

DETERMINANTS OF SOUND WHISTLE BLOWERS' PROTECTION FRAMEWORK IN ZIMBABWE

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ABSTRACT:

In as much as we strive to implement robust whistle blowers' protection framework in Zimbabwe, it is imperative to identify that influence the process. The risk of fraud, corruption and other illicit practices remained a cause for concern in both public and private sectors. Hence the need of whistle blowers as oversight mechanisms. It is in line with this view that this study looked at the factors that determine the effective implementation of whistle blowing protection framework in Zimbabwe. The study was therefore undertaken using a mixed methodology approach, to carry out a descriptive survey across a sample of 384 workers in both the private and public sectors who were picked using stratified and purposive sampling techniques. Questionnaires were administered to gather information and some of which were distributed online to counter the travel challenges during the time of study. Noted was that, honesty, truthfulness, integrity and transparency were all mentioned unanimously by respondents as

determinants of successful implementation of whistleblowers' protection frameworks in Zimbabwe. Therefore, there is need of all the management in both the private and public sector to take the lead in ethical behavior and the government should strengthen the activities of the whistle blowers as recommended by this research.

INTRODUCTION:

In modern business situation, many companies are increasingly becoming more vulnerable to risks like scams, swindles, illicit practices, and fraud or corruption in both public and private sectors. These practices have adverse effects on the company's performance and the entire economic growth. The practice of whistleblowing is brought into being when firms or administration involve themselves in illegitimate or unprincipled practices or misconduct in the workplace to increase a competitive edge over the rival companies or co-workers (Kaur, 2012). Therefore, there is a rising need to protect whistle-blowers through sound legislation as they are significant in combating corruption and illicit dealings.

The concept of whistle-blowing is a relatively topical idea in the terminology of civic and business matters, even though the phenomenon existed long before in various cultural settings. Lately, whistle-blowing has developed into a common aspect of administration, from government agencies to corporate establishments all over the world (Kaur, 2012). Whistle blowing has been viewed in other societies as a Western idea, being perceived as a relinquishment of cultural traits and of the standards of societal behavior and faithfulness. However, many societies have adopted the concept and merged the concept with their anti-corruption policies.

Corruption is a cross cutting issue in all facades of the social order and happens in the political, commercial, societal, religious, and cultural domains. The anti-corruption capacity of the whistleblowing concept cannot be overstated. What is however in doubt is the existence of effective whistleblowers protection policies. Questions arise on whether the whistleblowers are sufficiently protected from retribution and revenge under the present dogmas in the world. Whistleblowers are uncovered against different echelons of jeopardy and could be vulnerable to different threats, being fired, litigated, detained, or even murdered (International Principles for Whistleblower Protection IPWP, 2017).

In countries like Thailand, studies reviewed that the current laws do not give enough protection to whistleblowers who end up facing many challenges. Provided that whistleblowers are typically personnel of the organisations where the informed misbehavior took place, they may face explicit menaces that are not presently enclosed in the witness defense laws, such as downgrading or dismissal

(International Transparency, 2013). Whistleblowers may be viewed as snitches, eventually, they maybe retaliated against and lose their job position because they may not be able to return to their offices for individual and professional motives (International Transparency, 2013). They can also discover themselves jobless for a lengthy period as a consequence of being detested from their specialized community and social networks. Possibly, they can be excluded from impending employment inside their field of work. In this regard, the archetypal actions provided under the witnesses' protection laws, such as transfer, police protection and altered identity, may not always be applicable in the situation of whistleblowers.

Kaur (2012) indicated that, in the previous epoch, several nations, including Australia, New Zealand, Canada, South Africa, and the United Kingdom, passed whistleblower edicts that guard public workers who divulge numerous forms of misbehavior, corruption or ineptitude. These enactments are conspicuous not only because of their number, but also because they have been implemented in lawful and cultural frameworks apparently incoherent with them. For instance, one of the more extensive whistleblower provisions might be visible in Great Britain, a nation with lawful and cultural ethnicities supporting confidentiality and secrecy.

The African Union Convention on Preventing and Combating Corruption (AUCPC 2003) in its preface identifies the unfavorable consequences that corruption has on the solidity of African counties and its publics, for example, reduction in GDP levels, scaring away investors among others. The African Union Convention on Preventing and Combating Corruption

ascertained the significance of whistleblowing as an anti- corruption instrument and instructs states to approve statutory measures to chastise those who make untruthful and spiteful hearsays against guiltless individuals in corruption and linked wrongdoings.

The common problem in various nations is that there is no effective legislation to protect the whistleblowers against varied socio-economic problems arising from the process of disclosing information (Banisar, 2011). For example, the South African Protected Disclosures Act (PDA) of 2000 indicated in its setting that employees in both private and public sectors have the responsibility of disclosing any form of wrongdoing but the responsibility is not constituted in the Act itself (Uys, 2008). This leaves the whistleblower at high risk with both company policies and the national law itself since there is no clear indication on how the responsibility of whistleblowing should be carried out.

Masaka (2007) noted that, the Zimbabwean administration so much entangled and knotted in the economy that it possesses parastatals and it also has substantial entitlements in privately owned organizations. These parastatals are also whirling from innate corruption and corporate misconducts. In light of this, Masaka (2007) noted that, the government may not be entirely compassionate to and sympathetic of the efforts put by whistle blowers to release occupational malpractices to the public because it fears that overtly recognizing and subsidizing whistle blowing can instigate those working by the government to also start revealing unprincipled and corrupt corporate practices when they notice them in public owned corporate establishments. Thus, the establishment of whistle blowing remains

endangered because the administration of organizations is mostly unreceptive to it and further, the government's energy to deal with the business sector of corrupt practices is muffled by a scuffle due to conflict of interests. Thus, enactment of policies to protect whistleblowers is based on varied interests.

In light with the above, the Zimbabwean economy has been stained by unscrupulous and malicious activities which have resulted in the country being robbed of billions of dollars through various leakages in both the private and the public sectors. In a bid to combat corrupt activities, whistleblowing has been adopted across different sectors of the economy. However, the current surge in cases of corporate misconducts in Zimbabwe has utterly rebooted a rigorous discussion on the ethical validation of whistleblowing (Masaka, 2007). The informer is, still, confronted with opposing and inconsistent moral standards and laws that make his choice to blow the whistle an ethically painful endeavour. The whistle bower is still suffering under a trail of ineffective policies to cover them and protect them against other cooperate and ethical aspects for instance, they may be charged of disclosing the company's confidential information yet it is a report against malicious acts. The study is thus motivated by the need to enact sound legislation to protect whistle blowers towards ending corruption. Thus, the study is an analysis of the whistle blowers' protection policies in private and public entities in Zimbabwe.

The concept on whistleblowing in relation to the above views can be understood from Grand (2015)'s views that, 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 organization, about nontrivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing.

Hersh (2002) also defined whistleblowing as including the thoughtful disclosure of information about non-trivial actions which are alleged to be treacherous, illegitimate, unethical, inequitable or else encompass offense, commonly by existing or ex organizational members.

CONCEPTUAL FRAMEWORK:

This section of the study reviews literature on the major variables in the study and relate them to the act of whistleblowing which is the independent variable under scrutiny. Figure 2.1 shows the conceptual framework used to review literature. The literature is mainly reviewed on basis of how it affects the act of whistle blowing, that is review of literature on the policies/frameworks existing, effectiveness of the frameworks, barriers to the implementation of the frameworks and determinants to successful implementation. The major goal of the study is to analyse the whistle blowers' protection frameworks in Zimbabwe, and conclude whether whistle blowers are legislatively covered or not.

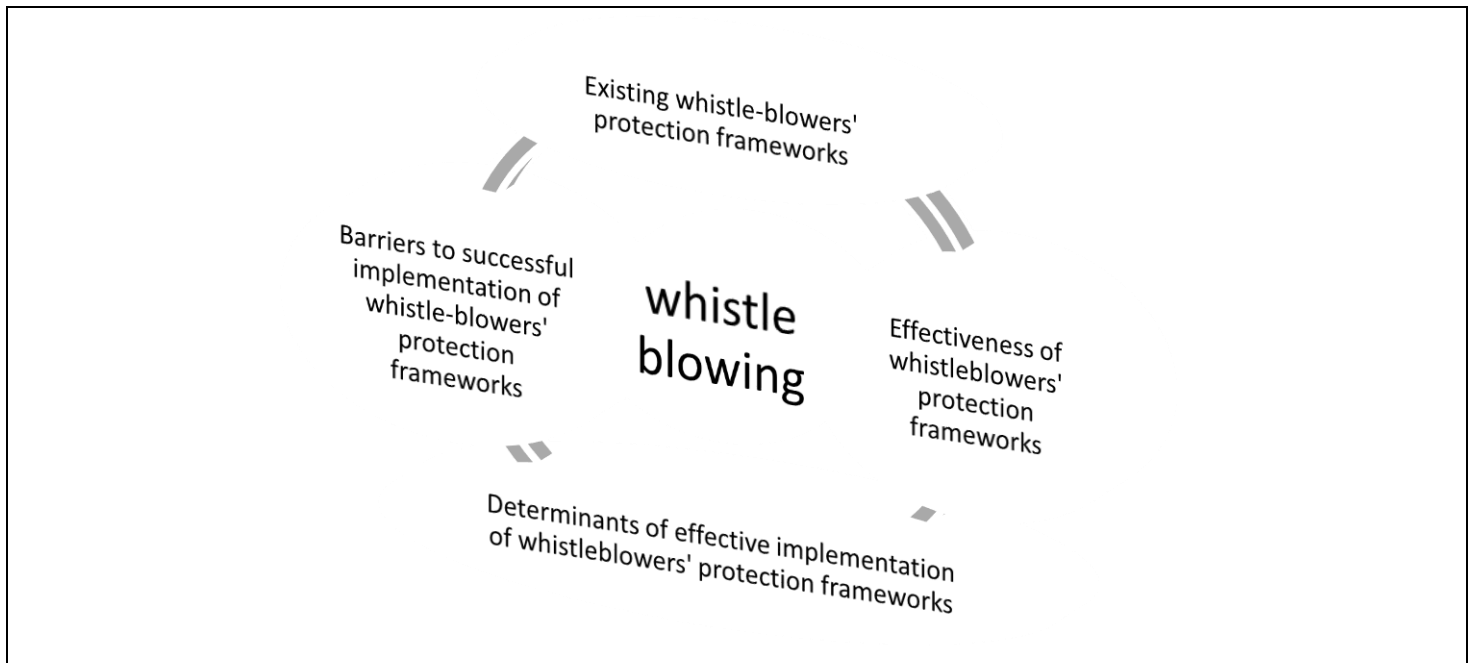


Figure 2.1. Conceptual framework (adapted from Dewi et al., 2015)

The conceptual framework in figure 2.1 clearly illustrates that the implementation of the whistleblowers' protection framework follows a cyclical order which firstly identifies and evaluate the existing whistle-blowers' protection framework, assess its effectiveness, identifying the determinants of effective

implementation of whistleblowers' protection framework and finally identify the barriers to successful implementation of whistle-blower' protection frameworks. This study therefore mainly focuses on the determinants of effective implementation of whistleblowers' protection framework.

1. Determinants to successful implementation of whistle blowers' protection frameworks:

Support central leaders in the form of vocal and practical endorsement (for instance, supporting declarations and raising awareness) from the board, executive directors and senior management has been acknowledged as a critical basis for a philosophy of honesty, candidness and integrity in an organisation as a whole (Roberts, 2011). Thus, an essential starting point for any effective whistleblowing policy is a genuine desire from the board or governing body for employees to raise worries as well as truthful commitment at the management level to support them to do so (British Standards Institute (2008). Whistleblowing regimes are most effective where governing bodies and management have a clear understanding of the benefits of whistleblowing devices in general and of the nature of whistleblowing measures in their organisation in particular. Similarly, important is that management is seen to support internal reporting in practice (for example, reports are dealt with suitably and systematically, whistle blowers are supported and protected) in order to not to discourage other potential whistle-blowers. Administration can be held answerable for their management of whistle-blower concerns, for example, by including this as an aspect of their performance review (United Nations department of labour, 2015).

Some superlative practice guides encompass an admonition that open reporting is the perfect procedure of reportage; worries raised openly can be easier for the organisation to quickly comprehend and address (Public concern at work, 2013) and jeopardies of an environment of distrust emerging are minimised.

Nevertheless, a whistle-blower must have the right to keep their identity confidential to protect them from potential risks and retaliation and to allow the organisation to establish the facts of a case discreetly. Some organisations may also choose to enable anonymous reporting, although additional standards and guidelines for anonymous reporting are recommended and discussed below.

2. Research Methodology and Data Collection:

The study uses a mixed methodology approach, applying both qualitative and quantitative methods. A mixed methodology includes the use of both quantitative and qualitative techniques in combination (Yin, 2003). Quantitative and qualitative techniques are highly compatible and offer the researcher the ability to choose the appropriate technique to more effectively answer particular research questions (Saunders, et al., 2009). Cresswell and Clark (2011) designates that the mixed methodology joins both the qualitative and quantitative methods to exploit the merits of each method and curtail the weaknesses of each other. A mixed method approach applies particularly the dominant-less dominant style (Rudestam and Newton, 2001). In this study the dominant approach was the qualitative method relying on general questionnaire surveys and interviews on workers from various companies. The qualitative approach was found most dominant because much of the data inquired in the study required explanations to address the objectives of the study.

3. Results and discussion:

The study also inquired on the determinants to successful implementation of whistleblowers'

protection frameworks. From the responses, the study developed some four interesting themes and coded them into the SPSS then compare means. Table 5.1 presents the results.

Table 5.1. Determinants to successful implementation of whistle-blowers' protection frameworks

	Report			
	Honesty	Truthfulness	Integrity	Transparency
Mean	.68	.68	.83	.70
N	308	308	308	308
Std. Deviation	.467	.469	.375	.457
Sum	210	208	256	217

Table 5.1. indicates that honesty, truthfulness, integrity and transparency were all mentioned unanimously by respondents as determinants of successful implementation of whistleblowers' protection frameworks. Figure 5.1 summarizes the frequencies of mentions of the four thematic factors of successful implementation of whistleblowers' protection frameworks.

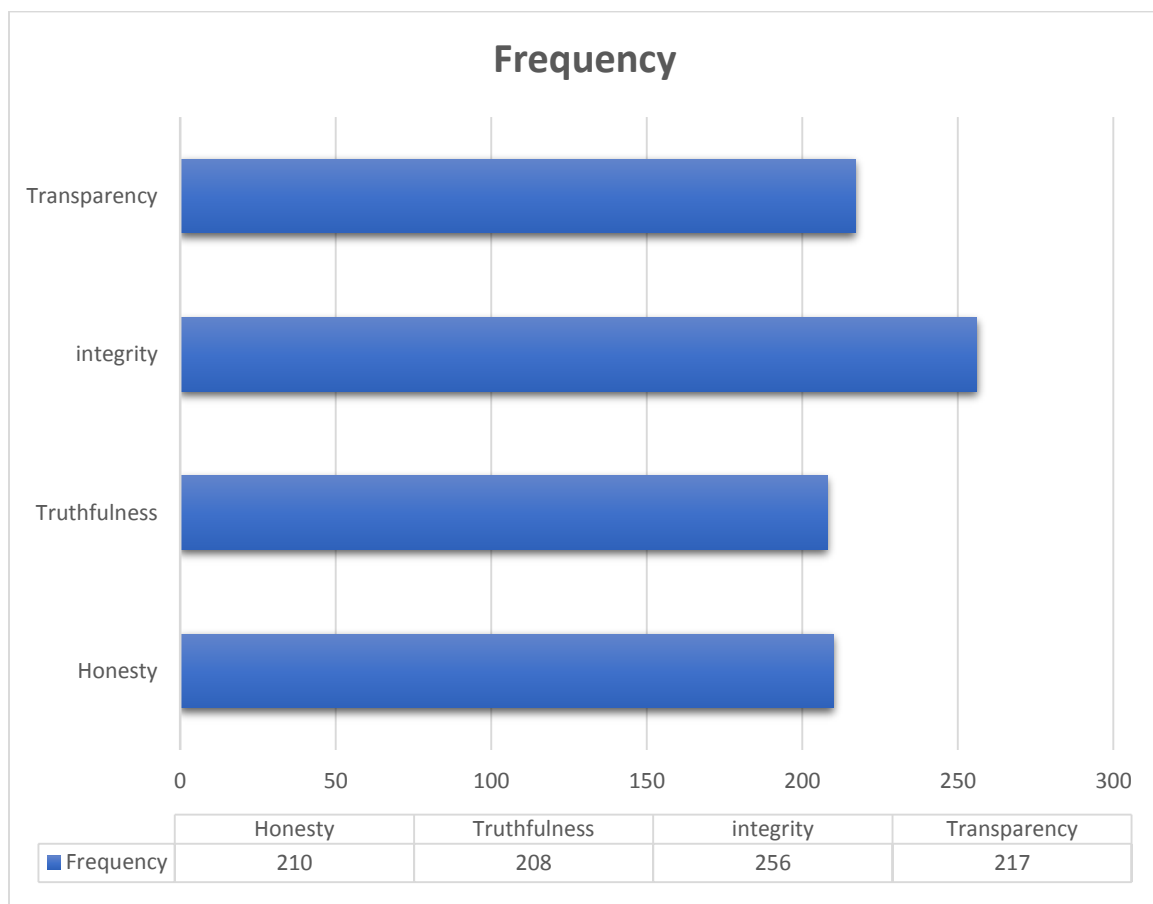


Figure 5.1 Determinants to successful implementation of whistleblowers' protection frameworks

According to the figure 4.7. frequencies have been given in respect to the mentioned determinants and a clear table of value is given against each category. From a social perspective, the study therefore interpreted that, honesty, truthfulness, integrity and transparency within organizations lead to successful implementation of protection frameworks.

Since the study asked open questions, various other determinants were also mentioned variably by different respondents, for instance, financial support, stakeholder involvement, mechanisms to preserve anonymity, among other things. Another interviewee provided a statement; "...we need proper ways to awaken the public, making sure that corruption is taught to every individual, let people understand the consequences of corruption. That way they will also understand the need for effective frameworks. The government must also ensure that the law enforcement agents and private players are cautioned on the dangers associated with covering up unscrupulous deals." (Interviewee)

This goes back to literature from people like Roberts (2011) who emphasizes on the need for support from central leaders in form of vocal and practical forms. The government should support fully the implementation of these frameworks.

CONCLUSION:

The main goal of this study was to analyse whistleblowers' protection frameworks in Zimbabwe. However, this research focused on identifying the determinants of effective implementation of the whistle blowers' protection framework in Zimbabwe. Notably, common factors that determine the effective implementation of the whistle blowers' include

but not limited to honesty, truthfulness, integrity and transparency. Therefore, this calls for the policy makers to implement the policies and legislations that promote honesty, truthfulness, integrity and transparency.

RECOMMENDATIONS:

Law makers to focus on/or speeding up the enactment of a working clear national whistleblowers' protection legislature. Equally important, all companies to have comprehensive and firm policies related to national laws to cover whistleblowers. The government through commissions of anti-corruption to make it law that every organization should have working policies to ensure that whistleblowers have confidence enough to uproot corrupt and illicit dealings. Generally, all players in fight against corruption should come up with communication procedures effective enough to ensure swift reportage and maintaining security of whistleblowers' images.

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