



EFFECTIVENESS OF WHISTLE BLOWERS' PROTECTION FRAMEWORKS IN COMBATING CORRUPTION IN ZIMBABWE

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Article history:	Abstract:
Received: August 11 th 2020 Accepted: September 7 th 2020 Published: September, 30 th 2020	Corruption has been on the rise over few decades past and this has resulted in chaotic economic strides where every individual from the top to bottom seeks to find a conducive economic space to loot or gain through one or more illicit means. The statement by the Zimbabwean Anti-Corruption Commission (ZACC) "police the police; guard the guard..." has become relevant to ensure that even the supposed law enforcers are strictly watched over. However, the crisis remains on whether people who give themselves to whistleblowing are safe or not. This study therefore sought to analyze the effectiveness of available legislation in protecting whistleblowers. It was measured by evaluating the confidence levels of 384 selected employees from public and private sectors to report unscrupulous acts internally or externally. The study in this regard found out that majority of workers in Zimbabwe do not have confidence in the available legislation on its capacity to maintain their safety in the event of reporting corrupt activities. In this sense, corruption remains on its rise until people develop confidence in the laws.

Keywords: Whistleblowers, Zimbabwean Anti-Corruption Commission (ZACC), corruption, laws.

1. INTRODUCTION

Whistle blowing is understood to refer to the act of revealing information in the civic interest. It is gradually recognized that whistle blowers have an important role to play in combating wrongdoing (Mbatha, 2005), including criminal and irregular conduct. Because of some muddles about the connotation of the term, whistle blowers have unethically attained a bad repute as being scalawags, busy-bodies and disloyal employees.

Whistleblowing can be internal or external depending on where the report is being generated. Internal whistle blowing refers to reporting to people or administrators within the organisation who are higher up in the organizational pyramid. Those who obtain internal complaints may be direct line executives, human resource representatives, chief executive officers, members of an executive council or board of directors. Internal whistle blowing may be via existing communiqué networks such as hotlines or via unauthorized communication ways like, e-mail if that is the only way (Johnson and Wright 2004:69).

External whistle blowing means the revelation of evidence outside the organisation and comprises media, politicians, public protectors, government bodies, regulatory bodies, interest groups and enforcement agencies (Miceli and Near 1994). According to Uys in Binikos (2006:22), the suitable whistle blowing process is for the whistle blower to report firstly internally, and then, if that does not do well, to go through an external law enforcement agency, and finally, if that does not work, to report to the media, or to legislators, both of whom may also be deemed external complaint receivers. But where the mass media and officials have received complaints of and exposed wrongdoing, they are not perceived as whistle blowers since they are not part of the suspect organisations. They are simply a way in which the whistle blower, a member or former member of the company concerned, can report and expectantly solve the misconduct.

The major question on whistle-blowing which has remained outstanding for quite some time is on the safety and freedom of whistle-blowers after making allegations about the illicit practice. 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 may be 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.

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.

The motive for this study focused on the Zimbabwean perspective on whether the frameworks and legislative pieces covering whistleblowers are effectively fulfilling their mandates. In Zimbabwe, the underpinnings surrounding legislation protecting whistle-blowers are not quite clear (The Herald July 2, 2019). At the time of this study, there was no single Act pointing to whistleblower protection, but whistle-blowers relied on other pieces like the Anti-corruption Act, and other fraud and criminal codifications.

2. LITERATURE REVIEW

In many economies whistle-blowers' policies have proven to be the right course in protecting the image of the whistle blower and also defending him from other company policies which may eventually be imposed against the whistle-blower. However, due to scarcity of frameworks in most countries to protect whistle-blowers, it is difficult to measure the effectiveness of each policy. In some instances, the consequences of whistle blowing in the absence of legal frameworks determines the need for policies to protect the whistle blower. Maheran (2015) highlighted that, whistle blowing normally pursues amongst others to expose dishonesty, fraudulent activities and corruption. Nevertheless, to blow the whistle is not a simple job. It requires bravery, boldness, ethical appraisal and one has to consider the interest of the community primarily.

Adetula and Amupitani (2018) highlighted that effective enactment of the whistle blowing policies leads to improved accountability, responsibility and clearness in the administration of coffers in the public and private sectors, and more funds can be recovered which can be arrayed in sponsoring various sectors of the economy for instance, mitigating infrastructural discrepancy. Where the frameworks are effective, there will be openness and answerability. To make this viable, the people should be enthusiastic to expose corruption, the law enforcement agency should be truthful in impeaching those involved in suspected corrupt activities. Reliable reports of the recovered funds and how they are used is principal.

To add more, Kumolu (2017) emphasized that the effectiveness of legal frameworks to protect whistle blowers should also encompass the welfare of the whistle blower. Policies should have ways to incentivize the whistle blower. According to Kumolu (2017), whistle blowers are heroes. They are catalysts of transformation in an economy as they clash with corruption by divulging it. They maintain transparency and credibility hence they do not condone illicit transactions. Thus, effective whistle blowers' protection frameworks should take into account rewarding the whistle blower. An efficacious whistle blower should get financial compensation from the government or administration of the company. For instance, the Nigerian Federal Government through the ministry of finance paid a total of ₦421,000,000.00 to the Ikoyi whistle blower in December 2017 as a tip of an iceberg.

Again, the effectiveness of whistle blower's protection should be accounted on the authenticity of information provided and the motive of the whistle blower to avoid false allegations and violation of other human rights like protection of character and image. Mbatha (2005) states that organizations' answers to an act of whistle blowing are determined by the trustworthiness of the whistle blower (a trusted person is most likely to be taken seriously and remain protected by the legislation); the impetus of the whistle blower (if there are any uncertainties and qualms on

the motives why an individual chooses to blow the whistle, chances are higher that the grievance will not be taken serious and thus he remains uncovered by the policies protecting whistle blowers) and the supposed validity or legitimacy of the evidence provided by the whistle blower.

As indicated above, it is thus still uneasy to measure the effectiveness of the existing frameworks because most of them are not directly linked to the protection of the whistleblower. They belong to social and other criminal codification acts, and these are redirected to protect whistle blowers on socio-economic and ethical grounds. Thus, this study needs to gather more primary evidence on the effectiveness of whistleblowers' protection frameworks.

3. METHODOLOGY

The study used 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 (Cresswell and Clark., 2013). This study was also a descriptive survey which employed questionnaires and interviews to explore more on the people's perspectives on whistle-blowers protection frameworks in Zimbabwe. Data were collected from 384 employees selected from both the public and private sectors using stratified and purposive sampling procedures. Most of the questionnaires were distributed online due to travel restrictions during the time of study.

4. RESULTS AND DISCUSSION

4.1. Sex distribution

Majority of the respondents who were found willing to provide information were men. These were selected as highlighted earlier through stratified and purposive sampling methods. Figure 1 shows the proportions of respondents basing on their gender.

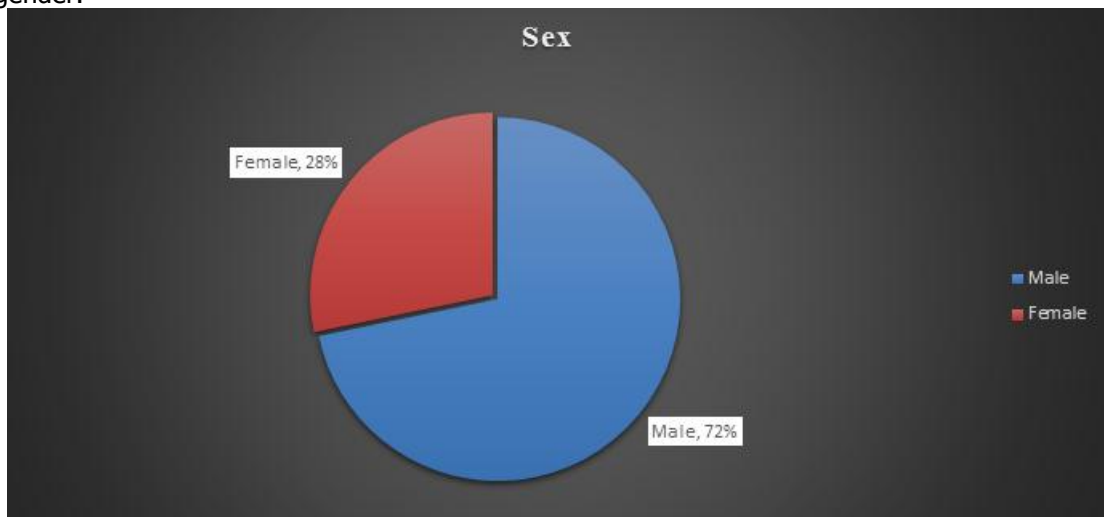


Figure 1. Gender of respondents

Figure 1. shows that 72% (221) of the respondents were male and 28% (76) of the respondents were females. This could be attributed to the fact that some of the views required in the study were politically sensitive and seemingly showed an element of defying companies' internal information policies. Women are naturally known for being cautious.

4.2. Position of work



Figure 2. Position of work

Figure 2. shows that more respondents were drawn as the organizational hierarchy dropped down. This was likewise done purposively to ensure equal representation as this is typical for most organizations that the executive is represented by fewer people (the top officials) and numbers increase down the hierarchy, with general workers (less costly) having larger numbers as these are in most cases unqualified and less costly in terms of wages.

4.3. Work experience

The study also inquired on the experience of workers in their respective organizations. Figure 3. shows frequencies on the provided year ranges of work experience.



Figure 3. Work experience

The figure presented shows that most respondents ranged between 5 years to 15 years working experience, which a reliable working experience in terms of knowing the occurrences in the company. Interestingly, the analysis shown by a trendline shows that frequencies of work experiences declined from 16- above 20 years of working experience. This has been thought of being due to delays in getting jobs in the country. For a person to get a 20 years of job experience, that person could be very old. Most people started working in the 30s, therefore, after 15 years of working they will be in the late 40s to 50s. Thus, the study discovered a decline in numbers as work experience years increase.

4.4. Effectiveness of whistleblowers’ protection frameworks in Zimbabwe

Results on this section were dissuaded mainly by the fact that a huge number of respondents could not mention any relevant framework covering them in the event of reported corrupt activities. The study however used one-tailed correlation test to the relationship between those few existing policies and confidence in reporting cases. The correlation between the two variables was used as a measure of the effectiveness of frameworks in Zimbabwe. Table 1. indicates the correlation summary.

Table 1. Correlation summary of whistleblowers protection frameworks and confidence in reporting cases

Correlations ^b		Whistleblower's protection frameworks	Confidence level
Whistleblower's protection frameworks	Pearson Correlation	1	.131*
	Sig. (1-tailed)		.039
	Sum of Squares and Cross-products	86.751	17.326
	Covariance	.482	.096
Confidence level	Pearson Correlation	.131*	1
	Sig. (1-tailed)	.039	
	Sum of Squares and Cross-products	17.326	200.928
	Covariance	.096	1.116

*. Correlation is significant at the 0.05 level (1-tailed).

b. Listwise N=181

According to table 1. results indicate a one-tailed correlation of 0.039 which is below 0.05, therefore the correlation is insignificant. This means that the existing frameworks do not give confidence to people in Zimbabwe to report corruption cases in the country. Thus, whistleblowers’ protection related frameworks existing in the country are less effective. The listwise N=181 is the number who showed knowledge of protection frameworks, as highlighted in figure 1. Thus, those who did not indicate any protection framework were excluded from the analysis on the effectiveness of whistleblowers’ protection frameworks in Zimbabwe. The r value in the Pearson correlation was positive (0.131) which means the increase in number of protection frameworks result in an increase in confidence levels by workers to report.

The results from the questionnaire survey resonated well with the findings from interviews, where most interviewees indicated that, the frameworks currently at work to cover whistleblowers are less effective as they do not directly pinpoint to the problem. They were enacted for other reasons, for instance tax laws, criminal codifications among others. In an interview, one cried out;

"...we know a lot of illicit deals being undertaken in our organizations; we are very curious to raise alarms over such acts but we do not have full cover in terms of law. There are still high chances that if we report, we are chopped out of our jobs or face demotions as a way of fixing us. Since most of the incidences involve the top officials, we have to choose wisely, whether to blow whistles or keep our jobs and lives..." (Interviewee)

This shows a level of discontentment in the existing frameworks, which only protect them indirectly. This configures reports by scholars like Kumolu (2017), who emphasized the need for frameworks protecting whistleblowers at the same time encompassing the welfare of the whistleblower. Kumolu (2017) refers to whistleblowers as heroes and catalysts of transformation in an economy since they directly clash with corruption.

5. CONCLUSION

An insignificant correlation was noted on the effectiveness of whistleblowers’ protection frameworks currently adopted by organizations. The study tested, correlation of whistleblowers’ protection guidelines in place and confidence to report cases of corruption in the country and in organizations and it was noted that given existing frameworks, employees still have less confidence to speak out in the event of corrupt activities. The same sentiments were raised from interviews, where people indicated that they are still fearful of the after-effects of reporting a case in Zimbabwe. Fear of losing jobs and freedom of movement, loss of live were commonly mentioned.

This study therefore, concluded that the existing frameworks which are partial are ineffective at the moment, the frameworks are still short-handed in giving reporters confidence especially when it comes to freedom after blowing the whistle. It has thus, come to a summary that these frameworks do not offer much needed security to whistleblowers to effectively deal with illicit deals in the country’s public sector and private organizations. In light of the study results, the study suggested the following procedures on the protection of the whistleblowers to ensure that the frameworks can effectively alleviate the problem under study.

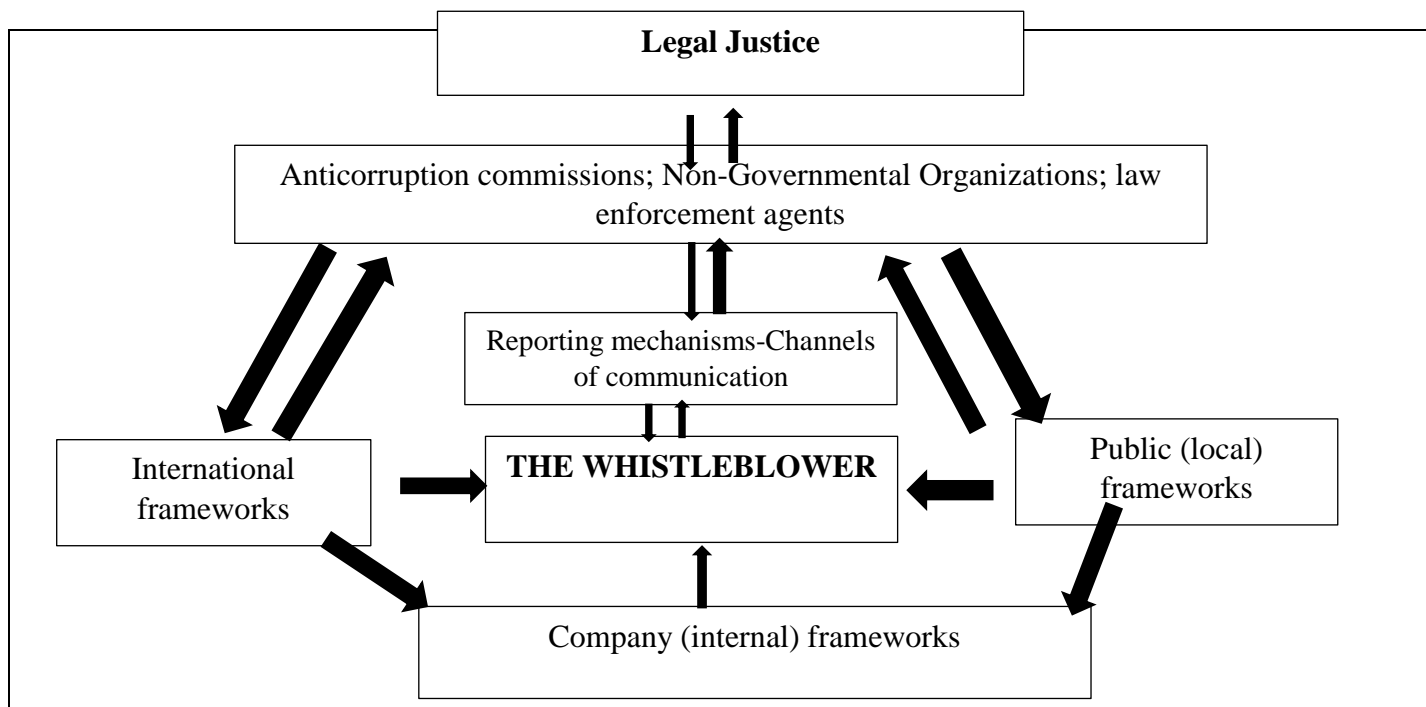


Figure 4. Suggested guidelines for whistleblowers’ protection

The figure presented emphasizes on the need for interconnectivity between different players in safeguarding the whistleblowers. There is also supposed to be proper communication channels which maintain the image of the whistleblower protected. Communication channels must not harm the personality of the reporter. Company frameworks should be governed by the public and international policies, therefore there is a strong need for working and effective national whistleblowers protection frameworks which can then be coiled into internal company affairs to establish a strong linkage. The whistleblower should feel warm in the cover of frameworks from both sides. Lastly, it is suggested that transparency between players should also ensure that there is two-way communication, after blowing the whistle, the reporter must also continue to receive feedback from involved parties, not to be used as an instrument of providing information and he/she never knows the end of the story.

REFERENCES

1. Banisar, D. (2011), "Whistleblowing: International Standards and Developments", in Corruption and Transparency: Debating the Frontiers between State, Market and Society, I. Sandoval, ed., World Bank-Institute for Social Research, UNAM, Washington, D.C, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1753180.
2. Binikos, E. (2006). *A sociological case study of the relationship between organisational trust and whistleblowing in the workplace*. Unpublished Masters Dissertation. Johannesburg: University of Johannesburg.
3. Creswell, J W., and Clark V. L. P. (2011). *Designing and Conducting Mixed Methods Research*, 2nd ed. Thousand Oaks: Sage.
4. Creswell, J. W. (2013). *Research design: Qualitative, Quantitative and Mixed Methods Approaches*. Sage publications.
5. Johnson, C.B. and Wright, C.J. (2004). Make it easy they will come. *The Internal Auditor*, 61(1):69. Johnson, R.A. (2003). *Whistleblowing: when it works and why*. London: Lynne Rienner Publishers. Kumolu C. (2017). Ikoyi Cash: Whistle Blower gets N421M, Jets out of Nigeria' *Vanguard* 14 December 2017. Available at: <https://www.vanguardngr.com/2017/12/ikoyi-cash-whistleblower-gets-n421m-jets-nigeria/> Accessed on: 25 March 2020.
6. Masaka D. (2007). Whistleblowing in the Context of Zimbabwe’s Economic Crisis. *Electronic Journal of Business Ethics and Organization Studies*. 12(2): 32-39
7. Mauch, J. E. and Park, N. (2003). *Guide to the successful thesis and dissertation: a handbook for students and faculty*. 5th ed. New York: Marcel Decker.

8. Mbatha, J.S. (2005). *The ethical dilemmas of whistle-blowing and corruption in the South African Public Sector*. Unpublished D. Admin Thesis. Empangeni: University of Zululand.
9. Miceli, M.P. and Near, J.P. (1984). The relationship among beliefs, organizational position and whistle blowing status: A discriminant analysis. *Academy of Management Journal*, 27:687-705.
10. National Anti-Corruption Forum. (2013). [http://www.nacf.org.za/guide to the whistle blowing act/](http://www.nacf.org.za/guide%20to%20the%20whistle%20blowing%20act/) (accessed on March15, 2020)
11. OECD (2016), *Committing to Effective Whistleblower Protection*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264252639-en>.
12. Pande, S. (2008). "The Right to Information and Societal Accountability: The Case of the Delhi PDS Campaign." *IDS Bulletin* 38, no. 6: 47–55.
13. Public Concern at Work, (2013). *Whistleblowing code of practice*, article no. 9 Roberts, B., O. (2011). *Whistling While They Work*, p.21 Ross, W. D. (1930). 'The right and the good'. Oxford University Press.
14. The Herald (July 17, 2019). Whistleblower legislation can help curb corruption. Available at: <https://www.herald.co.zw/whistleblower-legislation-can-help-curb-corruption/> Accessed on (20 March 2020)
15. The Herald (July 2, 2019). Zimbabwe: Graft – Whistle blowers Need Full Legal Protection <https://allafrica.com/stories/201907020292.html> Uys T. (2008). Rational Loyalty and Whistleblowing: The South African Context. *Current Sociology*. 56(6): 904-921