

WHISTLEBLOWERS POLICY



Santam is an authorised financial services provider (licence number 3416).

Introduction

Santam is committed to fighting fraud, corruption, theft and other irregularities within the organisation, whether the perpetrators are internal or external. While whistleblowing is considered an important component in this fight, Santam also understands that there is a need to offer protection to these whistleblowers. Santam, in accordance with its internal Code of Ethics and in compliance with anti-corruption, protective and other relevant legislation has adopted this Whistleblowers Policy. It is aimed at promoting a positive whistleblowing culture within Santam and to intensify our fight against fraud, corruption, theft and other irregularities.

What is whistleblowing?

” It is the disclosure by an employee of confidential information relating to some danger, fraud or other illegal or unethical behaviour connected with the workplace, be it of the employer or of his fellow employees.”

Purpose of the Whistleblowers Policy

The purpose of this policy is to ensure that an employee is able to report fraud, corruption, theft and other irregularities without fearing any reprisals for making such report.

The policy is designed to:

- Protect an employee from being subjected to occupational detriment for making a protected disclosure;
- Provide procedures to allow an employee to make a responsible disclosure; and
- Provide remedies where an employee has suffered occupational detriment after making a protected disclosure.

Scope of the policy

The protection offered by this policy can only be invoked if the report is made as a “*protected disclosure*” in good faith and not for personal gain. The policy covers the provision of all information and includes the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- There has been a failure to comply with legal obligations;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health or safety of an individual has been, is being or is likely to be endangered;
- That the environment has been, is being, or is likely to be damaged;
- Acts of unfair discrimination; and
- Where any of the above matters has been, is being, or is likely to be deliberately concealed.

Santam's assurance to you

Santam is committed to this policy and undertakes to ensure that an employee making a "protected disclosure" will not be penalised or suffer any occupational detriment, provided that the employee is not or has not been a party to the activities, conduct or incidents which has prompted the employee to make a "protected disclosure".

Having regard to the previous paragraph above, Santam's assurance to you for making a "protected disclosure" is that you will not:

- Be subjected to disciplinary sanction;
- Be dismissed, suspended, demoted, harassed or intimidated;
- Be transferred against your will;
- Be refused a transfer or promotion;
- Be subjected to a term or condition of employment or retirement which is altered to your disadvantage;
- Be refused a reference, or be provided with an adverse reference from Santam;
- Be denied appointment to any employment, profession or office at Santam;
- Be threatened with any of the actions referred to above; and
- Be otherwise adversely affected in respect of your employment, profession or office, including employment opportunities and work security.

What to do if you are subjected to the above?

The Executive Head: Human Resources is the custodian of the Disciplinary Code at Santam and if an employee reasonably believes that he or she is being subjected to any of the above, such employee must report this immediately to Human Resources.

What should I do if I want to blow the whistle (how and to whom)?

You can blow the whistle by reporting your information to Forensic Services through:

Santam Fraudline (South Africa):	0860 600 767
Santam Fraudline (Namibia):	0800 002 020
E-mail:	forensic.services@santam.co.za
SMS short-code:	31640
Fax:	021 915 8197
Postal address:	PO Box 3881 Tygervalley 7536
Reporting directly to the manager:	Forensic Services

Disclosures could also be made to the following persons:

- Your immediate supervisor;
- The Company Secretary;
- The Ethics Officer;
- Executive Head: Human Resources; or
- Head: Audit and Forensic Services.

Your disclosure will be protected if:

- The disclosure is made in good faith;
- The disclosure is made internally via the prescribed reporting channels and to the above-mentioned persons;
- You reasonably believe that the information disclosed is substantially true; and
- Allegations are not made for personal gain (excludes rewards payable in terms of law or in terms of Santam's reporting incentive scheme).

Protection in terms of this policy will not be offered in instances where:

- The whistleblower is also implicated;
- The disclosure is false and made with malicious intent (where it is discovered that such malicious or false allegation is made, the person who made such allegation will be subjected to disciplinary action);
- The whistleblower fails to comply with the provisions of this policy; and
- The disclosure is made to an outside third party without a reasonable cause.

Disclosures to an outside third party will only be protected in the following four instances:

- The concern was raised internally or with the prescribed regulator, but has not been properly addressed;
- The concern was not raised internally or with a prescribed regulator because the whistleblower reasonably believed he or she would be victimised;
- The concern was not raised internally because the whistleblower reasonably believed a cover-up was likely and there was no prescribed regulator; and
- The concern was exceptionally serious.

This policy covers all genuine concerns raised relating but not limited to:

- Financial misconduct
- Corruption – Bribery and Extortion
- Fraud
- Theft
- Unfair discrimination
- Health and safety risks

What is fraud?

Fraud is the unlawful and intentional making of a misrepresentation which causes actual prejudice, or has the potential to cause prejudice to another person. For purposes of this policy, and for ease of reference, fraud includes activities involving dishonesty and deception such as the following (this is not an exhaustive list):

- Theft of money or other assets through misrepresentation or deception of any nature (i.e. fraud);
- Theft of money, consumables or assets of any nature, including intellectual property;
- Misconduct in the handling or reporting of cash or financial transactions;
- Making profit from inside knowledge;
- Misstatements of qualifications, experience and other material facts on job applications and CVs for recruiting purposes; and
- Misstatements of material facts by bidders on tender, proposal or quotation documentation (including BEE ownership).

What is theft?

Theft is the unlawful, intentional appropriation of a moveable, corporeal object which:

- (a) Belongs to, and is in the possession of, another;
- (b) Belongs to another but is in the perpetrator's own possession; or
- (c) Belongs to the perpetrator him- or herself, but is in another's possession in circumstances under which the possessor has a particular right to possession of the object in question provided that the intention to appropriate the property includes an intention permanently to deprive the person entitled to the possession of the property, of such property.

What is dishonesty?

Dishonesty is a generic term embracing all forms of conduct involving deception. It refers to any conduct or omission by which a misrepresentation is made to Santam or any of its agents with the intention to cause actual or potential prejudice to the company whether or not there is actual financial benefit to the perpetrator.

What is bribery?

Bribery involves the promise, offering or giving of a benefit that improperly affects the actions or decisions of staff members / stakeholders. This benefit may accrue to the staff member, another person or an entity.

What is extortion?

This involves coercing a person or entity to provide a benefit to a staff member, another person or an entity in exchange for acting (or failing to act) in a particular manner.

What is abuse of power?

This involves a situation where a staff member uses his or her vested authority to improperly benefit another employee, person or entity (or using vested authority to improperly discriminate against another employee, person or entity).

What is conflict of interest?

This involves a potential scenario where a staff member is acting or has failed to act on a matter where the employee has an interest or another person or entity that stands in a relationship with the employee has an interest.

What is abuse of privileged information?

This involves the use of privileged information and knowledge that a staff member possesses as a result of his or her office to provide unfair advantage to another person or entity to obtain a benefit, or to accrue a benefit him or herself.

What is nepotism?

This involves a staff member ensuring that family members are unfairly advantaged. A typical example would be family members being appointed or receiving employment contracts from Santam.

This policy should be read in conjunction with the Fraud policy, Code of Ethics and the Disciplinary Code.

Frequently asked questions

What is the origin of the term whistleblower?

The term whistleblower derives from the practice of English bobbies who would blow their whistle when they noticed a crime being committed.

What is a whistleblower?

A whistleblower is an employee, former employee, or member of an organisation, especially a business or government agency, who reports misconduct to people or entities that have the power and presumed willingness to take corrective action.

Generally the misconduct is a violation of law, rule, regulation and/or a direct threat to public interest — fraud, health, safety violations, and corruption are just a few examples.

Will my report be held in confidence?

Confidentiality will be maintained to the extent possible within the limitations of law and policy and the legitimate needs of the investigation. Your identity will, of course, be known to Forensic Services staff members, in order to carry out an investigation.

Release of your identity may be required pursuant to a subpoena or in other circumstances where Santam is required by law to release information. In addition, you should also be aware that your public testimony might be needed to prove the case against the accused e.g. court case. Should you however in any way, self-disclose your identity, Santam will no longer be obligated to maintain such confidence. Also note that before any disclosure is made, Forensic Services will first discuss the matter with you.

Forensic Services will endeavour to take utmost care in protecting your identity and it is therefore advisable that you do not discuss the matter with friends and colleagues.

What if I don't want anyone to know I blew the whistle?

If you wish to remain anonymous, you can call Santam's fraudline on 0860 600 767 and clearly state that you wish to remain anonymous. It is possible that after your initial report further details may be required and it is therefore advisable that you contact the fraudline a week following your first report.

What information should I provide when I make my disclosure?

You should state the facts with as much specific information as possible so that your allegations can be thoroughly investigated. This will include:

- What happened?
- Who was involved?
- When it occurred (e.g. sequence of event, facts, names, dates etc.)

You should not speculate or draw conclusions, and should be prepared to be questioned by the person answering the fraudline or follow-up on your e-mail etc.

However, the Whistleblower Act does not require you to have evidence before blowing the whistle to us, but does say you must reasonably believe the information and any allegations in it are substantially true and such disclosure must be made in good faith.

What happens after I file my whistleblower report?

Your report will be assigned to a member of Forensic Services. A forensic investigation will be conducted and you may be contacted for further information that might include an interview. You might even be asked to make a sworn statement. Forensic Services will communicate with you on a regular basis unless you have stated clearly that you want to remain anonymous and not be contacted again.

You generally have the right to be informed of the outcome of your disclosure and the findings of any investigation, although there might be overriding legal or public interest reasons not to do so. However, any action taken against an employee as a consequence of the findings of the investigation may be personal and confidential, in which case, it cannot be disclosed.

Is there a deadline for filing a whistleblower report?

No, but it is important to file a report as soon as you have enough evidence to make a good faith report. If you delay, evidence can become stale, be destroyed, and all of these can seriously hamper the success of the investigations.