership is my own original work and that all sources have been accurately reported and acknowledged, and that this document has not previously been submitted at any university in order to obtain an academic qualification.

.....

**B. KRISJAN**

DATE.....

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## **ABSTRACT**

The aim of this academic work is to investigate the effectiveness of the implementation of Disclosure Act amongst the municipal employees in Ngaka Modiri Molema District Municipality. This study further aims to make contribution in ensuring that the general public is able to comprehend fully the discourse around whistle blowing particularly to their responsibilities and obligations of the state. The results depict that there is a serious gap with regards to the understanding of the said legislation.

The study employed both qualitative and quantitative data collection and analysing method even though the study is mainly quantitative in nature. The findings have revealed that the municipality has no plans in place to educate employees about whistle blowing as majority of staff even senior people seems not be conversant with Disclosure Act. In conclusion recommendations are made to remedy the situation at the Ngaka Modiri Molema District Municipality.

The key recommendation of this study is that the municipality must take this legislation seriously by conducting training to all municipal employees and quarterly assessment on the understanding of this Act be done, as this will help the municipality once employees has good understanding of the Act to blow whistle on corruption and that will see decline in corrupt activities.

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## **CHAPTER ONE**

### **ORIENTATION OF THE STUDY**

#### **1.1. INTRODUCTION AND BACKGROUND**

South Africa has been hailed for putting in place good policies and legislation. However in practice and at implementation level it has been found wanting. According to Dehn and Callard (2004) whistleblowing is “the act of raising a concern about wrongdoing within organisations or through an independent structure associated with it”. The Protected Disclosure Act, (2000), hereinafter referred to as the Disclosure Act, allows employees to make protected disclosures about corruption and other irregularities in the work place. Like most other post-colonial African state, South Africa is not immune to the cancer of corruption and politics of patronage both public and private sector. As a country, it is important now more than ever before, to be prudent and vigilant in protecting citizens that seek to combat CORRUPTION AS A SOCIAL ILL to direct all other resources to the scourge of triple oppression of poverty, unemployment and inequality.

#### **1.2. AIM OF THE STUDY**

This research aims to determine whether protection of whistleblowers by law is effective in South Africa. Reference is made to the assassination of a community leader and activist Moss Phakoe who was the Municipal councilor of Rustenburg Local municipality, Jimmy Mohlala the speaker of Mbombela Municipality in Mpumalanga and Dr. Theron of Correctional services who was transferred to another institution after raising his concerns about the status of the facility in which he served in... The protected Disclosure Act, 2000 was introduced as a means to protect employees who are subjected to occupational detriment as results of disclosing the criminal or unlawful activities taking place or occurring in the workplace.

This study further aims to make its contribution in ensuring that the general public is able to comprehend fully the discourse around whistle blowing, particularly with regard to their responsibilities and obligations of the state. This will further contribute to the body of knowledge production in the course of this field. This highlights the policy imperatives in relation to the state implementing agencies such as the state security services. It was against this background that the Labour Relations Act, 1995 (Act 66 of 1995) introduced the

“Protected Disclosure Act”. The ultimate goal of the above mentioned Act is to afford protection to the innocent employees who would blow whistle in a way of curbing criminal activities within the workplace.

The Protected Disclosure Act (2000) seeks to “combat crime and corruption through the disclosing of wrongdoing” (Holtzhausen, 2007: vi). Lack of ethics in both private and public sector has resulted in immeasurable levels of corruption in South Africa. Secondly, the lack of synergetic relations between policy and its implementers has left a huge gap in protecting whistleblowers leading to loss of life as was the case with Moss Phakoe of Rustenburg and Jimmy Mohlala of Mpumalanga and apathy from the broader community on issues that are corruption related (researchers’ input). This cannot continue unchallenged in a country that has good policies and legislation. This may results in reducing legislation into paper tigers. Since 2000 to date and the introduction of the Act that empowers whistleblowers on the contrary there has been an escalation of assassinations and intimidation of employees in Municipalities around South Africa.

Furthermore, disclosures made to authorities does not necessarily suggests or guarantee the protection of the whistleblowers. Unfortunately when information is leaked very often the question within the organisations according to Frome is not “Is it right or wrong?” but “Who leaked it?” (Frome, 1978:53). Though Frome wrote this statement 36 years ago, it very clear that is still very relevant to what is faced by whistleblowers in todays’ work place. Frome statement is concurred to by Mbatha, (2005:6) who stated that, “because of the term (whistleblower), employees who blow the whistle has unfairly acquired a bad reputation as being busy-bodies, troublemakers and disloyal employees”. Furthermore, Auriacombe (2004:659) and Camerer (2000:1) wrote that “the major cause of this perceptions in South Africa is the unfair confusion of whistleblowers with the apartheid-era informants who betrayed their comrades”.

Case in point is that, of Dr. Theron of Pollsmor V/s Minister of Correctional Services where the whistleblower was inconveniently transferred from Pollsmor to another correctional facility after disclosing information about the state of affairs in Pollsmor (freedom of expression. 2007, 08, 24). The focus of this study will be the municipalities in general and its community impact with regard to whistle blowing and further highlights lack of ethics in both side of the radar as this cost the country millions of rands annually. The nature of statistical

data of this research requires the highest level of confidentiality as some of the cases have just been concluded.

### **1.3. PROBLEM STATEMENT**

The Protected Disclosure Act of 2000 was introduced as a measure to protect Whistleblowers against any form of unfair labour practices in the workplace, however, what appears to be a problem is whether it is effective to provide adequate protection to the whistleblowers or not. Whistleblowers encounters challenges in terms of protection although legislation is in place consequently one of the purposes of this study is to provide information on who whistleblowers are and what is entailed in the process of whistleblowing.

Whistleblowing is understood to refer to the act of reporting wrongful activities to the interest of the public. It is increasingly recognized that whistleblowers have significant role to play in fighting transgression.

The problem with whistle blowing is that employees are not adequately protected because most of the time after disclosing criminal activities they are subjected to occupational detriment, that is unfair treatment on account of disclosure. This is premised on the fact that some of them after disclosing criminal activities some of them are suspended and others dismissed. E.g. Dr. Theron versus Minister of correctional services as it was the position in the case.

### **1.4. RESEARCH QUESTIONS**

The study will be guided by the following research questions:

- 1.4.1 Does the Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers?
- 1.4.2 Are the measures put in place to encourage workers or civil servants to uncover corruption?
- 1.4.3 To what extent should the Protected Disclosure Act be reviewed and amended so as to ensure that it gains the necessary capacity to protect whistleblowers adequately.
- 1.4.4 Do employees feel safe to disclose criminal activities?
- 1.4.5 Do you think PDA is effectively implemented within the Municipalities?

## **1.5. ADVANTAGES AND DISADVANTAGES OF WHISTLE BLOWING**

### **1.5.1 Advantage**

There is no expectation for the whistleblower to substantiate the certainty of his/her allegation(s); whistleblowers shall, however, demonstrate to the person contacted that there are sufficient grounds for concern.

### **1.5.2 Disadvantage**

By uncovering the fraudulent activities and misconduct in ones' work place, the employee exposes himself/herself to a lot of risks and danger. This is agreed to by many authors, by so doing the employee may face occupational torment and other many ill treatments.

Whistleblowing is ambiguous and complex, and people are frequently either unwilling to report unlawful acts or other people may undermined their efforts.

## **1.6. RESEARCH OBJECTIVES**

In relation to the foregoing, the objectives of this study are:

- 1.6.1 To investigate whether the Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers.
- 1.6.2 To establish measures that needs to be put in place in protecting whistleblowers in the workplace.
- 1.6.3 To explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.
- 1.6.4 To determine whether employees feel safe to disclose criminal activities.
- 1.6.5 To investigate whether the PDA is effectively implemented within the Municipalities.

## **1.7. SCOPE OF STUDY**

The research question suggests that PDA is somewhat flawed in as it is structured, therefore the research is guided by the objectives of finding out the causes of those flaws. The scope of research will entail, travelling, interviewing research participants, gathering of information and analyzing of mass data collected. The study parameters will be determined by the location in which the research chooses to conduct research.

## **1.8. RESEARCH DESIGN AND METHODOLOGY**

The study will utilise both qualitative and quantitative data collection method, even if the study is mainly quantitative in nature. For the researcher to decide whether to use quantitative or qualitative or both approach depends objectives of the study. The qualitative research that uses qualitative technique deals with thorough understanding of phenomenon. The qualitative approach is motivated by trying to understand the motives behind certain behaviours and experiences of the respondents while the quantitative method make use of structured questions where respondents can choose from the predetermined options.

The study will use a questionnaire to collect data from the respondents because the data from respondents were words in the context of the research problem (Holloway & Wheeler, 2002). Data were collected from the employees of Ngaka Modiri Molema District municipality (NMMDM). There are approximately 300 employees employed in the NMMDM and the sample of 170 will be drawn from them. The analysis of the data follows an explanatory data analysis (EDA) procedure and the use of graphical data analysis.

## **1.9. IMPORTANCE/SIGNIFICANCE OF THE STUDY**

If understood correctly, whistleblowing is not about reporting a negative, anonymous sense. Rather, it is a key tool in prompting responsibility and accountability by both the individuals and the organisations (Holtzhausen, 2007:5).

The nature of the democratic state which South Africa has been modeled upon dictates that democracy must be within constitutional parameters and must be participative in nature. Therein lays the challenge that for full citizenship participation in our democracy to be a reality, dissemination of information through developmental communication and information methods must be the key focus area of anyone intending engage the broader community, public service, civil society and scholars/academics in particular. As stated earlier, this study aims to make its contribution in ensuring that the general public is able to comprehend fully the discourse around whistle blowing, particularly with regard to their responsibilities and obligations of the state.

## **1.10. OUTLINE**

This study will consist of 5 chapters. **Chapter one** will be an overview to the whole study. **Chapter two** will be literature review. **Chapter three** will be research methodology. **Chapter four** will be research findings and interpretation of results. **Chapter five** will be conclusion and recommendations.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1. INTRODUCTION**

This chapter seeks to investigate effectiveness of the implementation of the Protected Disclosures Act 2000 (Act 26 of 2000) amongst municipal employees in Ngaka Modiri Molema. The chapter examines theoretical and empirical work done by other researchers concerning the implementation of disclosure act. Botha and van Heerder (2014:337) indicated that concerns over corruption have been increasing locally and internationally in the last decade, especially within the public sector. In this regard, South Africa is also included. The National Planning Commission (2011:446) stipulates that “South Africa experience high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation”. Dehn and Callard (2004:1) highlighted that “corruption has become a part of our everyday life, and news headlines highlight the different stories regarding the reported corruption”. Dehn and Callard (2004:1) further indicated that every organisation is at risk of corruption and whistleblowers are generally persons who witness wrongdoing and are in best position to disclose it.

Corruption is a hidden act by individuals, therefore whistleblowers play a vital role in exposing and reporting it. Uys (2008:905) stated that the public is frequently too fearful to report any activities of corruption that they witness. Reason being that they fear consequences that may arise, such as a threat to their lives or intimidation, if they blow the whistle against acts of corruption. Whistleblowers can face reprisal by those whom they expose, and it is essential for the institutional and legal protection of whistleblowers.

The South African National Development Plan (NDP) 2030 stated that “corruption is generally recognized as a serious threat to the rule of law, the stability and security of societies”. The fair distribution of resources is jeopardised by corruption since it undermines the fundamental democratic values and institutions and hampers economic, social and political development and the enjoyment of human rights. The study by Davids (2012:47) indicated that “the prevention and combating of Corruption Act 2004(Act 12 of 2004) ensures that corruption becomes unlawful”. It therefore provides the basis of combating corruption and the promotion of good governance (Davids, 2012:47).



Pradhan and Campos (2007:9) defined corruption as “the use of public office to satisfy personal needs”. Corruption is defined by Johnston (1998:89) as “the abuse of public roles or resources for private benefit”. The study by Caiden (2001:20) defined corruption as a “behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains, or violates rules against the exercise of certain types of private-regarding influence”. Protected Disclosures Act 2000 (Act 26 of 2000) protects whistleblowers and it makes provision for the processes in terms of which employees can report any corrupt practices or wrongdoing within their organisation.

## **2.2. WHISTLEBLOWING**

Whistleblowers play an essential role in combating corruption and the promotion of good governance in the public domain. Auriacombe (2005:85) stated that legislation on whistleblowing is part of the development of anti-corruption strategies that is intended at promoting a safer environment for people who blow the whistle against corruption. Near and Miceli (1985:3) described whistleblowing as “the process whereby the whistleblowing involves the disclosure by organisation members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action”. Jubb (1999) developed a more restrictive definition of whistleblowing as:

*“Whistleblowing is a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organisation, about non-trivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organisation, to an external entity having potential to rectify the wrongdoing”* (Jubb, 1999:83).

Jubb’s (1999) definition differs from the definition used by Near and Miceli (1985:3) because it does not consider internal reporting wrongdoing within the organisation as whistleblowing. Whistleblowing is defined by Rothschild and Miethe (1994:254) as “the disclosure of illegal, unethical or harmful practices in the workplace to parties who might take action”. According to Bowden (2005) whistleblowing is also defined as “the exposure of people within or from

outside an organization, of significant information on corruption and wrongdoing that is in the public interest and would not otherwise be publicly available”.

### **2.3. CONSEQUENCES OF WHISTLEBLOWING**

Uys and Senekal (2008:38) indicated that “the decision to report corruption does not come easily to many whistleblowers”. It can be argued that reporting some dishonourable conduct within the organisation is welcomed in any organisation, but this is not always the case because numerous whistleblowers have encountered retaliation and their trustworthiness in the organisation being questioned, as a result of whistleblowing (Uys, 2000:265).

The study by Dellaportas et al. (2005) indicated that “even though public regard whistleblowers as heroes, within the organisation, the whistleblower is considered a sell out who has been unfaithful to the colleagues and organisation at large”. Rossouw and Van Vuuren (2004) also agreed that “even though legal protection is an avenue that can be visited by the whistleblowers, it has an overwhelming effect, specifically when it results to a negative respond from the organisation and colleagues”. In most cases, whistleblowers normally face discrimination, harassment, disadvantage or adverse treatment in relation to employment, dismissal from, or prejudice in occupation and disciplinary proceeding after blowing the whistle. Whistleblowers can consequently risk their reputations, their livelihoods, their lives and even the lives of their families to expose information of significant public importance, yet they do so at serious risk to themselves.

The study by Carroll and Buchholtz (2000) indicated that studies on whistleblowing revealed that as many as ninety percent of whistleblowers experience undesirable outcomes, and at least fifty percent lose their employments. Several end up taking medical prescriptions in order to ease their stress, while others even think of committing suicide. Nevertheless, Dellaportas et al. (2005) recommended that “employees should be stimulated to report wrongdoing within the organisation and to resolve the problem before it becomes a public scandal”.

Recently there was a case of Solely Tshitangano, who was dismissed from the Limpopo Department of Education, continues to suffer the consequences of reporting the malfeasances leading to the 2012 textbook scandal. In 2013, it was reported that ICASA official Joseph

Lebooa was kidnapped and beaten by people who demanded that he stop his investigation into Wireless Business Solutions, a private company allegedly owing license fees to ICASA. The senior official of the 2010 Soccer World cup construction project, Jimmy Mohlala, was assassinated for blowing the whistle on perceived corrupt activities. In 2009, Rustenburg African National Congress (ANC) councillor Moss Phakoe blew a whistle on corruption activities within the Rustenburg municipality. He was also assassinated for blowing the whistle. Some other whistleblowers, who provided information on corrupt housing practices, were also threatened and assassinated. These cases were well publicised (Holtzhausen, 2012).

#### **2.4. PROTECTION AFFORDED TO WHISTLEBLOWER**

Transparency International (2010:4) stated that “whistleblowers should be protected from retaliation within the organisation”. Uys (2000:259) and DPME (2012:446) indicated that “South Africa has an extensive legislative framework covering different aspects of whistleblowing, and this is viewed as a significant mechanism in fighting corruption”. Whistleblowers are also protected by the South African Constitution Act 1996 (Act 108 of 1996). To this end, Callard and Dehn (2004: 149) stated that the purpose of the South African Constitution (1996) is to “lay the foundations for a democratic State in which government is centred on the will of the people and every person is equally guaranteed protection by the law”. Macey (2007) pointed out that whistleblowers are thought as an integral part of corporate governance that is supposed to result in better monitoring and control of management misconduct. Tip-offs from inside by whistleblowers are now regarded as the most common method of detecting fraud and corruption.

The Protected Disclosures Act, 2000 (Act 26 of 2000) is also referred to as “the Whistleblower’s Act”. The Protected Disclosures Act (2000) was put in place to “protect employees from retaliations that can occur when they disclose information about alleged wrongdoing. It was also enacted as a means to help establish a secure environment in which employees can disclose information in a responsible way, thereby promoting good governance and transparency”. The legislature is part of the anti-corruption strategy that can be used by whistleblowers. The Protected Disclosures Act (2000) is part of the framework of whistle blowing legislation which stems from the South African Constitution (1996), the Companies Act, 2008 (Act 71 of 2008) and the Labour Relations Act, 1996 (Act 66 of 1995) (Botha & Heerden, 2014:339). According to the preamble of the Protected Disclosures Act

(2000), “the purpose of the Act is to help provide a culture that will enable the disclosure of unlawful conduct that individuals witness in their organisation” (Callard & Dehn, 2004:149).

The Protected Disclosures Act (2000) recognises that whistleblowers may experience negative consequences. Therefore, in order to fight corruption, the Protected Disclosures Act (2000) gives whistleblowers protection from any occupational detriment so that they are able to disclose any wrongdoing without any fear. The Protected Disclosures Act (2000) “protects employees from the following detriments:

- Dismissal, suspension, demotion, harassment or intimidation;
- Being subjected to any disciplinary action;
- Transferral against his/ her will;
- Being refused transfer or promotion;
- Being subjected to a term or condition of employment or retirement that is altered or kept altered to his/ her disadvantage;
- Being refused a reference, or being provided with an adverse reference;
- Being denied appointment to any employment, profession or office;
- Threats of any actions referred to above; and
- Being in any other manner adversely affected in respect to his/ her employment, profession or office, including employment opportunities and work security” (Republic of South Africa, 2000).

Basically, the Protected Disclosures Act (2000) sets out a clear and simple framework to promote responsible whistleblowing by reassuring employees that keeping quiet is not the only safe option; providing strong protection for employees who raise concerns internally; reinforcing and protecting the right to report concerns to public protection agencies; and finally, protecting more general disclosures provided that there is a valid reason for going wider and that the particular disclosure is a reasonable one (Republic of South Africa, 2000). Individuals who are victimized in breach of the Act, whether they are dismissed or not, can refer a dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA) and thereafter to the Labour Court. Employees who are dismissed for making a protected disclosure can claim either reimbursement, up to a maximum amount of salary of two years, or reinstatement. Employees who are not dismissed but who are disadvantaged in some way

as a result of making a protected disclosure can claim reimbursement or ask the court for any other appropriate order (Promoting Whistleblowing Act (no 26 of 2000)).

## **2.5. IMPLEMENTING AN EFFECTIVE HOTLINE REPORTING SYSTEM**

Hotline reporting systems have been in use for over two decades, and have proven an effective method for detecting workplace fraud and abuse. The hotlines are described by the Association of Certified Fraud Examiners (ACFE) as “the most effective method of detecting fraud in the workplace, and has found that organizations without an anonymous hotline suffer median losses from fraud more than twice of that found in organizations with an anonymous reporting mechanism in place”. According to the Whitepaper (2007), “an effective hotline reporting system can yield other significant benefits, including enhanced insight into the behaviour of the organizational, boosted employees’ satisfaction and other stakeholders and reduced financial, legal and reputation risk” (Whitepaper, 2007).

An organization should explore the following four key areas when deciding whether to build or buy hotline reporting system. Four areas are as follows:

- Assessment of expenses of operating the system and managing its requirements
- building confidence in the system amongst the workforces
- management of risk and compliance over time
- affecting change in the organization and development through the system

### **2.5.1 Assessing expenses for operating the system**

Building and maintaining a hotline reporting system that satisfies the demands of today’s regulatory and climate of the business is evidently much more complex and resource intensive than what was required when the advanced was a toll-free phone number connected to a voice message box. The following questions are to be considered:

- What is the number of employees and other participants is the system serving, and how many reports should be expected? The reports can be handled by how many call center interviewers?
- To set up a system that is entirely available day and night for workers and other stakeholders, do you need to consider a 24 hour or a one time zone? How does that

impact staffing of a call center and network monitoring? How does this impact the need for interpreting reports?

- How do you develop the technology infrastructure that facilitates anonymity, confidentiality and securing data without taking IT resources from mission-critical projects? Can you leverage the investment made in other areas of the business?
- How do you facilitate local management and investigation of reported issues to bring about resolution, while at the same time providing for oversight at the audit committee level? Will this be a manageable addition to workload? Are there choke points in the system preventing the rapid dissemination of reports and oversight data?
- How secure is the information contained in the reports? Are there weak links in the technology that introduce the risk of a system breach?

### **2.5.2 Building Confidence of the System amongst the Workers**

The perception of anonymity and confidence in the hotline system is imperative when soliciting reports on ethical and illegal activity. The former SEC Chairman Harvey Pitt stated that “It is vital for employees to know and believe that the reporting process is truly anonymous”. The culture that management works to establish and nurture plays a significant role in confidence of the workers, and the outreach the corporation pursues is highly indicative of the significance of the approach toward an “open door culture”. Numerous organisations operate help-line systems, which are designed to answer enquiries of the workers about policies, compliance and ethics matters. Nevertheless, extending those systems to handle complaints of the whistleblower brings challenges that may suppress reporting activity or upsurge the risk of the organisation. These challenges include:

- Reporting to a system that is controlled internally may seem inherently non-anonymous and may decrease the usage of the system or prevent reporters from providing complete information.
- If reporters are required to record their voice on an automated system or speak to a colleague assigned to take reports, the “anonymous and confidential” nature of the report may be questioned.
- Systems that do not facilitate anonymous and confidential follow-up by the reporter may yield incomplete and unsanctionable information. Any circumstance that decreases the use of the hotline reporting system decreases its value as a tool to prevent fraud and abuse.

The study of Schmidt (2005) revealed that “functioning hotline system is of importance and should be linked to the implementation of a protection regime for whistleblowers”. Employees making anonymous reports are difficult to investigate, in that problems in corroborating the information as well as in not being able to remedy the underlying cause of the disclosure exist. Hotlines through which the public and employees anonymously report suspected corruption does not satisfactory deal with the issues when the purpose of whistleblowing is to promote a culture of transparency and accountability.

### **2.5.3 Managing Risk and Compliance over Time**

The focus on preventing whistleblower retaliation in Sarbanes-Oxley, the Organisational Sentencing Guidelines, and other legislation on the books and in process has brought intense focus to the “confidential and anonymous” characteristics of whistleblower disclosing. This in turn may upsurge organisational risk that are managing the receipt of whistleblower reports within the organisation. Pitt outlined that “any attempt to create a system internally exposes the company unnecessarily to liability for failing to meet the anonymous and confidentiality requirement (of Sarbanes-Oxley section 301)”.

When the conflict within the organisation becomes a legal issue whether it was disclose or not, demonstrable availability of an anonymous system is a significant factor in the lessening of liability. Employment and labour law attorneys Dudley Rochelle and David Goldman found that “the more emphasis the employer places on encouraging complaints to be brought to its attention, the better the employer’s chances of showing that the employee’s failure to complain was unreasonable”. Organisations are expected not just to provide this service but to ensure that their employees are cognizant of and confident in its ability to protect their confidentiality and anonymity.

For a hotline reporting system to be effective, it should not be static. As compliance requirements develop over time and an organisation develops and changes, it is vital that the reporting system evolve to meet new needs. This takes the form of adding risk categories to the system as new areas of the business emerge, adding locations, business units and report recipients as the organisation develops, and providing reports or capturing new data points from reporters as compliance requirements dictate.

#### **2.5.4 Affecting Organisational Change and Improvement**

Ensuring that reports delivered promptly to suitable employees is important in resolving issues and minimising potential damage. Having access to robust case management tools can decrease the time and required labour to resolve matters and should be considered a significant element of the overall system.

Furthermore, the reporting system should provide access to highly customizable and flexible statistical reports and trend alerts related to hotline usage that allow organizations to follow the broader picture. These analytics offer opportunities for organisations to identify breakdowns of isolate geographic or managerial issues, internal controls, or identify larger systemic concerns. The resolution of each report is eventually insufficient to satisfy the demands for best business practice. For an organisation to embrace these goals, they must have the tools to learn from mishaps and successfully prevent and prevent future violations.

#### **2.6. ORGANISATIONAL WRONGDOING**

Sangweni (2005) identified numerous initiatives that have been undertaken by South Africa government to encourage accountability and fight corruption within the public sector. These consist of “legislation on the Promotion of Access to Information Act, 2000 (Act 2 of 2000) and the Protected Disclosure Act, 2000”. This Act aims to “protect persons from victimisation when they expose corruption and unethical practices”. Government has also hosted numerous conferences on anti-corruption.

The study by Barker and Dawood (2004) recommended that “organisations should implement an effective internal system for employees to raise concerns and to facilitate the internally whistleblowing process”. If employees or people feel that it is unsafe and unaccepted to internally blow the whistle, they will resolve to externally blowing the whistle. Megone and Robinson (2002) suggested that the internal policy on whistleblowing should include: “a clear statement that malpractices are taken seriously, confidentiality is respected, that there are penalties for false and malicious allegations and/or a clear indication of how the concern can be raised externally if necessary”. The internal system should include “proper communication channels, commitment by management to the whistleblowing process and to support the whistleblower”. Barker and Dawood (2004) and Ravishankar (2002) proposed paying attention to formal mechanisms for reporting violations, such as:



- hotlines and mailboxes;
- respect for the confidentiality of staff raising concerns;
- access to independent advice, and
- guidelines on how to raise concerns outside the organisation if deemed necessary.

Brian (2001) indicated that “management at all levels who are trained continuously in creating an open-door policy regarding employee complaints must communicate the practice of whistleblowing”. To create a culture of honesty and openness, it is significant that employees are reminded frequently about the policy. This will require management to investigate all allegations thoroughly and promptly, and report the origins and the outcomes of the investigation to a higher authority. Robbins and Judge (2006) encouraged ethics training to implement an ethical organisational culture. The training should be given to new employees as part of orientation, as well as to existing ones. Robbins and Judge (2006) stated that “this training should be given on a regular basis to help employees recognise ethical dilemmas and to make them aware of the ethical issues underlying any action they take and it could also serve as strengthening of ethical principles”.

A big organisation has the ability to develop and implement different programmes to minimise wrongdoing. De Beers has a fully outsourced ethics hotline (Investing in the future, 2005) and a principles assurance programme which encourages the systematic monitoring of performance, third party verification and has a commitment to disclosure (About De Beers, 2005).

## **2.7. ETHICS**

Ethics is defined by Fulmer and Franklin (1982:90) as a “system of moral principles (relating) to that branch of philosophy dealing with values relating to human conduct, with respect to rightness or wrongness of certain actions and to the goodness or badness of the motives and ends of such actions”. Hanekom (1982:152) defined ethics as “the basic principles of the right action undertaken based on rules of conduct”. Andrews (1988:34) also defined ethics as “science of character, the science which deals with moral customs and habits of conducts. It deals with the character and conduct of man, in so far as it is good or bad, right or wrong. Ethics always approves or disapproves; it sets a value negative or

positive, upon conduct. It reflects on conduct, and pronounces human action good or bad, with reference to some standard or criterion”.

Ethics can be elucidated by referring to its deontological and teleological implications. The former refers to concepts such as the desirable, the good, and happiness or well-being, which concerns the ultimate and proper goals of human endeavour. The telos, in other words the government goal or aim, stands central to the attainment of the good and happiness.

Ethical deontologists hold that the concepts of correct conduct, duty and moral responsibility are logically independent of the teleological concepts. They maintain that an act or type of behaviour could be correct even if it were opposed to human well-being. According to Olson (1967:92), “the deontologists believe that most correct, moral conduct leads to the good, but admit that this is a generalisation to which there could be exceptions”. The difference between right and wrong behaviour is pointed out by the ethics. This can be viewed as the standard against which the behaviour and actions of public officials and political office bearers can be measured.

Ethical teleologists, on the other hand, regard the deontological concepts as subordinate concepts in that no behaviour may be considered right or worthy of moral approval unless it promotes the good or has desirable consequences. To justify a given act or behaviour on moral grounds it must be shown that it is conducive to the good or promotes human well-being. Scruton (1982:157) indicated that “to the teleologists, an act is only right when it is conducive to the good”. The term “right conduct” refers to conduciveness to the good, in other words, the end must necessarily justify the means.

## **2.8. LESSON LEARNED**

The lessons learned from the reviewed literature are that most of the whistleblowers experience negative outcomes and at least fifty percent lose their employment. Several resort to taking medical prescriptions to ease the stress, while others even consider committing suicide. Literature revealed that South Africa need to improve in terms of protecting whistleblowers (e.g. case of Solely Tshitangano, who was dismissed, case of senior official Jimmy Mohlala, who was murdered for exposing corruption etc.). In spite of this, workers should be stimulated to disclose wrongful acts with the organisation and to resolve the problem before it reaches the public domain.

## **2.9. CONCLUSION**

There is a limited body of literature available on whistleblowing. This chapter began by outlining the crucial role of whistleblower in fighting corruption and promoting good governance in the public sector. Secondly the study discussed the protection act which protects whistleblowers in any consequences that they may face. The previous study showed that in most cases whistleblowers often face harassment, discrimination, disadvantage or adverse treatment. Furthermore, the study discussed other alternative ways (e.g. hotlines and mailboxes) that can be used to report fraud and abuse in workplace. Hotline reporting system was proving an effective technique for detecting organisation fraud and abuse. It has been noted that the government of South Africa has passed legislation to address the lack of ethics in organisation and the Protected Disclosures Act (2000) facilitate the disclosure of organisational wrongdoing.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. INTRODUCTION**

This chapter outlines the research methodology of this study. The different issues discussed in this chapter inter alia are: (i) Research methods; (ii) Research design; (iii) Research methodology; (iv) Data collection; (v) Measuring instruments; and (vi) Self-administered questionnaires;(vii) Sample design, Data analysis and procedures.

#### **3.2. THE RESEARCH DESIGN**

Research design is defined by Burns and Grove (2003) as “a blueprint for conducting a study with maximum control over factors that may interfere with the validity of the findings”. Research design is defined by Polit et al. (2001) as “the researcher’s overall for answering the research question or testing the research hypothesis”. O’Leary (2004:85) viewed research design as “the strategy for conducting a study that includes methodology, methods and tools involved in quantitative or qualitative research”.

The focus of this study is on the opinion of employees on whistleblowing policy and its implications. The research approach is quantitative, qualitative, and exploratory-descriptive. This method is chosen because the research want to do an in-depth understanding analysis of the answers from the participants of the study.

##### **3.2.1 Research Methodology**

Hussey and Hussey (1997) indicated that it is not uncommon in business research to use a mixture of methodologies especially in methods of collecting and analyzing data. This means that both qualitative and quantitative data collection and analysis techniques will be used in this study, even if the study is mainly quantitative in nature. For the researcher to decide whether to use quantitative or qualitative or both approach depends objectives of the study. The qualitative research that uses qualitative technique deals with thorough phenomenon understanding. A mixed method deals with the combination of quantitative and qualitative methods by minimizing their limitations and applying merits of each method. The three methods are discoursed in the subsections that follows.

### **3.2.2 Qualitative Approach**

Creswell (2012) viewed qualitative research as “a method of inquiry that involves getting information (data) by questioning the participants”. Babooa (2008) stated that “qualitative research method involves an in-depth understanding behaviour of participants and the reasons that govern behaviour of participants”. Contrast to quantitative research technique, qualitative research technique is motivated by trying to understand the motives behind certain behaviours and experiences of the respondents.

### **3.2.3 Quantitative Approach**

Quantitative research is defined by Maree (2012) as “an organised way of collecting data in numbers from a certain group extracted from a population and analysing that data in order to get the findings that will represent the population that is being studied”. Quantitative method make use of pre-coded questions where respondents can choose from the predetermined options and a large number of respondents are involved. Quantitative research make use of numbers, symbols, measurements and statistics in outlining key variables for the data collection, analysis and discussion of results. Babooa (2008) stated that “measurements applied must be objective, quantitative and statistically valid”. In this study, the responses received from the participants using questionnaires served quantitative data. The collected data will be used to investigate the effectiveness of the implementation of the Protected Disclosures Act 2000 (Act 26 of 2000).

### **3.2.4. Mixed Methods Approach**

Tashakkori and Creswell (2007) indicated that mixed methods are defined as “research in which the investigator collects and analyses data, integrates the findings and draws inferences using both qualitative and quantitative approaches/ methods in a single study”. Tashakkori and Creswell (2007) further stated that “a mixed methods study is one that includes a quantitative and qualitative dimension, but difficulties often arise when the researcher attempts to articulate how the two methods relate to one another”.

This study used a mixed method technique. Using mixed method technique have advantages. The qualitative method helped the researcher to go deep into the effectiveness of the implementation of the Protected Disclosures Act 2000 (Act 26 of 2000). Furthermore, by getting data from various sources. Last but not least, quantitative method gave an idea about

certain trends. This actually supplemented the data collected from qualitative approach by consolidation of findings from both the methods.

### **3.3. DATA COLLECTION**

Parahoo (1997) stated that “a research instrument is a tool used to collect data. An instrument is a tool designed to measure knowledge attitude and skills”. Data was collected from the employees of NMMM. Data was obtained from respondents with dissimilar experience prevents information bias and thus increasing credibility regarding the information.

#### **3.3.1 Measuring Instruments**

The study will used a questionnaire to collect data from the respondents because the data from respondents were words in the context of the research problem (Holloway & Wheeler, 2002). The questionnaire is a highly structured data collection instrument whereby each participants were be asked the same set of questions. These approaches allowed greater latitude in providing answers therefore the employees will be able to provide in-depth information regarding the phenomenon.

#### **3.3.2 Development of Questionnaires**

A questionnaire was developed by the researcher and a cover letter with a purpose and importance of the study outlined. The respondents names are not required to assured anonymity and freedom to decide whether to participate in the study or not. Clear instructions were given to the respondents regarding completion of specific items throughout questionnaire.

The advantages of questionnaires: “practical; large amounts of information can be collected from a large number of people in a short period of time and in a relatively cost effective way; can be carried out by the researcher or by any number of people with limited effect to its validity and reliability; The results of the questionnaires can usually be quickly and easily quantified by either a researcher or through the use of a software package; can be analyzed more ‘scientifically’ and objectively than other forms of research; when data has been quantified, it can be used to compare and contrast other research and may be used to measure change; positivists believe that quantitative data can be used to create new theories and / or test existing hypotheses”

([http://libweb.surrey.ac.uk/library/skills/IntroductiontoResearchandManagingInformationLeicester/page\\_51.htm](http://libweb.surrey.ac.uk/library/skills/IntroductiontoResearchandManagingInformationLeicester/page_51.htm)).

The disadvantages of questionnaires: “Is argued to be inadequate to understand some forms of information - i.e. changes of emotions, behaviour, feelings etc. Phenomenologists state that quantitative research is simply an artificial creation by the researcher, as it is asking only a limited amount of information without explanation; Lacks validity; There is no way to tell how truthful a respondent is being; There is no way of telling how much thought a respondent has put in; The respondent may be forgetful or not thinking within the full context of the situation; People may read differently into each question and therefore reply based on their own interpretation of the question - i.e. what is ‘good’ to someone may be ‘poor’ to someone else, therefore there is a level of subjectivity that is not acknowledged; There is a level of researcher imposition, meaning that when developing the questionnaire, the researcher is making their own decisions and assumptions as to what is and is not important...therefore they may be missing something that is of importance”

([http://libweb.surrey.ac.uk/library/skills/IntroductiontoResearchandManagingInformationLeicester/page\\_51.htm](http://libweb.surrey.ac.uk/library/skills/IntroductiontoResearchandManagingInformationLeicester/page_51.htm)).

The questionnaire used in this study is divided into two categories. Section A deals with the demographic information of the respondents while Section B – F deals with general questions that tries to answer research questions discussed earlier. Section B – F is linked to the objectives of the study.

### **3.3.3 Sample design**

Wegner (2013) defined a sample as “a subset of all members of a target population”. Wegner (2013) further indicated that “it is not always easy to collect data from every possible member in a population, but where the size of the population permits it is advisable to include as many members as possible”. Sampling is generally preferred to a census for the following reasons: timeliness; not expensive; destructive testing and correctness (Wegner, 2013).

There are approximately 300 employees employed in the NMMDM and the sample of 170 will be drawn from them. The sample is determined according to the “table for determining sample size from a given population” suggested by Sekaran (2003). The table is presented in Annexure A.

### **3.3.4 Data analysis procedure**

Pre-coded questionnaires make the collection of data, capturing and analysis easy and efficient. The analysis of the data follows an EDA procedure and the emphasis is on graphical demonstration and graphical procedures for data analysis. Emory and Cooper (1991) stressed the fact that “when numerical summaries are used exclusively and accepted without visual inspection, selection of confirmatory models may be precipitous, based on flawed assumption, and may consequently produce erroneous conclusions”. For these reasons, preliminary data analysis started with graphical inspection and not with descriptive statistics.

### **3.3.5 Validity and Reliability**

The qualitative and quantitative researchers agreed that findings of the research must be reliable and valid. Additionally, Krishnaswamy, Sivakumar and Mathirajan (2009) further distinguishes between these two concepts in the following manner: Validity is concerned with confirming the truth-value or believability of the findings that will be established by the researcher, which means the extent to which the data provides insight while reliability focuses on identifying and documenting and documenting recurrent accurate and consistent features or themes (Krishnaswamy, Sivakumar and Mathirajan, 2009). Validity refers to the degree a tool measures what it is supposed to be measuring while reliability looks for the degree of consistency with which an instrument measures an attribute. Hence, the Cronbach's Alpha will be used in this study.

Johnson and Christensen (2008:149) stated that Cronbach's alpha is the formula that determines the consistency level of test results when the test is applied in different situations. Johnson and Christensen (2008:149) further stated that for the test to be declared valid and acceptable, the end value of the Cronbach's alpha in a test must be at least 0.7. Parson (2006) stated that “Cronbach's alpha evaluates the reliability of a rating summarizing a group of test or survey answers which measure some underlying factor (e.g., some attribute of the test-taker)”. A score is computed from each test item and the overall rating, called a ‘scale’ is defined by the sum of these scores over all the test items. When Likert-type scales is used, it is imperative to calculate and report Cronbach's alpha coefficient for internal consistency reliability for any scales or subscales one may be using (Parson, 2006).



### **3.4. ETHICAL CONSIDERATION**

The researcher will relay all the necessary information pertaining to the research including the nature, procedures, confidentiality, purpose and usefulness and the protection of anonymity as well as the voluntary nature of participation to the participants.

The proposed population of the study will consists of vulnerable subjects and therefore the researcher will adhere to the following ethical principles throughout the process:

- Confidentiality: Participants will be informed that confidentiality will be maintained.
- Privacy: The Researcher also informed respondents that information collected will be kept safely and secure and will be discarded after certain time and will only be used for completion of Master of Business Administration study.
- Consent: The researcher obtained an informed consent from respondents when completing the data collection tool.
- Equity and Justice: Participants were informed that treatment and inclusion of participants in the research and research results will be distributed equally and with fairness.

### **3.5. CONCLUSION**

In this chapter, a research plan was developed for data collection starting with questionnaire in assessing the relevance and avoiding misleading questions to be asked. Secondly, a sampling plan was formulated from a defined population as a representative of a large population. The research population identified and the sample size determined. In primary data, the researcher will use questionnaires to collect data and ultimately, collected data will be analyzed.

In chapter 4, the data will be analyzed using relevant statistical techniques and results of the study will be discussed.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA

#### 4.1. INTRODUCTION

The chapter presents results attained by a questionnaire administered to employees in NMMM. The data obtained from the respondents is presented and analyzed in order to address the research objectives stated earlier in the first chapter. The two sections of the questionnaire are, namely; Section A: Demographics and Section B: General Questions.

#### Part A: DEMOGRAPHICS

#### 4.2. RESPONSE RATE

The total number of 170 questionnaires was disseminated to participants. All the questionnaires were administered in NMMM. One hundred and twenty seven (127) out of 170 questionnaires disseminated were completed and returned. And, thus registering the response rate of 75%.

#### 4.3. RELIABILITY ANALYSIS

The reliability analysis is presented in the table 4.1 below.

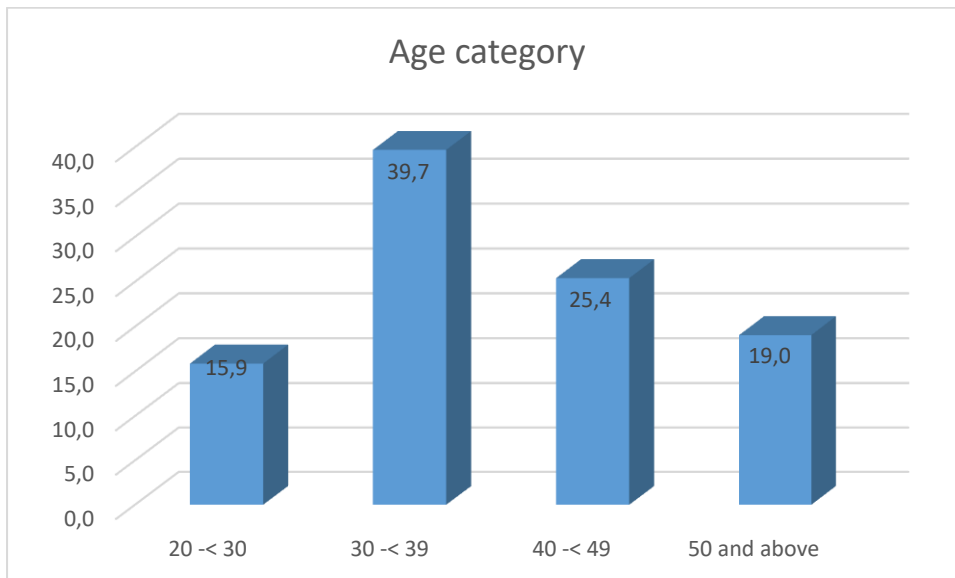
**Table 4.1 Reliability test**

<b>Data</b>	<b>Cronbach's Alpha</b>	<b>Items</b>	<b>Comments</b>
Employees' data	0.862	40	Excellent and consistent

The reliability analysis presented in table 4.1 revealed that the data is excellent and consistent. The next section discusses the demographic information.

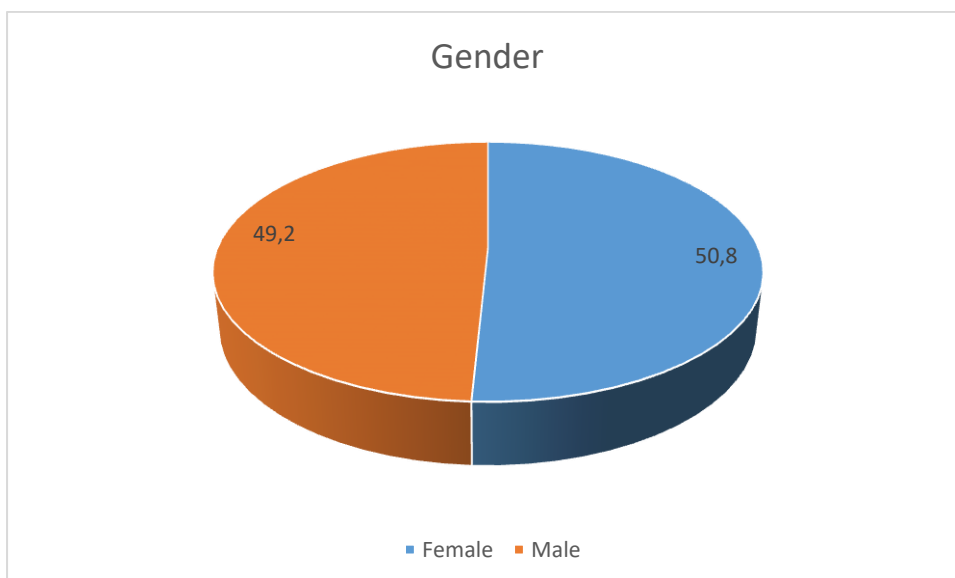
#### 4.4. DEMOGRAPHIC DATA ANALYSIS

This section is showing the demographic information of the employees of Ngaka Modiri Molema Municipality. The following figure represent the age category of the employees.



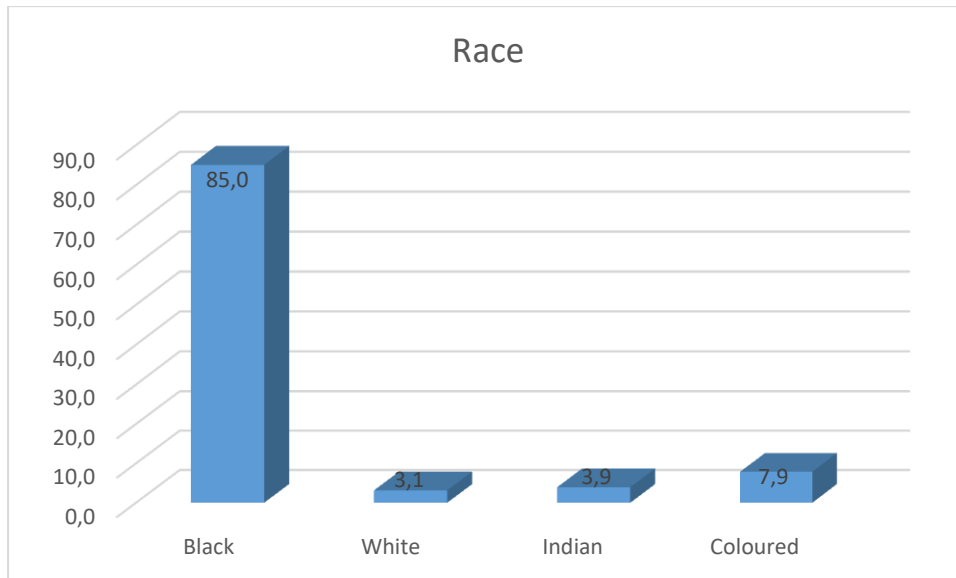
**Figure 4.1 Age category**

According to Figure 4.1 the employee's ages ranged from 30 to 39, with the majority being 39.7% respondents were at this age, follow by range between 40- 49 age group with 25.4% and minority are employees ranging between 20- 30 years with 15.9%. The next figure present gender of the employees.



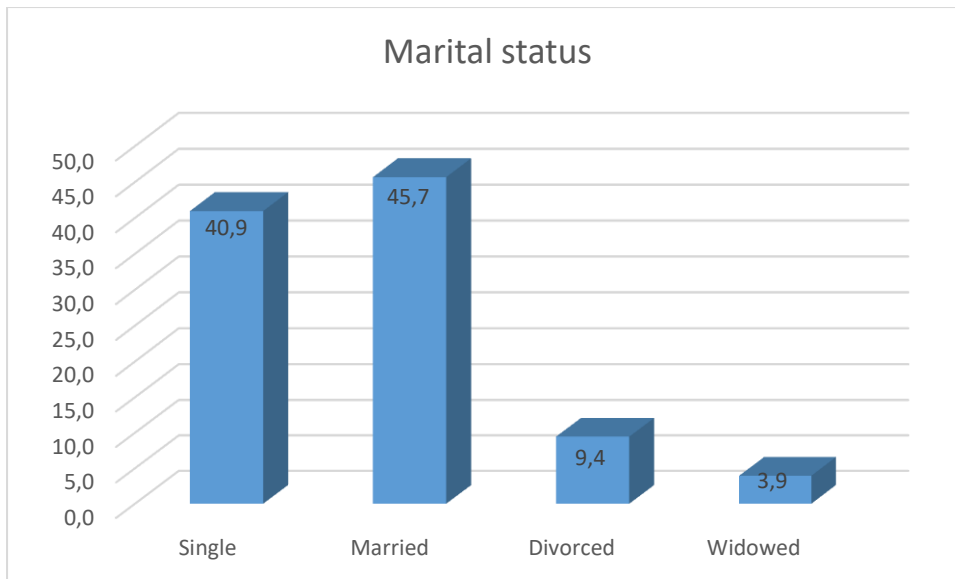
**Figure 4.2 Gender**

Respondents were asked to indicate their gender by placing a tick next to the relevant option provided (male or female) and the results are presented in figure 4.2. All 170 participants (75%) responded. Majority (50.8%) of the respondents were female and 49.2% were male. Figure 4.3 below present race of the employees.



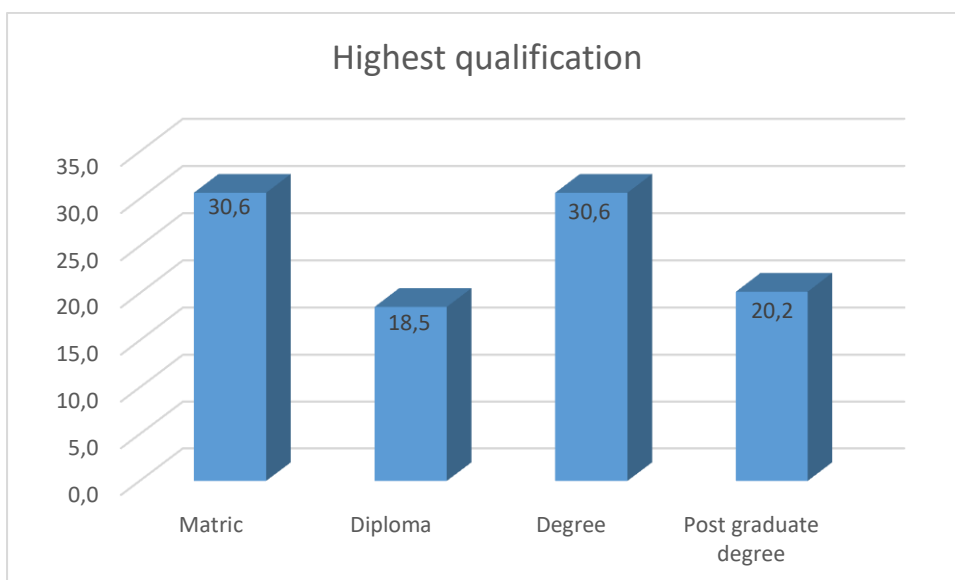
**Figure 4.3 Race**

Figure 4.3 above depicts that the majority (85%) of the respondents were Black Africans, followed by Coloured with 7.9% and lastly was whites respondents with 3.1%. What can be drawn from the results is that the NMMM has done well in terms of empower the blacks who were previously disadvantaged. Figure 4.4 presents marital status of the employees.



**Figure 4.4 Marital status**

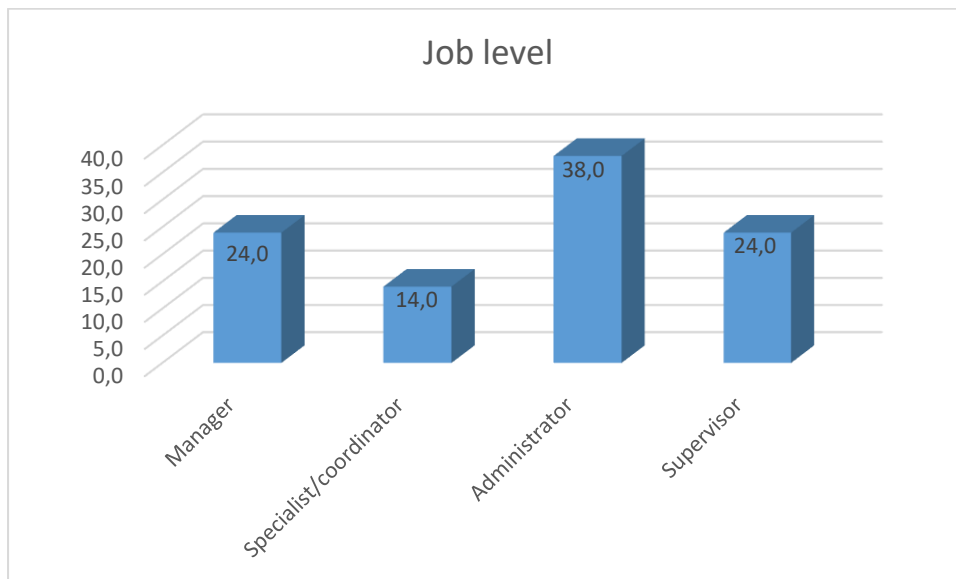
The above figure depicts that the utmost (45.7%) of the respondents were married and lastly are widowed respondents with 3.9% respectively. This implies that the department has employed responsible people, the study are assumes that. Qualification of the employees are presented in figure 4.5 below.



**Figure 4.5 Highest qualification**

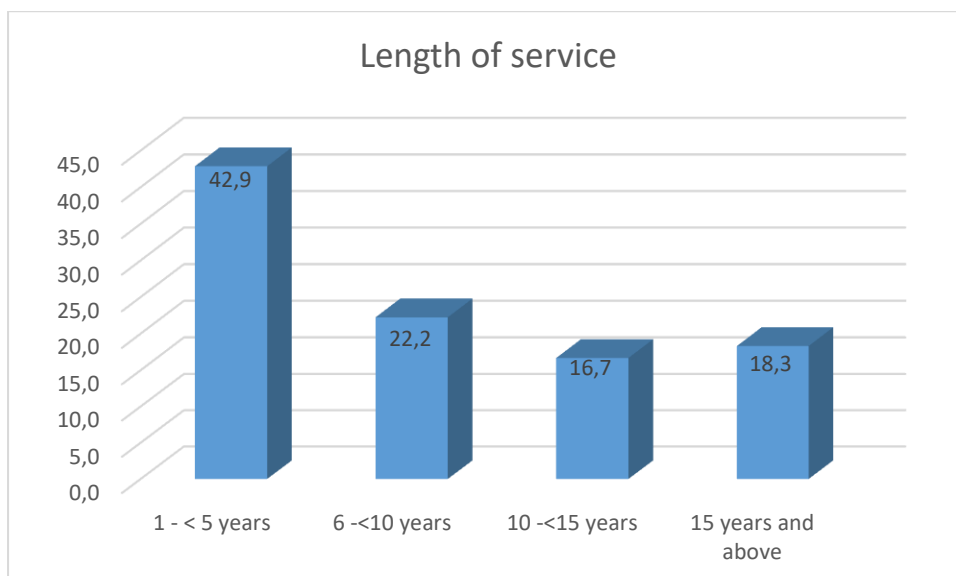
Figure 4.5 represents the highest level of school qualification that the employees had obtained. Of the respondents, 30.6% had matric and degree each, followed by post-graduate with 20.2% and lastly was diploma with 18.5. This implies that the Department employed

more relevant employees when looking at their qualifications but there is still challenge of people with matric only. Job level of employees is presented in the figure below.



**Figure 4.6 Job level**

Figure 4.6 reflects occupation category, it was found that 38% were administrators, followed by managers and supervisor with 24% each, and lastly 14% were coordinators. The largest parts of employees are administrators. The following figure present the length of service of employees.



**Figure 4.7 Length of service**

Figure 4.7 above shows that the majority (42.9%) of the respondents ‘had service of 1 to 5 years, followed by respondents with 6 to 10 years’ service with 22.2% and lastly respondents with 10 to 15 years working service with 16.7%.

#### 4.5. GENERAL QUESTIONS

**Table 4.2: To investigate whether the Protected Disclosure Act, 2000 (PDA), fully protects whistleblowers**

Statements	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Total
	1	2	3	4	5	
Senior management and council have clarified the rights and protection of a whistleblower	5(3.9%)	31(24.4%)	33(26.0%)	26(20.5%)	32(25.2%)	127(100)
Whistleblowers are not expected to mention their names when reporting the incidents of any nature	32(25.2%)	53(41.7%)	24(18.9%)	12(9.4%)	6(4.7%)	127(100)
When I report misconduct, I am often seen as a troublemaker or an informer	46(36.8%)	42(33.6%)	10(8.0%)	23(18.4%)	4(3.2%)	125(100)
NMMM complies with the PDA as it will legally protect a whistleblower from occupational detriment after a disclosure of crime/ unethical conduct.	11(8.7%)	22(17.3%)	64(50.4%)	19(15.0%)	11(8.7%)	127(100)
If NMMM dismisses me as a result of a protected disclosure, it will constitute an unfair dismissal.	42(33.6%)	41(32.8%)	26(20.8%)	11(20.8%)	5(4.0%)	125(100)
NMMM provides the whistleblower hotline to comply with the PDA.	3(2.4%)	22(17.5%)	38(30.2%)	33(26.2%)	30(23.8%)	126(100)

Table 4.2 presents the responses to the questions relating to “investigate whether the Protected Disclosure Act, 2000 (PDA), fully protects whistleblowers”. The respondents were requested to respond to six statements thereof. They were asked to rate each item on a scale of 1 to 5 (1= strongly agree; 2= agree; 3= not sure, 4= disagree and 5 = strongly disagree). Accordingly, 45.7% (20.5% & 25.2%) of the respondents’ disagreed that senior management and council have clarified the rights and protection of a whistleblower, 66.8% (25.2% & 41.6%) of the respondents agreed that whistleblowers are not expected to mention their names when reporting the incidents of any nature, 70.4%(36.8% & 33.6%) of the respondents agreed that when they report misconduct, they are often seen as a troublemaker or an

informer, 50% of the respondents are not sure that NMMM complies with the PDA as it will legally protect a whistleblower from occupational detriment after a disclosure of crime/unethical conduct, 66.4% (33.6% & 32.8%) of the respondents agreed that If NMMM dismisses them as a result of a protected disclosure, it will constitute an unfair dismissal, and lastly 50% (26.2% & 23.8%) of the respondents disagreed that NMMM provides the whistleblower hotline to comply with the PDA.

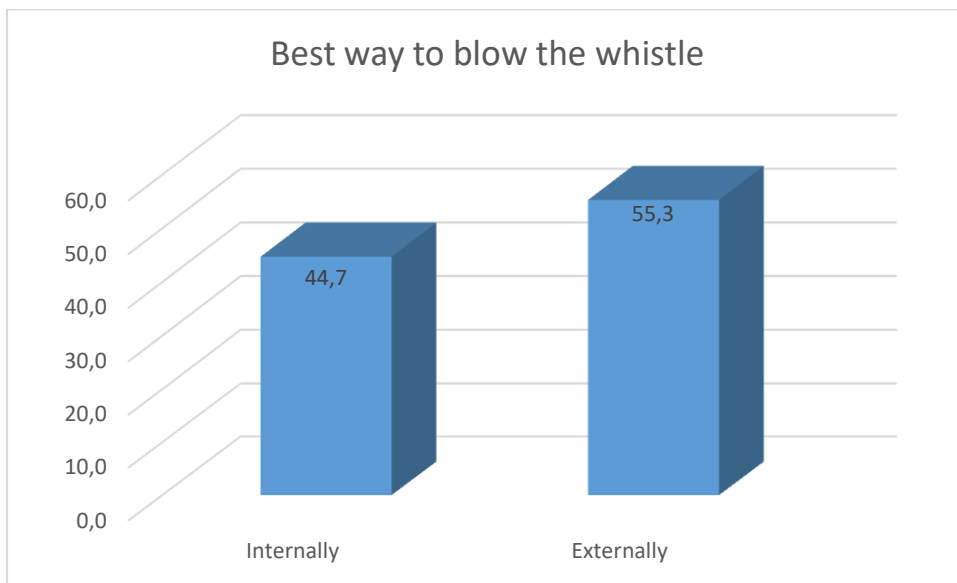
**Table 4.3: To establish measures that needs to be put in place in protecting whistleblowers in the workplace**

Statements	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Total
	1	2	3	4	5	
PDA is aimed at protecting whistleblowers within the workplace	27(21.8%)	63(50.8%)	30(24.2%)	4(3.2%)	0(0.0%)	124(100)
NMMM must display a charter on all notice boards illustrating the employee's rights to protection after/for blowing the whistle.	53(42.4%)	45(36.0%)	9(7.2%)	13(10.4%)	5(4.0%)	125(100)
PDA implementation must be enforced through a memorandum of understanding with the labour union.	49(39.8%)	45(36.6%)	21(17.1%)	7(5.7%)	1(0.8%)	123(100)
Hotlines are provided to report crime	36(29.0%)	37(29.8%)	21(16.9%)	10(8.1%)	20(16.1%)	124(100)
Whistle blowing procedure allows a concern to be reported anonymously	28(22.4%)	52(41.6%)	37(29.6%)	6(4.8%)	2(1.6%)	125(100)
Helpline is available for whistleblowers	12(9.6%)	29(23.2%)	44(35.2%)	20(16.0%)	20(16.0%)	125(100)

Table 4.3 presents the responses to the questions relating to “Establish a measure that needs to be put in place in protecting whistleblowers in the workplace”. The respondents were requested to respond to six statements thereof. They were asked to rate each item on a scale of 1 to 5 (1= strongly agree; 2= agree; 3= not sure, 4= disagree and 5 = strongly disagree). Accordingly, 72.6% (21.8% & 50.8%) of the respondents agreed that PDA is aimed at protecting whistleblowers within the workplace, 78.4% (42.4% & 36%) of the respondents agreed that NMMM must display a charter on all notice boards illustrating the employee’s



rights to protection after/for blowing the whistle, 76.4% (39.8% & 36.6%) of the respondents agreed that PDA implementation must be enforced through a memorandum of understanding with the labour union, 58.8% (29% & 29.8%) of the respondents agreed that hotlines are provided to report crime, 64% (22.4% & 41.6%) of the respondents agreed that whistleblowing procedure allows a concern to be reported anonymously, and lastly 35.2% of the respondents that helpline is available for whistleblowers. The following figure present the “best way to blow the whistle”.



**Figure 4.8 what is the best way to blow the whistle?**

Figure 4.8 Participants were asked to indicate best way to blow the whistle by placing a tick next to the relevant option provided (internally or externally). All 127 participants (75%) responded. Majority (55.3%) of the respondents opt to report externally while 44.7% opt to report internally.

**Table 4.4: To explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately**

Statements	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Total
	1	2	3	4	5	
The NMMM is in adherence with the guidelines that are stipulated in the PDA	10(7.9%)	21(16.7%)	61(48.4%)	15(11.9%)	19(15.1%)	126(100)
The law on protecting whistleblowers and what it means in practice needs to be promoted across all sectors.	43(34.1%)	59(46.8%)	17(13.5%)	3(2.4%)	4(3.2%)	126(100)
PDA needs to clearly state the recourse available to the victims of disclosure.	34(27.2%)	56(44.8%)	23(18.4%)	7(5.6%)	5(4.0%)	125(100)
Managers/supervisors in my department know how to handle reporting on corruption and have fully enforced disclosure.	9(7.2%)	27(21.6%)	41(32.8%)	29(23.2%)	19(15.2%)	125(100)
PDA is sufficiently communicated to all stakeholders	7(5.6%)	26(20.6%)	40(31.7%)	25(19.8%)	28(22.2%)	126(100)
PDA is respected by both staff and management of the NMMM	6(4.8%)	21(16.9%)	55(44.4%)	24(19.4%)	18(14.5%)	124(100)
PDA has lots of loop holes empowering the perpetrators.	10(8.1%)	28(22.6%)	57(46.0%)	23(18.5%)	6(4.8%)	124(100)
PDA is like a toothless dog that cannot be used in any court to protect the rights of the whistleblowers.	12(9.4%)	32(25.2%)	49(38.6%)	24(18.9%)	10(7.9%)	127(100)

Table 4.4 presents the responses to the questions relating to “Explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately”. The respondents were requested to respond to eight statements thereof. They were asked to rate each item on a scale of 1 to 5 (1= strongly agree; 2= agree; 3= not sure, 4= disagree and 5 = strongly disagree). Accordingly, 48.4% of the respondents agreed that the NMMM is in adherence with the guidelines that are stipulated in the PDA, 80.9% (34.1% & 46.8%) of the respondents agreed the law on protecting whistleblowers and what it means in practice needs to be promoted across all sectors, 72% (27.2% & 44.8%) of the respondents agreed that PDA needs to clearly state the recourse available to the victims of disclosure, 38.4% (23.2% & 15.2%) of the respondents

disagreed Managers/supervisors in their department know how to handle reporting on corruption and have fully enforced disclosure, 41.4% (19.8% & 22.2%) of the respondents disagreed that PDA is sufficiently communicated to all stakeholders, 44.4% of the respondents are not sure that PDA is respected by both staff and management of the NMMM, 46% of the respondents are not sure that PDA has lots of loop holes empowering the perpetrators, and lastly 38.6% of the respondents are not sure that PDA is like a toothless dog that cannot be used in any court to protect the rights of the whistleblowers.

**Table 4.5: To determine whether employees feel safe to disclose criminal activities**

Statements	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Total
	1	2	3	4	5	
Whistle blowing jeopardize employee work relations	30(24.4%)	46(37.4%)	27(22.0%)	12(9.8%)	8(6.5%)	123(100)
I do not fear to lose my job due to whistleblowing.	10(8.1%)	26(21.1%)	27(22.0%)	36(29.3%)	24(19.5%)	123(100)
There is no risk in whistleblowing	4(3.3%)	12(9.8%)	34(27.6%)	44(35.8%)	29(23.6%)	123(100)
Whistle blowing policy fully protect whistleblowers	7(5.7%)	26(21.1%)	62(50.4%)	15(12.2%)	13(10.6%)	123(100)
Employees are afraid to stand up against corruption taking place in their workplace	38(31.1%)	63(51.6%)	9(7.4%)	4(3.3%)	8(6.6%)	122(100)
The corruption activity might threaten people's lives and suppress social justice	35(28.7%)	60(49.2%)	12(9.8%)	8(6.6%)	7(5.7%)	122(100)
I will be protected from any sort of retaliation for reporting corruption	6(4.9%)	21(17.1%)	56(45.5%)	20(16.3%)	20(16.3%)	123(100)
My identity would be kept confidential when I disclose any corruption activities	9(7.6%)	22(18.5%)	53(44.5%)	15(12.6%)	20(16.8%)	119(100)
I would report any corrupt activities if I was guaranteed some form of protection either protected by law or regularities	40(33.3%)	39(32.5%)	27(22.5%)	5(4.2%)	9(7.5%)	120(100)

Table 4.5 presents the responses to the questions relating to “Determine whether employees feel safe to disclose criminal activities”. The respondents were requested to respond to nine statements thereof. They were asked to rate each item on a scale of 1 to 5 (1= strongly agree; 2= agree; 3= not sure, 4= disagree and 5 = strongly disagree). Accordingly, 61.8% (24.4% &

37.4%) of the respondents agreed that whistle blowing jeopardize employee work relations, 48.8% (29.3% & 19.5%) of the respondents disagreed that they do not fear to lose their job due to whistleblowing. 59.4% (35.8% & 23.6%) of the respondents disagreed that there is no risk in whistleblowing, 50% of the respondents are not sure that whistle blowing policy fully protect whistleblowers, 82.7% (31.1% & 51.6%) of the respondents agreed that employees are afraid to stand up against corruption taking place in their workplace, 77.9% (28.7% & 49.2%) of the respondents agreed that the corruption activity might threaten people’s lives and suppress social justice, 45.5% of the respondents are not sure that they will be protected from any sort of retaliation for reporting corruption, 44.5% of the respondents are not sure that their identity would be kept confidential when they disclose any corruption activities, and lastly 65.8% (33.3% & 32.5%) of the respondents agreed that they would report any corrupt activities if they were guaranteed some form of protection either protected by law or regularities.

**Table 4.6: To investigate whether the PDA is effectively implemented within the Municipalities**

Statements	Strongly agree	Agree	Not sure	Disagree	Strongly disagree	Total
	1	2	3	4	5	
The PDA implementation plan is well managed	8(6.6%)	15(12.3%)	51(41.8%)	24(19.7%)	24(19.7%)	122(100)
Employees understand the content of PDA	4(3.2%)	14(11.3%)	39(31.5%)	36(29.0%)	31(25.0%)	124(100)
Implementation of the whistle blowing should be included in the key performance measurable of every senior management that constantly make employees aware of the policy	44(35.8%)	30(24.4%)	29(23.6%)	14(11.4%)	6(4.9%)	123(100)
Guidelines explaining the Act are disseminated to every employee	8(6.5%)	18(14.5%)	46(37.1%)	21(16.9%)	31(25.0%)	124(100)
Adequate provision is made for employees to comply with the PDA and procedures relating to whistle blowing	4(3.2%)	27(21.8%)	42(33.9%)	23(18.5%)	28(22.6%)	124(100)
Management monitors and approves amendments on PDA and provides the Standard Operating Procedure for implementing of the PDA	4(3.2%)	21(16.9%)	46(37.1%)	26(21.0%)	27(21.8%)	124(100)

A useful way to manage whistle blowing is to establish subcommittees to review all the decisions made resulting from whistle blowing reports.	23(18.5%)	49(39.5%)	34(27.4%)	13(10.5%)	5(4.0%)	124(100)
An effective way to manage is to constantly emphasize issues of anonymity.	34(27.4%)	52(41.9%)	27(21.8%)	6(4.8%)	5(4.0%)	124(100)

Table 4.6 presents the responses to the questions relating to “Investigate whether the PDA is effectively implemented within the Municipalities”. The respondents were requested to respond to eight statements thereof. They were asked to rate each item on a scale of 1 to 5 (1= strongly agree; 2= agree; 3= not sure, 4= disagree and 5 = strongly disagree). Accordingly, 41.8% of the respondents agreed that the PDA implementation plan is well managed, 54% (29% & 25%) of the respondents disagreed employees understand the content of PDA, 60.2% (35.8% & 24.4%) of the respondents agreed that implementation of the whistle blowing should be included in the key performance measurable of every senior management that constantly make employees aware of the policy, 41.9% (16.9% & 25%) of the respondents disagreed that guidelines explaining the Act are disseminated to every employee, 41.1% (18.5% & 22.6%) of the respondents disagreed that adequate provision is made for employees to comply with the PDA and procedures relating to whistle blowing, 42.8% (21% & 21.8%) of the respondents disagreed that management monitors and approves amendments on PDA and provides the Standard Operating Procedure for implementing of the PDA, 58% (18.5% & 39.5%) of the respondents agreed that a useful way to manage whistle blowing is to establish subcommittees to review all the decisions made resulting from whistleblowing reports, and lastly 69.3% (27.4% & 41.9%) of the respondents agreed that an effective way to manage is to constantly emphasize issues of anonymity.

**Table 4.7: To investigate whether the PDA is effectively implemented within the Municipalities**

Statements	Yes	No	Total
	1	2	
Is employee provided with a copy of the whistleblowing policy?	21(17.9%)	96(82.1%)	117(100)
Is awareness on whistleblowing protection effectively implemented?	25(21.9%)	89(78.1%)	114(100)

Table 4.7 presents

the responses to the questions relating to “Investigate whether the PDA is effectively

implemented within the Municipalities”. The respondents were requested to respond to two statements thereof. They were asked to rate each item on a scale of 1 to 2 (1= yes and 2 = no).Accordingly, 82% of the respondents indicated that employees are not provided with a copy of the whistle blowing policy, and lastly 78.1% of the respondents indicated that awareness on whistle blowing protection is not effectively implemented.

#### 4.6. DESCRIPTIVE STATISTICS

The descriptive table (see below) provides some very useful descriptive statistics, including the mean, standard deviation for the dependent variable (PDA) for each separate group (research question), as well as when all groups are combined (Total). These figures are useful when describing data.

**Table 4.8: Descriptive statistics of objectives**

Descriptive Statistics				
	N	Range	Mean	Std. Deviation
	Statistic	Statistic	Statistic	Statistic
The Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers.	127	4	3.39	1.215
The measures are in place that needs to protect whistleblowers in the workplace.	127	4	2.98	1.012
The Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.	126	4	3.52	1.108
The employees feel safe to disclose criminal activities.	123	4	1.91	.932
The PDA is effectively implemented within the Municipalities.	126	4	3.10	1.099
Valid N (listwise)	120			

The table above describes the nature of the data being analysed, N is the total number of respondents, where range explain the difference between the highest value and the lowest values being analysed. Majority of the objective means are around three (3), where in the likert scale was explained as neutral/not sure. This again further infuses the fact that the whistleblowers are not protected by the employer or they do not feel safe to disclose.

#### 4.7. ANOVA

This is the table that shows the output of the ANOVA analysis and whether there is a statistically significant difference between our group means. The table also shows the significance levels of all objectives.

**Table 4.9: Analysis of variance of the objectives**

ANOVA					
	Sum of Squares	df	Mean Square	F	Sig.
The Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers.	24.812	3	8.271	19.588	.000
	51.513	122	.422		
	76.325	125			
The measures are in place that needs to protect whistleblowers in the workplace.	18.904	3	6.301	5.556	.001
	134.950	119	1.134		
	153.854	122			
The Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.	52.285	3	17.428	18.408	.000
	114.563	121	.947		
	166.848	124			
The employees feel safe to disclose criminal activities.	2.122	3	.707	2.784	.044
	29.977	118	.254		
	32.098	121			
The PDA is effectively implemented within the Municipalities.	10.844	3	3.615	3.124	.028
	140.004	121	1.157		
	150.848	124			

The table above shows that the significance levels are below 0.028 ( $p = .028$ ), which is below 0.05. and, therefore, there is a statistically significant difference in the mean. There is a

statistically significance in the mean of Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers which is at ( $p= 0.00$ ), there is less knowledge which of the specific groups differed. In general all groups mean are different, which means the level of understanding PDA is not overwhelming or whistleblowers or successfully implemented as told in table 4.6.2.

**Table 4.10: Correlation Analysis**

		The Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers	The measures are in place that needs to protect whistleblowers in the workplace.	The Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.	The employees feel safe to disclose criminal activities.	The PDA is effectively implemented within the Municipalities.
The Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers.	Pearson Correlation Sig. (2-tailed) N	1  127	.507**  126	-.055  123	.167  126	.032  125
The measures are in place that needs to protect whistleblowers in the workplace.	Pearson Correlation Sig. (2-tailed) N	.507**  126	1  126	-.081  122	.426**  125	.185*  124
The Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.	Pearson Correlation Sig. (2-tailed) N	-.055  123	-.081  122	1  123	.039  122	.443**  123
The employees feel safe to disclose criminal activities.	Pearson Correlation Sig. (2-tailed) N	.167  126	.426**  125	.039  122	1  126	.161  124



The PDA is effectively implemented within the Municipalities.	Pearson					
	Correlation	.032	.185*	.443**	.161	1
	Sig. (2-tailed)	.724	.040	.000	.074	
	N	125	124	123	124	125

There is a moderate relationship between the Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers and the measures are in place that needs to protect whistleblowers in the workplace at 0.507. There is a moderate relationship between the measures are in place that needs to protect whistleblowers in the workplace and the employees feel safe to disclose criminal activities with 0.426. There is a moderate relationship between PDA needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately and The PDA is effectively implemented within the Municipalities with 0.443.

#### 4.8. CONCLUSION

Empirical data analysis was presented in chapter four. The data was analysed for simplicity of presentation and interpretation. Nevertheless, the raw data had been processed through the Statistical Packaging for Social Science(SPSS) system, and the SPSS output was summarised into the tables. The next chapter discusses the results, conclusion and with recommendations.

## **CHAPTER FIVE**

### **DISCUSSIONS OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1. INTRODUCTION**

Chapter five presents and discusses findings from the study. The discussion is based on the results obtained on each of the research questions. Based on the discussions, conclusions and recommendations are made. Finally, areas that need further research are proposed.

#### **5.2. OVERVIEW OF THE STUDY**

The study seeks to investigate effectiveness of the implementation of the Protected Disclosures Act 2000 (Act 26 of 2000) amongst municipal employees in Ngaka Modiri Molema. The Protected Disclosure Act (2000) seeks to “combat crime and corruption through the disclosing of wrongdoing” (Holtzhausen, 2007: vi). Lack of ethics in both private and public sector has resulted in immeasurable levels of corruption in South Africa. Secondly, the lack of synergetic relations between policy and its implementers has left a huge gap in protecting whistleblowers leading to loss of life as was the case with Moss Phakoe of Rustenburg and Jimmy Mohlala of Mpumalanga and apathy from the broader community on issues that are corruption related (researchers’ input). Since 2000 to date and the introduction of the Act that empowers whistleblowers on the contrary there has been an escalation of assassinations and intimidation of employees in Municipalities around South Africa.

The study by Barker and Dawood (2004) recommended that organisations should implement an effective internal system for workers to raise concerns and to facilitate the whistleblowing process internally. If employees or people feel that it is unsafe and unacceptable to internally blow the whistle, they will resolve to externally blowing the whistle. Megone and Robinson (2002) suggested that the internal policy on whistle blowing should include: “a clear statement that malpractices are taken seriously, confidentiality is respected, that there are penalties for false and malicious allegations and/or a clear indication of how the concern can be raised externally if necessary”. The internal system should include “proper communication channels, commitment by management to the whistleblowing process and to support the whistleblower”.

### **5.3. OBJECTIVES OF THE STUDY**

- 5.3.1 To investigate whether the Protected Disclosure Act, 2000 (PDA), adequately protect whistleblowers.
- 5.3.2 To establish measures that needs to be put in place in protecting whistleblowers in the workplace.
- 5.3.3 To explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.
- 5.3.4 To determine whether employees feel safe to disclose criminal activities.
- 5.3.5 To investigate whether the PDA is effectively implemented within the Municipalities.

### **5.4. DISCUSSION OF RESULTS**

#### **5.4.1 Research Objective 1: To investigate whether the Protected Disclosure Act, 2000 (PDA), fully protect whistleblowers**

The results of the study revealed that senior management and council have clarified the rights and protection of a whistleblower. The results revealed that whistleblowers are not expected to mention their names when reporting the incidents of any nature. Furthermore, results revealed that when they report misconduct, they are often seen as a troublemaker or an informer (Matlala & Dintwe, 2015). Interest results were revealed that employees are not sure that NMMM complies with the PDA as it will legally protect a whistleblower from occupational detriment after a disclosure of crime/ unethical conduct as shown in table 4.6.2. Lastly, results revealed that NMMM do not provide the whistleblower hotline to comply with the PDA (Mkandawire, T. 2011).

#### **5.4.2 Research Objective 2: To establish measures that needs to be put in place in protecting whistleblowers in the workplace**

The results revealed that PDA is aimed at protecting whistleblowers within the workplace. And NMMM must display a charter on all notice boards illustrating the employee's rights to protection after/for blowing the whistle. Furthermore, the results revealed PDA implementation must be enforced through a memorandum of understanding with the labour union (Camerer, 2010). The results revealed that hotlines are provided to report crime. The

results revealed that whistleblowing procedure allows a concern to be reported anonymously (see table 4.6) and the descriptive heading. Lastly, results revealed that helpline is available for whistleblowers (Holtzhausen, 2007).

### **5.4.3 Research Objective 3: To explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately**

The results revealed that the NMMM is in adherence with the guidelines that are stipulated in the PDA. Again the results revealed that law on protecting whistleblowers and what it means in practice needs to be promoted across all sectors. Furthermore, results revealed that PDA needs to clearly state the recourse available to the victims of disclosure. Results revealed that Managers/supervisors in their department do not know how to handle reporting on corruption and have fully enforced disclosure (see table 4.6.1). Lastly the results revealed that employees are not sure that PDA is like a toothless dog that cannot be used in any court to protect the rights of the whistleblowers (South Africa. Ngaka Modiri Molema District Municipality. 2014).

### **5.4.4 Research Objective 4: To determine whether employees feel safe to disclose criminal activities**

The results revealed that whistleblowing jeopardize employee work relations, and employees fear to lose their job due to whistleblowing. Furthermore the results revealed that there is risk in whistleblowing, and they are not sure that whistle blowing policy fully protects whistleblowers. More interesting results were revealed, where employees revealed that are afraid to stand up against corruption taking place in their workplace. The reason has been that the corruption activity might threaten people's lives and suppress social justice (Moloi, 2012). Again they are not sure that they will be protected from any sort of retaliation for disclosing corruption, and their identity would be kept confidential when they disclose any corruption activities (see tables from 4.6.1 to 4.6.2). Lastly, results revealed that would report any corrupt activities if they were guaranteed some form of protection either protected by law or regularities (Transparency International, 2010).

#### **5.4.5 Research Objective 5: To investigate whether the PDA is effectively implemented within the Municipalities**

The results revealed that the PDA implementation plan is well managed and employees understand the content of PDA. Again the results revealed that whistle blowing is not included in the key performance measurable of every senior management that constantly makes employees aware of the policy. The results revealed that no guidelines explaining the Act are disseminated to every employee. Furthermore, results revealed that no adequate provision is made for employees to comply with the PDA and procedures relating to whistle blowing, and management monitors and approves amendments on PDA and provides the Standard Operating Procedure for implementing of the PDA (Uys and Senekal, 2008). The results revealed the useful way to manage whistle blowing is to establish subcommittees to review all the decisions made resulting from whistle blowing reports, and lastly the results revealed that there is an effective way to manage constantly emphasize issues of anonymity. The results of the study revealed that employees are not provided with a copy of the whistle blowing policy and the awareness on whistle blowing protection is not effectively implemented.

#### **5.5. LIMITATIONS OF THE STUDY**

Some of the cases as base resources in this study have just been concluded through the criminal justice system and at this moment respondents may not be willingly available to participate in providing the necessary information. Furthermore, for security reasons, given that they are still not adequately protected, even though the researcher promises utmost confidentiality, they are still not in a position where they feel utmost guarantee to their safety. Another challenge is that there exists no reward or any prestige for whistleblowing and the outcomes can be quite risky to the whistleblower. Therefore it is less likely that one will get willing participants. The researcher was able to have any informal discussions with government employees. It was evident from their feedback that there is no adequate protection of whistleblowers in South Africa hence making it extremely difficult to get any form of information or secure private interviews with research participants. The preferred method of collecting primary data was structured questionnaires and interviews, but due to the nature and the sensitivity of the study not much information or data could be sourced from the subjects of interest.

## **5.6. CONCLUSION**

In conclusion, the data clearly demonstrated that the respondents seem to be clear about what they are going through in terms of dealing with whistleblowing. It is evident that there is a serious gap in making sure that there is full understanding of the legislation. Employees need surety in terms of safety when disclosing corrupt activities. The findings have also revealed that the municipality has no plans in place to educate employees about whistleblowing as majority of staff even senior people seems not be conversant with Disclosure Act.

## **5.7 RECOMMENDATIONS**

The following recommendations are based on the results of the study are:

- 5.7.1** In terms of the responses received from participants it is very clear that there is a need for the South African Government to amend the current legislation so as it provide protection even outside working place.
- 5.7.2** South African Government needs to give whistleblowers protection until the finalization of the case.
- 5.7.3** Reporting of corrupt activities as is the case with Batho Pele principles should be compulsory in senior and Executive Managers performance agreement.
- 5.7.4** Induction programme for municipal employees be conducted and be tailored for new entrants which will include issues of reporting corrupt activities to relevant authorities.
- 5.7.5** Voluntary hotline by Law makers should be established so as employees are able to report corrupt activities without being victimized or disclosing their identities.
- 5.7.6** A dedicated manager either from the Provincial Authorities or National Government be given the responsibility of giving feedback to every management and staff meetings regarding progress made in concertizing staff about the legislation.

## **5.8 AREAS FOR FURTHER RESEARCH**

- 5.8.1** Whistleblowers need to be given witness protection until the finalization of the case and even some incentives to perpetuate whistleblowing.

5.8.2 In terms of the responses received from participants there is a high level of corruption that needs a further investigation that leads to whistleblowing.

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## ANNEXURE A

**TABLE FOR DETERMINING SAMPLE SIZE FROM A GIVEN POPULATION**

N	S	N	S	N	S
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	50	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	341
80	66	420	201	3500	346
85	70	440	205	4000	351
90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	375
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	275	50000	381
200	132	1000	278	75000	382
210	136	1100	285	100000	384

**Source.** Sekaran, 2003; 253.

Where. N = the population size and S = the sample size.

ANNEXURE B.

**Ngaka Modiri Molema District Municipality (NMMDM)**  
**Questionnaire**

**EFFECTIVENESS OF THE IMPLEMENTATION OF  
DISCLOSURE ACT AMONGST MUNICIPAL EMPLOYEES  
IN NGAKA MODIRI MOLEMA**

This questionnaire is designed to investigate the effectiveness of the implementation of Disclosure Act amongst municipal employees in Ngaka Modiri Molema District Municipality (NMMDM). You are kindly requested to fill the questionnaire to air your views on the level of satisfaction and what could be done to improve the projects and the conditions attached.

Although participation in this study is voluntary, you are encouraged to participate accordingly. You are rest assured that the findings of this study will be reported in summary form and that no individual responses will be identified. Your name is not required to ensure confidentiality.

*Place an "X" in the box that indicates your response.*

**Section A: Demographic Information**

1. **Age Category**  
 20 –< 30       30 –< 39       40 –< 49       50 and above
  
2. **Gender**  
 Female       Male
  
3. **Race**  
 Black       Whites       Indian       Coloured       Other
  
4. **Marital Status**  
 Single       Married       Divorced       Widowed
  
5. **What qualification are you currently holding?**  
 Matric       Diploma       Degree       Post Graduate Degree
  
6. **Job level**  
 Manager       Specialist/coordinator       Administrator  
 Supervisor
  
7. **Length of service**  
 1 – 5 years       6 – 10 years       10 – 15 years       more than 15 years

**Section B: To investigate whether the Protected Disclosure Act, 2000 (PDA), fully protects whistleblowers.**

Statements	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
Senior management and council have clarified the rights and protection of a whistle-blower					
Whistle-blowers are not expected to mention their names when reporting the incidents of any nature					
When I report misconduct, I am often seen as a troublemaker or an informer					
NMMM complies with the PDA as it will legally protect a whistle-blower from occupational detriment after a disclosure of crime/ unethical conduct.					
If NMMM dismisses me as a result of a protected disclosure, it will constitute an unfair dismissal.					
NMMM provides the whistle-blower hotline to comply with the PDA.					

Are whistle-blowers sufficiently protected by PDA? Please support your answer.

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Does the Act strictly emphasises on the confidentiality of the whistle-blowers? Please support your answer.

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**Section C: To establish measures that needs to be put in place in protecting whistleblowers in the workplace.**

Statements	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
PDA is aimed at protecting whistle-blowers within the workplace					
NMMM must display a charter on all notice boards illustrating the employee's rights to protection after/for blowing the whistle.					
PDA implementation must be enforced through a memorandum of understanding with the labour union.					
Hotlines are provided to report crime					
Whistle-blowing procedure allows a concern to be reported anonymously					
Helpline is available for whistle-blowers					

What is the best way to blow the whistle?       Internally       Externally

Please support your answer to the question above.

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Should reward system be in place for whistle-blowers? Please support your answer

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How is anonymity of the employees guaranteed? Describe briefly.

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**Section D: To explore whether Protected Disclosure Act needs to be reviewed and amended so as to ensure that it gains the necessary capacity to can protect whistleblowers adequately.**

Statements	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
The NMMM is in adherence with the guidelines that are stipulated in the PDA					
The law on protecting whistleblowers and what it means in practice needs to be promoted across all sectors.					
PDA needs to clearly state the recourse available to the victims of disclosure.					
Managers/supervisors in my department know how to handle reporting on corruption and have fully enforced disclosure.					
PDA is sufficiently communicated to all stakeholders					
PDA is respected by both staff and management of the NMMM					
PDA has lots of loop holes empowering the perpetrators.					
PDA is like a toothless dog that cannot be used in any court to protect the rights of the whistle-blowers.					

Is there a need to review and amend the PDA? Please support your answer.

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Does PDA provide the remedial action in case the whistle-blower is been victimized? Please support your answer.

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**Section E: To determine whether employees feel safe to disclose criminal activities.**

Statements	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
Whistle blowing jeopardize employee work relations					
I do not fear to lose my job due to whistleblowing.					
There is no risk in whistleblowing					
Whistle-blowing policy fully protect whistleblowers					
Employees are afraid to stand up against corruption taking place in their workplace					
The corruption activity might threaten people's lives and suppress social justice					
I will be protected from any sort of retaliation for reporting corruption					
My identity would be kept confidential when I disclose any corruption activities					
I would report any corrupt activities if I was guaranteed some form of protection either protected by law or regularities					

Are conditions at NMMM deterring whistle-blowers from exposing wrong doing? Please support your answer.

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**Section F: To investigate whether the PDA is effectively implemented within the Municipalities.**

Statements	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
The PDA implementation plan is well managed					
Employees understand the content of PDA					
Implementation of the whistle-blowing should be included in the key performance measurable of every senior management that constantly make employees aware of the policy					
Guidelines explaining the Act are disseminated to every employee					
Adequate provision is made for employees to comply with the PDA and procedures relating to whistle-blowing					
Management monitors and approves amendments on PDA and provides the Standard Operating Procedure for implementing of the PDA					
A useful way to manage whistle-blowing is to establish subcommittees to review all the decisions made resulting from whistle-blowing reports.					
An effective way to manage is to constantly emphasize issues of anonymity.					

Is the PDA effectively implemented within the NMMM? Please support your answer.

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	Yes	No
Is employee provided with a copy of the whistle-blowing policy?		
If no, please support your answer:		
Is awareness on whistle-blowing protection effectively implemented?		

**THANK YOU FOR YOUR CORPORATION**