



WE PROTECT YOUR DEPOSITS

# **WHISTLEBLOWER POLICY**

**GHANA DEPOSIT PROTECTION CORPORATION**

**AUGUST 2021**

**PURSUANT TO SECTION 26(b) OF THE GHANA DEPOSIT PROTECTION ACT, 2016 (ACT 931) AS AMENDED BY THE GHANA DEPOSIT PROTECTION (AMENDMENT) ACT, 2018 (ACT 968), (TOGETHER REFERRED TO AS THE GDP ACT), THE GOVERNING BOARD OF THE GHANA DEPOSIT PROTECTION CORPORATION AT ITS 8<sup>TH</sup> REGULAR BOARD MEETING HELD ON 13<sup>TH</sup> AUGUST 2021, APPROVED THE FOLLOWING:**

## TABLE OF CONTENT

<b>1.0 INTRODUCTION</b>	4
<b>2.0 GUIDELINES</b>	4
2.1 What Is Whistleblowing and what may be disclosed?	4
2.2 Corporations Obligations	5
2.3 Confidentiality	6
2.4 Validation of Whistleblowing	6
<b>3.0 CHECKLIST FOR REPORTING</b>	7
<b>4.0 PROCEDURE FOR INTERNAL WHISTLEBLOWING</b>	7
<b>5.0 PROCEDURE FOR EXTERNAL WHISTLEBLOWING</b>	8
<b>6.0 PROTECTION OF WHISTLEBLOWER</b>	10
6.1 Against Victimization	11
6.2 Police Protection	11
6.3 Against Civil and Criminal Action	12
<b>7.0 APPLICATION OF POLICY</b>	12
<b>8.0 EFFECTIVE DATE</b>	12
<b>9.0 REVIEW OF POLICY</b>	12
<b>ANNEX A</b>	12

CONFIDENTIAL

## **1.0 INTRODUCTION**

The Whistleblower Act, 2006, (Act 720) (the Whistleblower Act) provides for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others. It also seeks to provide protection for individuals against victimization of persons who make these disclosures.

In line with the Whistleblower Act, the Whistleblower Policy of the Ghana Deposit Protection Corporation (GDPC or the Corporation) (the Whistleblower Policy or the Policy) provides Management's direction for staff, contractors and interested third parties of the Corporation on whistleblowing and related activities and provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

The Policy seeks to outline ways in which GDPC employees can express concerns about malpractice/wrongdoing in the Corporation at an early stage and in an appropriate way.

The Policy is designed to provide a clear commitment to staff and third parties that their concerns will be taken seriously, and to encourage them to communicate their concerns through the appropriate channels.

## **2.0 GUIDELINES**

### **2.1 What Is Whistleblowing and what may be disclosed?**

Whistleblowing is when an individual raises a concern relating to any of the matters such as below. Officially this is called 'making a disclosure in the public interest'. Examples of such concerns (which are not exhaustive) might include:

- i. a criminal offence such as forgery, cybercrime or fraud;
- ii. the breach of a legal obligation or regulatory requirement such as transmitting confidential information about member institutions to a third party;

- iii. a miscarriage of justice such as denial of a fair disciplinary proceedings or freedom of speech;
- iv. a danger to the health, safety and integrity of any individual;
- v. damage to the environment;
- vi. unethical conduct such as violating the Corporation's internet policies or soliciting for kickbacks from member institutions;
- vii. deliberate attempt to conceal any of the above;
- viii. serious breaches of the Employee Code of Conduct of GDPC.

A conduct which falls within any of the matters specified above is referred to as an "impropriety".

The Whistleblower Policy however, intends to cover serious concerns that could have grave impact on the operations, performance and reputation of the Corporation. This Policy shall not apply to complaints of staff associated with:

- i. unsatisfactory probation reports;
- ii. performance evaluations;
- iii. discriminatory work assignments;
- iv. equal employment opportunities or any other personal/employment related grievances. Such grievances shall be referred to the Human Resources Department and other mechanisms established by the Corporation.

However, where in the view of the Whistleblower, factors such as probation reports, performance evaluations, work assignments and opportunities or any form of harassment is being used by Management in a retaliatory manner, the Policy shall apply.

## 2.2 Corporations Obligations

The Corporation on its part shall create an atmosphere which allows staff to disclose information that they believe show malpractice, unethical conduct or illegal practices in the workplace, without fear of being penalized in any way.

This duty shall include the duty to protect staff from discrimination or any treatment by Management or other staff members detrimental to the staff's work and progress in the Corporation, if the staff reports (i.e., 'blows the whistle on') an impropriety.

The Corporation is committed to maintaining an open culture with the highest standards of honesty and accountability, where employees can report as soon as possible any legitimate concerns in confidence in every area of its operation.

### 2.3 Confidentiality

Confidentiality is an express term in the contract of employment, stating that a GDPC employee will not disclose confidential information that concerns the Corporation without the express permission from the CEO. However, where employees discover information that they believe shows malpractice, unethical conduct or illegal practices within, then the option to disclose the information independent of Manager or Management and without fear of reprisal for breach of confidentiality is made available under this Whistleblowing Policy.

### 2.4 Validation of Whistleblowing

If an employee is found to have made malicious statements or allegations, particularly if persistent in making them, then disciplinary action may be taken against the individual concerned under the Disciplinary Policy outlined in the Conditions of Service.

If, however, an employee discloses an impropriety:

- i. in good faith;
- ii. with reasonable cause to believe, that the information disclosed and an allegation of impropriety contained in it are substantially true; and
- iii. the disclosure is made to the appropriate persons in the Corporation as set out in this Policy,

then that disclosure will be protected under this Policy.

### **3.0 CHECKLIST FOR REPORTING**

To assist the Corporation in assessing or investigating an impropriety, the whistleblower should be clear as possible with details provided. At a minimum the whistleblower needs to provide the following:

- i. the full name, address and occupation of the whistleblower;
- ii. the nature of the impropriety in respect of which the disclosure is made;
- iii. the person alleged to have committed, who is committing or is about to commit the impropriety;
- iv. the time and place where the alleged impropriety is taking place, took place or is likely to take place if applicable;
- v. the full name, address and description of a person who witnessed the commission of the impropriety if there is such a person.

### **4.0 PROCEDURE FOR INTERNAL WHISTLEBLOWING**

- i. The impropriety should be expressed in writing to the CEO with a copy to the HR Manager.
- ii. The HR Manager shall acknowledge receipt of the disclosure within 48 hours and within ten (10) days from the date of receipt, under the supervision of the CEO set up a committee of experts, where necessary.
- iii. However, the disclosure of an allegation which directly involves the HR Manager shall not be made to him/her, but rather directly to the CEO.
- iv. If it involves the CEO, then the matter shall be addressed to the Board of Directors of the Corporation.
- v. The committee of experts as constituted shall determine whether the allegations made in the disclosure constitute an impropriety.
- vi. If it is determined that the disclosure does not constitute an impropriety the finding shall be recorded and appropriately communicated to the Whistleblower.

- vii. If it is determined that the disclosure constitutes an impropriety, then further investigation shall commence.
- viii. The alleged person may be informed of the allegations at the outset of a formal investigation and have opportunities for providing his/her responses to the allegations during the investigation.
- ix. The investigation may involve the study/review of documents and interviews with various individuals. Any person required to provide documentations, access to systems and other information needed by the Committee set up for the purpose of such investigation shall do so.
- x. A Non-Disclosure Agreement (NDA) shall be signed with persons who are called before the Committee.
- xi. Should the impropriety constitute a criminal offence, the Committee shall bring it to the notice of Management for appropriate action.
- xii. The Committee shall conduct such investigations in a timely manner and submit a written report containing the findings and recommendations not later than 60 days from the date of receipt of the disclosure.
- xiii. The Whistleblower may be informed of the outcome of the investigation subject to any obligations of confidentiality.
- xiv. After exhausting all the procedures from (i) to (xiii) above, if the disclosure is not addressed per this internal process, the whistleblower shall petition the authorities listed in section 3 subsection 1 of the Whistleblower Act, 2006 (Act 720), attached as Annex A to this Policy.

## **5.0 PROCEDURE FOR EXTERNAL WHISTLEBLOWING**

- i. The impropriety should be expressed in writing to the CEO with a copy to the HR Manager.
- ii. On receipt of an allegation from a person, the HR Manager shall register the allegation and the identity of the person taken as prescribed in Section 3 of the Whistleblower Policy.



- iii. The HR Manager shall acknowledge receipt of the disclosure within 48 hours and within ten (10) days from the date of receipt, under the supervision of the CEO set up a committee of experts, where necessary.
- iv. The committee of experts as constituted shall determine whether the allegations made in the disclosure constitutes an impropriety.
- v. If it is determined that the disclosure does not constitute an impropriety, the finding shall be recorded and appropriately communicated to the Whistleblower.
- vi. If it is determined that the disclosure constitutes an impropriety, then further investigation shall commence.
- vii. The alleged person may be informed of the allegations at the outset of a formal investigation and have opportunities for providing his/her responses to the allegations during the investigation.
- viii. The investigation may involve the study/review of documents and interviews with various individuals. Any person required to provide documentations, access to systems and other information needed by the Committee set up for the purpose of such investigation shall do so.
- ix. Where it is established that a criminal activity has taken place, the matter may be referred to the appropriate authorities listed in section 3 subsection 1 of the Whistleblower Act, 2006 (Act 720).
- x. Where necessary the HR Manager or designated Head of Department shall give an update of the progress of investigation to the whistleblower.
- xi. The Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the CEO not later than 60 days from the date of receipt of the disclosure.
- xii. The outcome of the investigation may be communicated to the Whistleblower subject to the obligation of confidentiality.
- xiii. In the event that the whistleblower is not satisfied with the extent of

investigation and or action(s) taken based on the outcome of the investigation, the whistleblower is at liberty to use section 3 subsection 1 of the Whistleblower Act, 2006 (Act 720).

## **6.0 PROTECTION OF WHISTLEBLOWER**

The Corporation shall protect the identity of the Whistleblower as it is integral to fostering transparency, promoting integrity and detecting misconduct within the Corporation. For effective handling, the concerned parties shall be adequately assured that the information given shall be treated in a confidential manner and above all that they shall be protected against victimization from within or outside the Corporation provided the disclosure is made;

- i. in the reasonable belief that it is intended to show impropriety;
- ii. to an appropriate person or authority; and
- iii. in good faith without malice or mischief.

The Corporation shall maintain as confidential the Whistleblower identity unless;

- i. such person agrees to be identified, or is so required to by a competent court,
- ii. identification is necessary to allow the Corporation or the appropriate law enforcement officials to investigate or respond effectively to the disclosure,
- iii. identification is required by law or under the Corporation's rules and regulations, where a false accusation has been maliciously made, or
- iv. the person accused is entitled to the information as a matter of legal right. In such an eventuality, the Corporation shall inform the Whistleblower prior to revealing his or her identity.

## 6.1 Against Victimisation

A whistleblower shall not be subjected to victimisation by GDPC or by a fellow employee or by another person because a disclosure has been made.

A whistleblower shall be considered as having been subjected to victimisation if because of making the disclosure,

- i. the whistleblower, being an employee, is:
  - a. dismissed,
  - b. suspended,
  - c. declared redundant,
  - d. denied promotion,
  - e. transferred against the whistleblower's will,
  - f. harassed,
  - g. intimidated,
  - h. threatened with any of the matters set out in subparagraph (a) to (g), or
  - i. subjected to a discriminatory or other adverse measure by the employer or a fellow employee, or
- ii. the whistleblower not being an employee, is subjected to discrimination, intimidation or harassment by a person or an institution.

However, a whistleblower shall not be considered as having been subjected to victimisation, if the person against whom the complaint is directed has the right in law to take the action complained of and the action taken is shown to be unrelated to the disclosure made.

## 6.2 Police Protection

A whistleblower who makes a disclosure and who has reasonable cause to believe that:

- i. their life or property, or

- ii. the life or property of a member of their family is endangered or likely to be endangered as a result of the disclosure, may request police protection and the police shall provide the protection considered adequate.

"Family" for this purpose means spouse, father, mother, child, grandchild, brother and sister.

### 6.3 Against Civil and Criminal Action

A whistleblower is not liable to civil or criminal proceedings in respect of the disclosure unless it is proved that the whistleblower knew that the information contained in the disclosure is false and the disclosure was made with malicious intent.

## **7.0 APPLICATION OF POLICY**

This Policy applies equally to all employees, contractors, volunteers, casual workers and agency workers of GDPC regardless of seniority or length of service.

## **8.0 EFFECTIVE DATE**

This Policy shall be effective on the date of adoption by the Board.

## **9.0 REVIEW OF POLICY**

This Policy may be reviewed as and when necessary, with the approval of the Board to incorporate new laws, rules, regulations and standards applicable and relevant to GDPC's operations and updates to them and to bring the Corporation to conform with changing responses to evolving internal and external conditions.

**APPROVED AND DATED THE 13<sup>TH</sup> DAY OF AUGUST 2021**

**SIGNED:**

.....  
**DR. ERNEST ADDISON**  
**BOARD CHAIRMAN**

## ANNEX A

### Section 3 subsection 1, Whistleblower Act, 2006 (ACT 720)

(1) Disclosure of impropriety may be made to anyone or more of the following:

- (a) an employer of the whistleblower;
- (b) a police officer;
- (c) the Attorney-General;
- (d) the Auditor-General;
- (e) a staff of the Intelligence Agencies;
- (f) a member of Parliament;
- (g) the Serious Fraud Office;
- (h) the Commission on Human Rights and Administrative Justice;
- (i) the National Media Commission;
- (j) the Narcotic Control Board
- (k) a chief;
- (l) the head or an elder of the family of the whistleblower;
- (m) a head of a recognised religious body;
- (n) a member of a District Assembly;
- (o) a Minister of State;
- (p) the Office of the President;
- (q) the Revenue Agencies Governing Board; or
- (r) a District Chief Executive.