



Ceres Fruit Growers Ltd

 <p>CERES FRUIT GROWERS</p>	Document Type: SPI	Document Nr: A-HR-PERS-SPI17	Revision Nr: 00		
	SUBJECT: Whistle Blowing Policy / <i>Beskermende Bekendmakings Beleid</i>		Revision Date: 15-07-2013	Next Rev. Due: 2016	
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1.0 INTRODUCTION / INLEIDING

It is expected from every staff member to report any misconduct at the workplace. This policy is aimed at creating an independent channel whereby staff members can report privileged information about any improper behaviour in the company with the assurance of protection against victimisation, disciplinary action or any other occupational disadvantage, subject to adherence to the terms and conditions of this policy.

Daar word van elke personeellid vereis om enige ongerymdhede binne die werkplek aan te meld. Die doel van hierdie beleid is om 'n onafhanklike kanaal aan personeel te skep waardeur hulle beskermende bekendmakings kan maak rakende enige onbehoorlike gedrag binne die Maatskappy met 'n waarborg van beskerming teen viktimisasie, dissiplinêre optrede of enige ander vorm van beroepsnadeel, onderhewig daaraan dat die bepalings en vereistes van hierdie beleid nagekom word.

2.0 PROTECTED DISCLOSURE / BESKERMENDE BEKENDMAKING

2.1 This policy protects the reporting of misconduct, provided that it is classified as protected disclosure. A "protected disclosure" is the disclosure of information by a staff member about the behaviour of an employer or an employee of such employer about *improper conduct* (as in Clause 3 below), irrespective of whether such conduct has taken place already, is still taking place, or is expected to take place, on condition that:



Bekendmaking van ongerymdhede sal deur hierdie beleid beskerm word, slegs indien dit as 'n beskermende bekendmaking geklassifiseer word. 'n "Beskermende bekendmaking" is die bekendmaking van inligting deur 'n personeellid rakende die gedrag van 'n werkgewer of 'n personeellid van daardie werkgewer, rakende onbehoorlike gedrag (soos in klousule 3 hieronder), hetsy dit reeds plaasgevind het, dit steeds plaasvind of daar voorsien word dat dit kan plaasvind; met dien verstande dat:

- 2.1.1 the staff member makes the disclosure in good faith with the aim of divulging misconduct; *die personeellid die bekendmaking ter goedertrou maak met die doel om onbehoorlike gedrag bloot te lê;*
- 2.1.2 the staff member has reasonable cause to believe that the information and averments therein are true and that they essentially point to misconduct; *die personeellid redelike rede het om te glo dat die inligting en bewerings daarin vervat, waar is en dat dit wesenlik dui op onbehoorlike gedrag;*
- 2.1.3 the person who makes the disclosure does not stand to gain personally, and that *daar geen persoonlike gewin bestaan vir die persoon wat die bekendmaking doen nie; en*
- 2.1.4 the terms and conditions of this policy are adhered to. *die voorskrifte en prosedures van hierdie beleid nagekom word.*

2.2 A "protected disclosure" excludes the following:
'n "Beskermende bekendmaking" sluit egter die volgende uit:

- 2.2.1 instances where such disclosure constitutes a transgression or misdemeanour by the staff member blowing the whistle; *waar die personeellid 'n oortreding of misdryf begaan deur so 'n bekendmaking te maak;*
- 2.2.2 any company matter or grievance that should be addressed through other channels in accordance with the company's employment policy; *enige maatskappy aangeleentheid of grief wat ooreenkomstig ander kanale van die maatskappy se personeelbeleid hanteer moet word;*
- 2.2.3 trivialities, gossip, rumours, suspicions, or the expression of personal opinion or accusations;

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beuselagtighede, skinderstories, gerugte, vermoedens of die uitspreek van 'n persoonlike mening of beskuldiging;

2.2.4 harassment or personal attacks on management or other staff members, except in cases where it essentially occurs in accordance with the provisions of Clause 2.1, and *teistering of persoonlike aanvalle teen Bestuur of ander personeellede, behalwe waar dit onderliggend gedoen word ooreenkomstig sub-klousule 2.1 hierbo; en*

2.2.5 the provision of false information. In instances where a person wrongly disclose information, and it is established after the fact that he or she acted in good faith, such a person will not be subjected to disciplinary action. Yet, members of staff are advised to make quite sure that information and the averments therein are correct. Disciplinary, civil and even criminal action may be instituted against a staff member who wilfully provides false information. *die verskaffing van vals inligting. Indien 'n persoon foutiewelik inligting sou verskaf en dit sou agterna blyk dat hy ter goedertou opgetree het en redelik kon glo dat die inligting korrek is, sal dit hom nie blootstel aan dissiplinêre aksies nie. Personeellede word egter aangeraai om baie seker te maak dat inligting en bewerings daarin vervat, korrek is. Waar vals inligting egter opsetlik voorsien word, kan dissiplinêre-, siviele- en selfs kriminele aksies teen die personeellid geneem word.*


3.0 IMPROPER CONDUCT / ONBEHOORLIKE GEDRAG

“Improper conduct” is any behaviour or act on the part of an employer or member of staff that relates to or constitutes:

“Onbehoorlike gedrag” is enige gedrag of daad van 'n werkgewer of personeellid wat verband hou met 'n daad van:

- 3.1 a criminal offence (including, but not limited to fraud, theft, forgery, corruption, blackmail, conspiracy, financial malpractice and the misappropriation of company property);
kriminele oortreding (ingesluit maar nie beperk tot bedrog, diefstal, vervalsing, korrupsie, afpersing, sameswering, finansiële wanpraktyke en misbruik van maatskappy eiendom);
- 3.2 failure to observe any legal obligation or company policy in respect of the member of staff;
versuim om enige regsverpligting of maatskappybeleid ten opsigte van die personeellid na te kom;
- 3.3 behaviour that is in breach of legislation or that constitutes unfair conduct that normally cannot be addressed as a grievance;
gedrag strydig met wetgewing of onbillike gedrag wat normaalweg nie as 'n grief hanteer kan word nie;
- 3.4 a situation wherein the health or safety of an individual is jeopardised;
die gesondheid of veiligheid van 'n individu in gevaar stel;
- 3.5 unfair discrimination, or
onbillike diskriminasie; of
- 3.6 the cover-up or suppression of any of the above.
die verberging of verswyging van enige van bogenoemde.

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4.0 REPORTING OF DISCLOSURES / AANMELDING VAN BEKENDMAKINGS

4.1 All disclosures in terms of this policy should be addressed in writing to the Manager: Human Resources or the Managing Director, unless a disclosure is directed at personnel attached to his or her office in which case the disclosure should be addressed to the Chairman of the Audit Committee or the Managing Director who will refer it to another independent investigating authority. Disclosures directed at the Managing Director should be addressed to the Chairperson of the Company who will appoint an independent party to investigate and address the matter. In all instances the fact-finding team will comprise the nominated investigation officer together with a maximum of two other persons appointed by him or her.

Alle bekendmakings ingevolge hierdie beleid moet skriftelik gerig word aan die Bestuurder: Menslike Hulpbronne of die Besturende Direkteur, tensy die bekendmaking gemik is teen personeel verbonde aan daardie kantoor, in welke geval dit gerig word aan die Voorsitter van die Oudit Komitee of die Besturende Direkteur wat dit sal verwys na 'n ander onafhanklike ondersoekgesag. Bekendmakings gerig teen die Besturende Direkteur, moet aan die Voorsitter van die Maatskappy gerig word, wat 'n onafhanklike party sal aanwys vir die ondersoek en hantering daarvan. In alle gevalle sal die ondersoekspan bestaan uit die aangewese ondersoekbeampte self en hoogstens twee ander persone wat deur homself aangewys sal word.

4.2 A disclosure to any person other than those mentioned above will not be protected in terms of this policy. Hence, any disclosure to another party, including but not limited to another member of staff, the news media, clients or suppliers of the company, or disclosures by way of the electronic media, will render the disclosing employee liable to disciplinary action that may lead to dismissal. Notwithstanding this provision, an employee may disclose such information to a legal practitioner or advisor in the course of seeking legal advice.

'n Bekendmaking gemaak aan enige persoon buiten die hierbo gemeld, sal nie deur hierdie beleid beskerm word nie. Enige bekendmaking aan 'n ander party, ingesluit maar nie beperk tot 'n ander personeellid, die media, kliënte of verskaffers van die Maatskappy of bekendmakings deur middel van elektroniese media, 'n personeellid blootstel aan dissiplinêre aksies teen hom wat mag lei tot sy ontslag. Nieteenstaande hierdie bepaling, mag 'n personeellid wel 'n bekendmaking maak aan 'n regspraktisyn of regsadviseur indien hy dit doen om regsadvies in te win.

4.3 The staff member should write to the Manager: Human Resources, as referred to in Clause 4.1 above, and provide the following information in detail:

Die personeellid rig 'n skrywe aan die Bestuurder: Menslike Hulpbronne gemeld in paragraaf 4.1 hierbo en meld volledig die volgende inligting daarin:

4.3.1 A detailed description of the behaviour or act with special reference to –
'n Volledige beskrywing van die gedrag of daad met spesifieke verwysing na -


4.3.1.1 the nature of the behaviour or act;
die aard van die gedrag of daad,

4.3.1.2 the person(s) involved;
die persoon(e) daarby betrokke,

4.3.1.3 the department or place where the behaviour or act is occurring;
die afdeling of plek waar die gedrag of daad gepleeg word,

4.3.1.4 whether the behaviour or act is continuous or whether it was a once-off occurrence, and
of dit deurlopend plaasvind of net 'n eenmalige voorval was, en

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4.3.1.5 when (dates, times, etc.) such behaviour or act was observed.
wanneer (datums ens.) sodanige gedrag of daad waargeneem was.

4.3.2 The factors, evidence or information that has led him or her to the reasonable presumption that such information is true and that the behaviour or act indeed occurs at the work place;
Die faktore, getuies of inligting wat 'n redelike vermoede by hom vestig dat sodanige inligting waar is en die gedrag of daad wel in die werksplek voorkom;

4.3.3 Whether the member of staff previously reported or tried to report this in another manner;
Of die personeellid dit al voorheen op 'n ander wyse aangemeld of probeer aanmeld het; en

4.3.4 The staff member's own name and contact particulars, together with an indication whether this may be divulged or not. (Should the complainant so wish, these particulars will be treated as strictly confidential at all times and will not be revealed to anyone outside of the official channel mentioned herein. Yet, the staff member is not obliged to provide his or her name or contact particulars.)
Die personeellid se eie naam en kontakbesonderhede en of dit bekend gemaak mag word al dan nie. (Hierdie besonderhede sal ten alle tye streng geheim gehou word indien die klaer so verkies en nie aan persone buite die onafhanklike kanaal hiernaas gemeld, bekend gemaak word nie. Hy is egter nie verplig om sy naam of enige kontakbesonderhede te verskaf nie.)

5.0. INVESTIGATION OF DISCLOSURE / ONDERSOEK VAN BEKENDMAKING

5.1 The Manager: Human Resources acknowledges receipt of the disclosure (if the identity of the complainant is known), investigates the averments made in the disclosure, and gathers appropriate information. The disclosure, together with all the relevant information, averments and the complainant's identity, should at all times be treated as confidential by the parties involved. Failing this, the responsible party may render himself or herself liable to disciplinary action.

Die Bestuurder: Menslike Hulpbronne erken ontvangs van die bekendmaking (indien die klaer se identiteit bekend is) en ondersoek daarna die feite van die bekendmaking en samel toepaslike inligting in. Die bekendmaking, asook alle verwante inligting, bewerings en die klaer se identiteit, moet ten alle tye streng vertroulik hanteer word deur die betrokke partye, by versuim waarvan hulle aan dissiplinêre aksies onderwerp kan word.



5.2 In instances where a disclosure is directed at an employee of the company, such employee should be informed of the accusation against him or her (without revealing the identity of the complainant), and he or she should be questioned about it. He or she has the right of representation by an internal party during such questioning. Representation is limited to a co-employee or a trade union representative, who in any event should be an employee of the Company.

Waar bewerings in 'n bekendmaking teen 'n personeellid van die Maatskappy gerig is, moet daardie personeellid ook in kennis gestel word van die bewering teen hom (sonder om die klaer se identiteit te openbaar) en hy ondervra word. Tydens sodanige ondervraging beskik hy oor die reg tot interne verteenwoordiging. Verteenwoordiging word beperk tot 'n mede-personeellid, 'n vakunie verteenwoordiger wat in enige geval 'n personeellid van die Maatskappy moet wees.

5.3 Should there be reasonable grounds pointing to serious misconduct on the part of the staff member, and should there be reasonable grounds for suspecting a recurrence of such misconduct or that the staff member may hamper the investigation by covering up, discarding or tampering with evidence, such staff member, with the concurrence of the Chairperson or Managing Director, may be suspended temporarily with full remuneration.

Indien daar tydens die ondersoek redelike gronde sou bestaan wat dui op 'n personeellid se betrokkenheid by onbehoorlike gedrag van 'n ernstige aard, kan daardie personeellid, met toestemming

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van die Voorsitter / Besturende Direkteur (soos van toepassing), met volle besoldiging tydelik van diens geskors word, indien daar redelike aanduidings bestaan dat hy die onbehoorlike gedrag kan herhaal of dat hy die ondersoek kan benadeel deur verberging of vervreemding van getuienis, of dat hy getuienis op enige wyse kan beïnvloed.

- 5.4 Should such suspension be considered, the staff member, assisted by a representative, must be afforded the opportunity to give reasons why he or she should not be suspended. Should he or she nevertheless be suspended, the reasons for and the duration of the suspension should be provided to him or her in writing. The decision to suspend a staff member in such circumstances should never be taken lightly and the relevant authority should weigh up the reasons for a suspension against the relevant staff member's position.
Indien 'n skorsing beoog word, moet die betrokke personeellid die geleentheid gegun word om saam met 'n verteenwoordiger redes aan te voer waarom hy nie geskors moet word nie en indien hy dan wel geskors word, moet hy skriftelik voorsien word van die redes en tydperk van die skorsing. Die besluit om 'n personeellid onder hierdie omstandighede te skors, moet egter nooit ligtelik geneem word nie en moet die redes daarvoor deur die betrokke gesag opgeweeg word teenoor die personeellid se posisie in ag te neem.
- 5.5 The Manager: Human Resources compiles a concise report on his or her findings and submits it, together with his or her recommendations, to the Managing Director or Chairperson, as may be applicable.
Die Bestuurder: Menslike Hulpbronne stel 'n kort verslag oor sy bevindinge saam en lê dit, tesame met sy aanbeveling, voor aan die Besturende Direkteur of Voorsitter, soos van toepassing.
- 5.6 The Managing Director or Chairperson issues a directive for appropriate steps that may include, but is not limited to the dismissal or correction of the matter, or the institution of disciplinary action and/or criminal procedures.
Die Voorsitter / Besturende Direkteur gee opdrag vir gepaste stappe wat insluit, maar nie beperk is tot verwerping van die aangeleentheid, regstelling van die aangeleentheid of dissiplinêre stappe en / of kriminele vervolging.
- 5.7 Should the complainant be dissatisfied with the steps being taken, he or she may refer the matter to the Chairperson of the Company (irrespective of whether it has been done before), in which event the ruling of the Chairperson will be final.
Indien die klaer nie tevrede is met die stappe wat geneem is nie, kan hy dit na die Vooristter van die Maatskappy verwys (ongeach of dit reeds na hom verwys was al dan), in welke geval die Voorsitter se antwoord finaal sal wees.

6.0 CONFIDENTIALITY / VERTROULIKHEID

- 6.1 Notwithstanding any provision to the contrary recorded herein, this policy does not relieve any staff member of his or her common law obligation to divulge information that has come to his or her knowledge in the execution of his or her duties, where failure to do so will cause a credibility gap between such staff member and his or her employer.
Nieteenstaande enige andersluidende bepaling in hierdie beleid, onthef hierdie beleid nie enige personeellid van sy gemenereregtelike verpligting om die inligting wat hy in die uitvoering van sy pligte bekom het, bekend te maak waar die bekendmaking sal lei tot 'n vertrouensbreuk tussen hom en sy werkgewer nie.

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6.2 The disclosure, as well as all related information and averments, should at all times be treated with sensitivity and as confidential by the investigating team and all other persons involved.
Die bekendmaking asook alle verwante inligting en bewerings daaraan verbonde, moet ten alle tye deur die ondersoekspan en ander betrokke persone sensitief en as streng vertroulik hanteer word.



6.3 If so desired, the identity of the person who makes the disclosure may not be divulged to anyone else. Yet, it may be necessary to reveal the complainant's identity on completion of the investigation so as to take action against the *improper conduct*.
Die persoon wat die bekendmaking doen se identiteit mag op sy versoek nie bekend gemaak word aan enige ander persoon nie, maar mag wel na die ondersoek nodig wees om sy identiteit te openbaar ten einde aksies te neem teen die onbehoorlike gedrag.

7.0 OCCUPATIONAL DISADVANTAGE AND REMEDIES / BEROEPSNADEEL EN REMEDIES

7.1 This policy prohibits any occupational disadvantage in respect of a staff member who made a protected disclosure, provided that it was done in accordance with the terms of this policy. For purposes of this policy occupational disadvantage is regarded as any of the following acts vis-à-vis the staff member on account of his or her protected disclosure:
Hierdie beleid verbied enige beroepsnadeel teen 'n personeellid wat 'n beskermende bekendmaking gemaak het, mits dit ooreenkomstig die bepalings van hierdie beleid gemaak word. Vir doeleindes van hierdie beleid, word 'n beroepsnadeel geag enige van die volgende optredes teen 'n personeellid weens sy beskermde bekendmaking:

- 7.1.1 subjection to disciplinary actions;
onderwerp word aan dissiplinêre aksies;
- 7.1.2 dismissal, suspension, demotion, harassment, victimisation or intimidation;
ontslag, skorsing, posgraadverlaging, teistering, viktimisasie of intimidasie;
- 7.1.3 transfer against the will of the staff member;
oorplasing teen die wil van die personeellid;
- 7.1.4 denial of transfer, promotion, appointment, job opportunities or job security;
weier van 'n oorplasing, bevordering, aanstelling, werkgeleenthede of werksekerheid;
- 7.1.5 subjection to a term of service or retirement that is changed to the detriment of the staff member;
onderwerp word aan 'n diensvoorwaarde of aftrede wat verander word of anders gehou word tot sy nadeel;
- 7.1.5 denial of a reference or subjection to a poor reference;
'n verwysing geweier word of van 'n swak verwysing voorsien word; of
- 7.1.6 threat of any of the aforesaid.
gedreig word met enige van bogenoemde.

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7.2 A person who causes a staff member any occupational harm as a result of or in respect of such staff member's protected disclosure, renders himself or herself liable to disciplinary action against him or her.

'n Persoon wat 'n personeellid enige beroepsnadeel sou toedoen as gevolg van of wat verband hou met daardie personeellid se beskermde bekendmaking, stel homself bloot aan dissiplinêre aksies teen hom/haar.

7.3 A staff member who is subjected to or threatened by occupational disadvantage because of his or her protected disclosure, may report a grievance to the highest authority in accordance with the Company's grievance procedures. Should he or she be dissatisfied with the outcome, he or she may refer a dispute in terms of the Protected Disclosures Act, 26 of 2000, to any court with jurisdiction, including the Labour Court, with the proviso that for purposes of the Labour Relations Act, 66 of 1995:

'n Personeellid wat blootgestel word, of blootgestel kan word aan 'n beroepsnadeel weens sy bekendmaking, kan 'n grief indien direk na die hoogste gesag ooreenkomstig die Maatskappy se grieweprosedures. Indien hy egter nie met die uitkoms daarvan tevrede is nie, kan hy ingevolge die Wet op Beskermende Bekendmakings (26/2000) 'n dispuut verwys na enige hof met jurisdiksie, ingesluit die Arbeidshof; met dien verstande dat vir die doeleindes van die Wet op Arbeidsverhoudinge (66/1995):

7.3.1 a dismissal due to a protected disclosure will be deemed an automatically unfair dismissal and, in terms of Clause 191 of that Act, should be referred within 30 (thirty) days to the CCMA and, if necessary, subsequently to the Labour Court;

'n ontslag weens 'n beskermende bekendmaking as 'n outomatiese onbillike ontslag geag sal word en ooreenkomstig Artikel 191 van daardie Wet binne 30 dae na die KBVA en indien nodig, daarna na die Arbeidshof verwys moet word;

7.3.2 any other occupational disadvantage due to a protected disclosure will be deemed an unfair labour practice and, in terms of Clause 191 of that Act, should be referred within 90 (ninety) days to the CCMA and, if necessary, subsequently to the Labour Court;

enige ander beroepsnadeel weens 'n beskermde bekendmaking as 'n onbillike arbeidspraktyk geag sal word en ooreenkomstig Artikel 191 van daardie Wet binne 90 dae na die KVBA en indien nodig, daarna na die Arbeidshof verwys moet word;

and the staff member may also approach the Labour Court for an interim interdict against the Company in respect of its intended disciplinary actions against him or her due to the disclosure.


en kan die personeellid ook die Arbeidshof nader vir 'n tussentydse interdik teen die Maatskappy se voorgenome dissiplinêre aksies teen hom/haar weens sy bekendmaking.

8.0 GENERAL / ALGEMEEN

8.1 Staff members who wish to make a disclosure in terms of this policy are advised to provide their name and contact particulars together with the disclosure so as to ensure a meaningful investigation and corrective measures. Yet, staff members may indicate in the disclosure whether they wish their identity to be revealed or not. Although anonymous disclosures will be taken seriously, they may impede or even prevent the resolution of the matter.

Personeel wat 'n bekendmaking ooreenkomstig hierdie beleid wil maak, word aangeraai om hulle naam en kontakbesonderhede saam met die bekendmaking te verskaf ten einde 'n sinvolle ondersoek en regstelling te verseker. Personeel kan egter op die bekendmaking aandui of hulle identiteit geopenbaar mag word al dan nie. Alhoewel naamlose bekendmakings ook met erns bejeën sal word, kan dit die oplossing van die aangeleentheid belemmer of selfs verhoed.

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8.2 The Company reserves the right to take disciplinary action against a staff member who:
Die Maatskappy behou die reg voor om dissiplinêr teen 'n personeellid op te tree wat:

8.2.1 makes a disclosure in disregard of the terms and procedures recorded in this policy;
'n bekendmaking maak buite die voorskrifte en prosedures van hierdie beleid;

8.2.2 endeavours to exploit this policy by using it for reasons other than those it was meant for;
hierdie beleid probeer misbruik vir redes anders as dit waarvoor die beleid daargestel is;

8.2.3 breach the confidentiality of information or unlawfully reveal the identity of the person making the protected disclosure;
die vertroulikheid van inligting verbreek of identiteit van 'n persoon wat 'n beskermdede bekendmaking doen, ongemagtig bekend maak; en

8.2.4 gain information in an unlawful manner.
inligting bekom op 'n onbehoorlike wyse.