THE WHISTLEBLOWER ACT (ACT 720) 2006

What is Whistle blowing?
It is an important anti-corruption tool. The purpose of the Act is to improve the nation’s ability to fight corruption and other forms of unlawful conduct that negatively affect our development.

Can I blow the whistle about anyone?
Yes. You can blow the whistle about any person or institution as long as you have good reason to believe that you have reliable information that indicates an impropriety. No person is above the law.

How can a disclosure of impropriety be made?
A disclosure may be made verbally or in writing.

What must a disclosure of impropriety contain?
- a. The full name, address and occupation of the whistleblower;
- b. The nature of the impropriety to be disclosed
- c. The name of the person(s) against whom the disclosure is made
- d. The time and place where the alleged impropriety is taking place, took place or is likely to take place

Does the law concern only impropriety that has already taken place?
No. The law encourages and supports disclosure about impropriety that: (a) has already occurred; (b) is still occurring; and (c) is about to occur.

What is meant by the requirement of have “reasonable cause” as a condition for making a disclosure?
I saw him pilfering from the company’s coffers at 9:00 pm.

What are the forms of impropriety which may be disclosed under the Whistleblowers Act?
1. Economic crime
2. Breaching a law or failing to obey a law which a person has a duty to obey
3. Miscarriage of justice
4. Waste, misappropriation or mismanagement of public resources
5. Environmental degradation; and
6. Endangering individual or public safety

Your 15% has been paid into your accounts. Keep your mouth shut about it.
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<tr>
<td>A-G</td>
<td>Attorney-General</td>
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<tr>
<td>CBOs</td>
<td>Community Based Organizations</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CHRAJ</td>
<td>Commission for Human Rights and Administrative Justice</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>PNDCL</td>
<td>Provisional National Defence Council Law</td>
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Preface

The role of Civil Society Organizations (CSOs) in the fight against corruption is very immense. They provide research, advocacy and public education that simplifies the complex issues of corruption to the ordinary person. CSOs further provide the first contact at the local and district level for information to the public. On the other hand, the public needs to be well informed about the processes and procedures to blow the whistle and how to handle themselves during the period of making complaint to investigations and the final outcome.

The Ghana Anti-Corruption Coalition (GACC) developed the first edition of the manual titled “Whistle blowing in Ghana: Training Manual for Civil Society Organizations” (the Manual) in May 2010. Its development was partly in recognition of the role that CSOs play in combating corruption in the country. The Manual was therefore meant to provide CSOs with the necessary tools to educate and sensitize the public on how, when and where to blow the whistle. Further, CSOs knowledge on the Whistleblower Act 2006 will bridge the gap in information flow to ordinary citizens where public institutions are not found at the local level.

The first edition of the Manual was developed as a contribution to building the capacity of CSOs and Community-Based Organizations (CBOs) in raising awareness of the Whistleblower Act 2006 (Act 720) in particular and corruption in general. Following recommendations to assist other key stakeholders such as the Traditional Authorities, who are designated persons to receive and process whistleblower complaints or disclosures, the GACC convened an experts meeting to consider the proposals. The Manual was reviewed in April 2012 and based on the feedback received at the meeting and GACC’s own reflection; changes were made to the design and content of the Manual. The result of the process of review is this revised edition of the Manual “WHISTLEBLOWING IN GHANA-TRAINING MANUAL FOR CIVIL SOCIETY ORGANISATIONS AND TRADITIONAL AUTHORITIES”

The Training Manual will be used for a four (4) day intensive training programme where participants will go through exercises on various scenarios of whistle blowing to equip them with a deeper understanding of the Act. It is expected that all those who go through the training using this manual will utilize the information for grass-root education to strengthen and spread information on the Whistleblowers Act 2006. Ordinary readers could further use the book for their internal training for both private and public institutions to improve knowledge on whistle blowing.

I would like to express my thanks to the Open Society for West Africa (OSIWA) for their support to review the Manual for broader stakeholder education. I am also grateful to Mr. Charles Ayamdo, Director, Anti-Corruption Department - CHRAJ for revising the Manual.

FLORENCE F. DENNIS
EXECUTIVE SECRETARY
GHANA ANTI-CORRUPTION COALITION
MAY 2012
Introduction

This is a manual “WHISTLEBLOWING IN GHANA-TRAINING MANUAL FOR CIVIL SOCIETY ORGANISATIONS AND TRADITIONAL AUTHORITIES”. It was developed by the Ghana Anti-Corruption Coalition (GACC) to assist CSOs and Traditional Leaders with the necessary tools to promote the implementation of the Whistleblower Act 2006 (Act 720).

GACC is a cross-sectoral grouping of public, private and civil society organizations with the sole aim of building a national effort to confront the problem of corruption and to devise effective control measures.

GACC envisions a corruption-free Ghana, where honesty, transparency, accountability and integrity are upheld. It seeks to achieve this through the concerted efforts of its membership and in collaboration with other stakeholders.

The objectives of GACC include the following:
- Coordinate the running of a wide-based platform capable of effectively tackling corruption issues within Ghana and the sub-region.
- Establish systems and structures to optimize information sharing and exchange.

In furtherance of its objectives, it has produced a number of tools for combating corruption in Ghana, in general and for promoting transparency and accountability. It produced an anti-corruption action plan, developed corruption and media monitoring indicators, published Guidelines on whistle blowing, among others.

Background

In 2006, the Whistleblower Act (the Act) was passed. The Act seeks to encourage and enable persons disclose information that relates to unlawful, corrupt or other illegal conduct or practices in the country in the public interest. It provides for the manner in which disclosures may be made and to whom, and provides for the protection of whistleblowers who may be subjected to victimization as a result of blowing the whistle.

Apart from state institutions and other public officers mandated under the Act to receive complaints from whistleblowers, a chief, the head or an elder of the family of the whistleblower and a head of a recognized religious organization, should receive and process whistleblower complaints as appropriate.

Central to the implementation of the Act are CSOs and CBOs, who by the nature of their work and presence at the grassroots levels can raise awareness about the Act and support persons who may want to report impropriety. Through their research, advocacy and public education CSOs can simplify the complex issues of corruption for dissemination to the ordinary person in their communities. Therefore, their contribution to the fight against corruption can be significant. Chiefs and elders (traditional leaders) also require support in order to play their role as designated persons to receive and process whistleblower complaints.
After two years of existence, it became obvious that the Manual needed to be revised to cover traditional leaders. The Manual has, therefore, been revised to assist CSOs, CBOs as well as traditional leaders organize training and other capacity building programmes on the Whistleblowers Act 2006 (Act 720).

The Purpose of the Manual
The Manual outlines activities for four (4) days training which aims at providing CSOs, CBOs and Traditional Leaders with the necessary tools for planning, designing and conducting effective workshops and other capacity building programmes.

The Manual has been designed for use by both facilitators and participants. Facilitators will use the manual to prepare and conduct the workshop. CSOs, CBOs and Traditional Leaders (Participants) will use the manual as a reference tool both during and after the workshop.

The Manual focuses on how to develop a systematic approach to conducting training as well as how to design, deliver and evaluate training sessions. Participants can use the Manual as a basis for developing training programmes within the context of their organizations.

Learning Objectives
At the end of the workshop, participants should be able to:

i. know how, when and where to blow the whistle;

ii. assist whistleblowers make disclosures to appropriate agencies;

iii. receive and process whistleblower complaints;

iv. raise awareness/sensitize the public on the Act;

v. facilitate training programmes on the Act in particular and training programmes in general;

vi. design a training programme on the Act.

Participants
The Manual is designed primarily for CSOs, CBOs and Traditional Leaders. It would also be useful to other persons designated to receive and investigate whistleblower disclosures as well as investigating or other agencies designated to deal with whistleblower complaints.

Methodology
Based on principles of adult experiential learning, participatory methodologies have been chosen for the design of the Manual. Participatory methodologies involve the active participation of both the facilitator or trainer and participants in the learning process, where participants and facilitators commit themselves to engage in a process of mutual teaching and learning.

A combination of approaches has been recommended, including the following: presentations; case studies; debates; group work (small and large) and feedback; questions and answers and whole class discussions. Energizers may also be used in combination with the techniques or approaches recommended.

Arrangement of Manual
The Manual contains almost everything needed to implement a training on the Act including, the procedure for facilitating each activity, reference sheets, sample presentations, materials, sample evaluation questionnaires and a glossary of terms used.
In addition to the section “About the Manual” which explains the background to the development of the Manual, it is divided into four (4) parts: Part 1-Getting Started; Part 2-Whistleblowing, Part 3-The Whistleblowers Act 2006, and Part 4-Concluding Session.

Each part has a number of modules, each building on the other. The Modules contain sets of activities to be performed. Each activity has its objective(s), the time allotted for the activity, the resources/materials required to conduct the activity and a description of how the activity should be carried out. The execution of some of the activities may involve the application of one or more of the techniques recommended depending on the particular circumstances. The content of each part is briefly described under each of the Parts.

Planning and Conducting the Workshop
Training practices and situations vary greatly. The level of experience of the facilitator, the knowledge and skills levels of participants, and the training context are all factors that influence the planning and execution of a training programme. Therefore, the information provided in the Manual should be viewed as a guide to conducting the training.

The activities outlined in the Manual are designed to take place over a four (4) day period. A minimum of 10 and a maximum of 45 participants are recommended in order to maximize the benefits of the training design. However, the content, duration and activities can be adapted to suit smaller numbers and for a shorter duration.

Notes to Facilitators
Preparing for the Workshop: Preparation for undertaking any activity is very important. Therefore, it is recommended that facilitators prepare for the workshop. Facilitators need to familiarize with the overall flow and content of the workshop. They should review of all the activities and materials prior to the workshop. The lists of activities under each Module, time allotted for the activity, its objectives and content should be reviewed with participants before beginning each new module.

Conducting the Workshop: In conducting the workshop, facilitators should be flexible. As stated already, the procedural instructions provided for each activity are to help the facilitators structure their work. If a facilitator finds it necessary to make some changes to the activities in order to accommodate a particular training context or participant group, the facilitator may do so.

Facilitators are encouraged to engage participants in the training process and also provide opportunities for participants to take part in the different aspects of the workshop delivery.
Part 1: Getting Started

This Part has one module and six activities, which serve to create an environment conducive for the training. Under the Part, participants and facilitators would be introduced so that they get to know each other. Participants would develop a productive group dynamic by setting their own rules at the beginning of the workshop. By so doing, an appropriate environment for sharing experiences can be established. The purpose of the workshop and its content would be unveiled. Participants would review their individual expectations and reflect on how they can work together effectively as a group of “trainees.” An official opening is performed to signal the beginning of the workshop.

MODULE 1: BUILDING A CONDUCIVE LEARNING ATMOSPHERE

Activity 1: Introduction of Participants

Objective:
- To get participants to know each other
- To lay the foundation for developing productive group relations based on mutual respect, trust and understanding
- to assist participants communicate with each other more effectively

Duration: 15 Min.

Methodology: Group Work

Resources: pen/pencil and paper

Description
The activity is in two parts: In the first part, the facilitator will have Participants grouped in pairs. One member of the pair will interview the other member noting down, name, place of work and other personal details that they are comfortable to disclose to the other participants.

In the second part, each participant of the group will introduce the person he/she had interviewed to the rest of the participants. This method of introduction continues until the last participant is introduced.

However, where participants are quite familiar with each other, for example from the same organization or if for want of time, this method may not be feasible, the facilitator may conduct the activity using other methods but bearing in mind the objectives of the activity.
Activity 2: Setting Ground Rules

Objectives:
- To set basic ground rules for working together as a group.
- To create a friendly working environment.
- To lay the foundation for developing productive group relations based on mutual respect, trust and understanding.

Time: 10 Min

Method: Whole Class

Resources: flip chart paper, markers, masking tape

Description:
The facilitator, together with the participants, will develop a number of ground rules for working together as a group, which every participant should be committed to obeying. The facilitator would write down the rules agreed upon on flip chart sheets/paper and have them placed at the venue/room where the training is being conducted for the rest of the period. Some helpful ground rules include:

- Do not speak too long or too often;
- Give everyone a chance to speak;
- Respect each other viewpoint;
- Avoid interruptions and put downs; and
- Switch off mobile phones or put them on silent mode.

Activity 3: Mapping Expectations

Objectives:
- To review participants’ expectations against the goals, objectives and content of the workshop.
- To provide the basis for assessing the success of the workshop.

Time: 20 Min

Method: Individual Work

Resources: flip chart paper, markers and masking tape, paper

Description:
The facilitator would have each participant record what he/she expect from the workshop and no more than 3. The expectations are recorded on flip chart paper. The facilitator then reviews the expectations against the goals, objectives and content of the workshop and collectively with the participants seek ways to address those that the training may not have contemplated. The expectations are displayed throughout the period of the workshop.

Activity 4: Programme Content

Objectives:
- To review goals, objectives and content of the training.
- To consider issues, questions and topics not covered in the training but which are nonetheless of interest to the participants.

Time: 10 Min
Method: Brief Presentation

Resources: LCD projector and screen

Description:
The facilitator will make a brief presentation highlighting the objectives of the workshop, its content and format. The design of the programme should be explained as being participatory in nature, meaning that, both the facilitator and participants will be involved in the workshop processes.

Activity 5: Pre-Workshop Evaluation

Objectives:
- To reflect on skills and knowledge
- To identify areas for improvement
- To identify actions to improve skills and knowledge gaps

Time: 10 Min

Method: Individual Work

Resources: Questionnaire, pen/pencil

Description:
The organizers of the workshop would have prepared a questionnaire (see sample in Annex) for the activity in advance. The facilitator or the organizer would distribute copies of the questionnaires to every participant for completion. The completed questionnaires are then collected for analysis.

Activity 6: Welcome and Remarks

Objectives:
- To officially open the Workshop
- To raise public awareness on Whistle blowing in particular and corruption in general
- To announce the goals and objectives of the workshop to the general public.
- To recognize sponsors, participants, facilitators and other stakeholders

Time: 30 Min

Method: Short Presentations

Description
Under this activity, opening statements or remarks would be made by organizers of the workshop and other invited guests as the organizers deem fit.
This part serves as the backgrounder to the subsequent discussions on the Whistleblower Act of 2006. It has one Module with four activities. The Module covers definition of whistleblowing, its key features, the importance of whistleblowing and the conditions that should exist to aid effective whistleblowing, generally.

**MODULE 1: INTRODUCTION TO WHISTLEBLOWING**

**Activity 1: Understanding Whistleblowing**

**Objectives:**
- To define whistleblowing
- To examine the key features of whistleblowing

**Time:** 50 Min

**Resources:** flip chart, markers and masking tape

**Method:** Individual & Group Work or individual work: Brainstorming

**Description**

The activity is to be conducted in three parts. In the first part, participants will work individually to reflect on their understanding of whistleblowing and its key features. They will use the format below as a guide:

*Reference Sheet 1: My Own Understanding of Whistleblowing*

<table>
<thead>
<tr>
<th>S/No</th>
<th>Question</th>
<th>Answer</th>
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<tr>
<td>1.</td>
<td>In your view, what is whistleblowing?</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>In your view, who is a Whistleblower?</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>What are the key features of whistleblowing?</td>
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In the next part, participants will work in small groups (of 5, preferably) to further develop their ideas on whistleblowing. In the last part, the participants will share the results of the small group discussions with the larger group. The facilitator will sum up the discussion drawing the key features of whistleblowing.

**Activity 2: Importance of Whistleblowing**

**Objectives:**
- To examine the role of whistleblowing in ensuring transparency and accountability
- To encourage whistleblowing

**Time:** 45 Min
**Method:** Group work

**Resources:** markers, flip Chart paper, masking Tape

**Description:**
The activity is divided into four parts. The facilitator will divide participants in groups.

In Part A, participants will discuss in their groups the role whistleblowing plays in ensuring transparency and accountability.

In Part B, they will summarize their discussions on flip chart paper, having nominated a leader and a scribe for the group.

In Part C, the participants will report back, i.e. a representative of each group will present the main points of the group to the participants.

In Part D, the facilitator sums up the activity drawing on the relevance of Whistleblowing.

To help divide the participants into the groups the facilitator will request participants to locate and keep standing at any point/place in the room which they may like/admire (for any reason). The facilitator then gathers all participants standing at one place or near each other. Through this method the facilitator can form the required number of groups.

**Activity 3: Mechanisms for Whistleblowing**

**Objectives:**
- To discuss various ways of making whistleblower complaints in general
- To list institutions that deal with whistleblower complaints in general.

**Time:** 50 Min

**Method:** Open Forum & short Presentation

**Resources:** Flip chart paper and LCD Projector

**Description**
Participants will work in an open forum. The facilitator will lead participants to discuss specific mechanisms for making whistle blower complaints including official and unofficial channels. Participants will also discuss the institutions that usually receive complaints on impropriety. They will note the main points of discussion on a flip chart. The facilitator then sums up the activity. The summing up, which is a short presentation should address the avenues or outlets for whistleblowing such as designated state agencies, appropriate hotlines and complaints reporting facilities in employer organisations. A point must be made that every whistleblowing situation is unique. Therefore, it is important to study each outlet to determine which option is best.

**Activity 4: Conditions Necessary for Effective Whistleblowing**

**Objectives:**
- To explore the conditions for effective whistleblowing
- To examine ways to encourage persons to blow the whistle

**Time:** 45 Min
Method: Case Study

Resources: Flip chart paper, markers and masking tape

Description:
This activity has three parts. In the first part, the facilitator will give out copies of the case study (see below), which participants will study for 10 min. In the second part, participants will work in groups to identify measures taken in the case that they consider can motivate members of their communities to blow the whistle. In the third part, participants, led by the facilitator, will share their ideas with the rest of the participants in whole class/plenary.

Case Study 1: Worthy Whistleblower

On Tuesday, August 9, one of the State Agencies mandated to investigate disclosures of impropriety, received information from a Whistleblower that a group of officers had made a plan and was siphoning millions of Ghana cedi from government. Members of the group acquired luxury houses at East legion, Haasto and Spintex road worth several millions of dollars. The whistleblower provided detailed information about the modus operandi of the group.

The State agency conducted investigations within 30 days and submitted its findings and recommendations to the Attorney-General as required by law. On receipt of the report of investigations from the State agency, four members of the group were prosecuted in Court and sentenced to various terms of imprisonment. Their houses were confiscated to the state. The Whistleblower was also rewarded.

However, the identity of the whistleblower was later revealed and the family members of the Gang, tried to pursue the Whistleblower. Police acted swiftly and offered protection to the whistleblower and his family.
Part Three: The whistleblowers Act 2006 (Act 720)

In 2006, the Act was passed to provide for the manner in which individuals may in the public interest disclose information that relates to unlawful, corrupt or other illegal conduct or practices in the country. The Act aims to ensure that persons who make disclosures are not subjected to victimization. It also provides a system for victims who make disclosures to receive monetary compensation, where applicable, from a Fund established specifically for the purpose.

This part, which has eight (8) Modules, begins with a session on corruption, which will touch on measures to deal with corruption including legislation. The next part provides in general outline, the various provisions of the Act. The other areas the part considers are: definition of a Whistleblower; Procedures for making disclosures; protecting the Whistleblower, the Whistleblower Reward Fund, the role of CSOs, including the media. Module 8 deals with the challenges of implementation of the Act.

MODULE 1: GENERAL OVERVIEW OF THE WHISTLEBLOWERS ACT

Activity 1: Understanding Corruption
Objectives:
- To define corruption
- To list the causes, effects and impact of Corruption on National development
- To examine measures to combat corruption
- To link the fight against corruption with need for whistle blowing

Time: 45 Min

Method: PPT Presentation and Question & Answers

Resources: LCD and Projector

Description:
This activity is a presentation, which will focus on corruption and its various forms of manifestation; Causes of Corruption in Ghana, its impact and measures to deal with corruption. Mention should be made of the legal framework to combat corruption in Ghana and the role of sunshine legislation in particular. This would be followed by questions and answers session.

Activity 2: Importance of the Act in Combating Corruption in Ghana
Objectives:
- To examine the relevance of the Whistleblower to fight Corruption in the country.
- To examine how the Act can contribute to combating corruption in the country

Time: 30 Min.
Method: Presentation, Q&A

Resources: LCD Projector and screen

Description
This is a presentation to be followed by Questions and Answers session. The presentation should take into consideration the importance of the legal framework in fighting corruption in the country in general and the role of the Act, in particular, in fighting corruption

Activity 3: General overview of the Act

Objectives:
- To introduce to participants to the scope, content and structure of the Act
- To highlight the main provisions of the Act
- To contextualized the outline of the discussions on the Act

Time: 45 Min

Method: Presentation

Resources: LCD Projector and screen

Description:
The presentation should focus on the scope, structure and content (main provisions) of the Act. Participants would then be given the opportunity to ask questions and seek answers to them.

MODULE 2: DEFINING THE WHISTLEBLOWER?

Activity 1: Who is a Whistleblower?

Objectives:
- To define who a whistleblower is under the Act
- To discuss the key features of a whistleblower under the Act

Time: 45 Min

Method: Group Work/Reading

Resources: Flip chart, paper and pen

Description:
This activity is divided into two parts. In part A, the facilitator will form groups of reasonable numbers using an energizer. In part B, participants will be provided with the text of the relevant sections of the Act to read for 10 min. The relevant sections are as below:

Reference Sheet 1: Who is a Whistleblower?

Disclosure of Impropriety

1. (1) A person may make a disclosure of information where that person has reasonable cause to believe that the information tends to show:

(a) an economic crime has been committed, is about to be committed or is likely to be committed;

b) another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;
(c) a miscarriage of justice has occurred, is occurring or is likely to occur;
(d) in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;
(e) the environment has been degraded, is being degraded or is likely to be degraded; or
(f) the health or safety of an individual or a community is endangered, has been endangered or is likely to be endangered.

(2) A conduct which falls within any of the matters specified in subsection (1), is in this Act referred to as an "impropriety".

(3) A person who makes a disclosure of impropriety is in this Act referred to as a "whistleblower".

Together with the facilitator, the participants will discuss the definition of a whistleblower drawing attention to the key features of a whistleblower under the Act for the rest of the time.

**Activity 2: The Whistleblower versus the Informant**

**Objectives**
- To examine who is an informant
- To examine differences between an informant and a Whistleblower

**Time:** 30 Min

**Method:** Individual Work

**Resources:** pen/pencil, paper

**Description:**
This activity is in three parts. In the first part, the facilitator will give out copies of the text (below), which participants will study for 10 min. In the second part, participants will work individually to identify whether Mr. Rockson is an informant or whistleblower and provide reasons for their answers. In the third part, participants, led by the facilitator, will share their ideas with the rest of the participants in the whole class. The facilitator will wrap up the discussion.

**Reference Sheet 2:** "Whistleblower” in Trouble"

In September, 2006, Mr. Rockson visited a State Security Agency and reported that a group of people were plotting to attack a certain security installation at night. He said that he pretended to be part of the group and had indeed, taken part in some of the meetings of the Group.

Mr. Rockson further disclosed that the next meeting of the Group was to take place in Kumasi and that soon after his meeting with the Boss of the security agency; he would leave for Kumasi to attend the meeting.

Mr. Rockson was received well and provided with money for his transport and some cash for his subsistence in Kumasi. Mr. Rockson was later discovered in a tilapia joint with a few friends both male and female enjoying fish and drinks. He did not travel anywhere.
MODULE 3: PROCEDURES FOR MAKING DISCLOSURES

Activity 1: Receiving a Disclosure of Impropriety

Objectives:
- To examine ways of making and receiving disclosures of impropriety
- To discuss the content of a disclosure of impropriety.
- To list persons who may receive disclosures of impropriety

Time: 30 min

Method: Presentation

Resources: LCD Projector and screen

Description:
This is a presentation, followed by questions and answers. The activity would focus on the following, among others:
- Content of disclosures;
- Who can investigate disclosures;
- The rationale for designating as many as 18 persons to deal with disclosures and the possible challenges that such an arrangement might pose.

The presentation should also highlight the point that every whistle blowing is unique and therefore, whistleblowers should choose an outlet that is best having regard to section 3 (2) of the Act.

Activity 2: Action by Persons after Receipt of Disclosure

Objectives:
- To examine steps to be taken on receipt of a disclosure of impropriety.
- To discuss the steps to be taken by traditional authorities on receipt of disclosure of impropriety.
- To distinguish investigating agencies from non-investigating agencies

Time: 45 Min

Method: Role Play

Resources: Pen, paper

Description:
The facilitator will share out copies of text of the scenario below to participants to study for 10 minutes. Together with participants, the facilitator selects participants to carry out the activity. One participant will play the role of Nana Yiadom Benedict II (the chief). The other will act as the Folie (the Whistleblower). The rest of the participants will observe how the chief would handle the disclosure from the whistleblower. The facilitator then summarizes the activity before proceeding to undertake the activity. The facilitator would explain the relevant provisions of the Act.
10 people die in Samsam Community

Samsam is a community that is not easily accessible by road as it is located between two big rivers. The only means of transport to and out of Samsam is either by boat or canoe run by local people. The nearest police station is 30 km away from the community. Other state agencies have no offices in the community and the nearest town is also 30 km away. The assemblyman for the area works and lives in the nearby town and the Member of Parliament has not been to Samsam in the last six months.

A waste management company recently won the bid to manage waste in a nearby town. The Company, 50-50 Waste Management Ltd, devised an easy method of managing the waste from the nearby town. At night when all the residents of Samsam are asleep, the company, using its boats, would discharge faecal waste collected from the town into a small river at Samsam, which serves as the only source of good drinking water to the community. Only recently was it detected by the District Hospital that the recent deaths recorded in Samsam, was due to water pollution.

In the meantime, it is being speculated in Samsam that the company has “bought” every influential person in Samsam and that anyone “who plays the fool” with the company would “live to regret.”

Mr. Folie, a member of the Samsam community who discovered that the pollution was caused by the company decides to disclose this information to Nana Yiadom Benedict II, the chief of Samsam.

Activity 3: Confidentiality of the Disclosure

Objectives:
- To explore various ways of ensuring the confidentiality of the Whistleblower.
- To explore ways to ensure confidentiality of information received from the Whistleblower
- To discuss the consequences of a breach of confidentiality

Time: 45 Min.

Method: Case Study

Resources: copies of case study, pen, paper

Description:
The facilitator will give out copies of the case study (see below) to all participants and give them 10 minutes to read through the case.

Case Study

Whistleblower Compensated At Last

In 2006, Advocate Sunami blew the whistle on fraud occurring in a State Security Organization. According to her claims, the organization was not investigating disclosures made to it and was derailing investigations against senior government officials.

Sunami’s trouble began in early 2006 when she, as part of her duties and under pressure from the Attorney-General, wrote two reports on the organization’s fraud hotline - which was later, made national - and claimed that in some cases almost half of all tip-offs were never investigated.
She wrote:

"Hotline reports would continue to be delayed, would lie around and get stuck in ... offices and there was no feedback"

In one report she assessed the hotline's performance between January and October 2005. In April, nine out of 20 tip-offs were never dispatched. In August, a quarter of 43 reports were "lost in the system".

From then on, her environment grew "toxic". She was ignored, her subordinates were reassigned and her duties around the hotline were taken away. She was given a written warning and eventually left. On December 4, 2006, Sunami resigned - because she "simply couldn't go on".

In 2008, a Court declared her resignation was coerced and she was awarded compensation.

The facilitator will lead participants to reflect on the following:

- How was the identity of Advocate Sunami disclosed
- What happened to Sunami?
- What should happen to the person who caused the leakage of the identity of Sunami?

Participants will share their ideas in plenary and the facilitator will wrap up the discussion.

**MODULE 4: PROTECTING THE WHISTLEBLOWER**

**Activity 1: Understanding victimization?**

**Objectives:**
- To discuss what victimization means
- To list examples of victimization
- To list persons likely to victimize whistleblowers

**Time:** 45 Min

**Method:** Whole Class

**Resources:** Pen, paper

**Description**
This activity is a whole Class Discussion: The facilitator will make a brief introductory statement on the provisions of the Act which touch on the subject matter and lead participants in a whole class to discuss the topic.

**Activity 2: Protection Mechanisms for Whistleblowers**

**Objectives:**
- To discuss methods of protections
- To discuss who qualifies for protection
To explore criteria for ceasing to protect whistleblowers
To examine the adequacy of the protection mechanisms

**Time:** 45 Min.

**Method:** Debate

**Resources:** pen, paper

**Description:**
This activity is divided into three steps. In part A, the facilitator will make a brief presentation on the protection mechanisms provided under the Act. In part B, participants will undertake a debate on the Motion: "THE METHODS OF PROTECTION PROVIDED UNDER THE ACT ARE ADEQUATE"

Two steps are involved in organizing the debate. In step 1, the participants will prepare for a debate in groups of two (i.e. Group One and Group Two). In step 2, participants will conduct the debate using the format below:

a. Opening statement from Group One
   Opening statement from Group Two

b. Challenging Statements from group One
   Challenging Statements from Group Two

c. Closing Statements from Group One
   Closing Statements from Group Two

In part B, the tutor facilitator makes concluding observations on the debate. The facilitator should remember that there are no right and wrong answers in the debate. All views are accepted.

**Activity 3: Who provides Protection for Whistleblowers?**

**Objectives:**
- To list the institutions that are supposed to provide protection for Whistleblowers
- To highlight the mandates of the institutions to provide protection to Whistleblowers
- To discuss the nature of protection that each institution can provide
- To discuss the role of CHRAJ in protecting Whistleblowers from Victimization

**Time:** 45 Min

**Method:** Reading and Comprehension

**Resources:** Relevant sections of the Act, pen, paper

**Description:**
This activity is in 3 parts.

In Part A, the facilitator would distribute the relevant sections of the Act to participants to study for 10 minutes.
In Part B, participants will discuss the following issues/questions in groups and record their views on flip chart:

- Institutions that provide protection for Whistleblowers;
- The nature of protection that each institution provides, and
- The role of CHRAJ in protecting Whistleblowers from Victimization

In Part C, they will share their views in plenary (report back), which the facilitator will lead.

**Reference Sheet 3: Protection for Whistleblowers**

12. (1) A whistleblower shall not be subjected to victimization by the employer of the whistleblower or by a fellow employee or by another person because a disclosure has been made.

13. (1) A whistleblower who honestly and reasonably believes that he/she has been subjected to victimization or learns of a likely subjection to victimization because a disclosure has been made, may in the first instance make a complaint to the Commission.

14. (1) The Commission shall, on receipt of a complaint, conduct an enquiry into the complaint at which the whistleblower and the person against whom the complaint is made shall be heard.

(2) The Commission in the course of conducting an enquiry under subsection (1) may make an interim order that it considers fit.

(3) After hearing the parties and other persons considered necessary by the Commission, the Commission shall make an order considered just in the circumstances including an order for

(a) re-instatement,

(b) reversal of a transfer, or

(c) of the whistleblower to another establishment where applicable.

(4) The Commission may, where it considers it just in the circumstances of the case, make an order for payment of reward from the Fund established under section 20.

(5) An order of the Commission under this section shall be of the same effect as a judgment or an order of the High Court and is enforceable in the same manner as a judgment or an order of the High Court.

**Right of action for victimization**

15. A whistleblower who has been subjected to victimization may bring an action in the High Court to claim damages for breach of contract or for another relief or remedy to which the whistleblower may be entitled, except that an action shall not be commenced in a court unless the complaint has first been submitted to the Commission under section 13.
Legal assistance

16. Where the Commission in the course of an inquiry or hearing before it under section 14, is of the opinion that the whistleblower is in need of legal assistance, the Commission shall issue a certificate to the whistleblower to obtain legal aid from the Legal Aid Board or another institution that the Commission may specify in the certificate.

Police protection

17. (1) A whistleblower who makes a disclosure and who has reasonable cause to believe that

(a) the whistleblower’s life or property, or
(b) the life or property of a member of the whistleblower’s 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.

Protection against civil and criminal action

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

Void employment contracts

19. (1) A provision in a contract of employment or other agreement between an employer and an employee is void if it

(a) seeks to prevent the employee from making a disclosure,
(b) has the effect of discouraging an employee from making a disclosure,
(c) precludes the employee from making a complaint in respect of victimization, or
(d) prevents an employee from bringing an action in court or before an institution to claim relief or remedy in respect of victimization.

MODULE 5: REWARDING THE WHISTLEBLOWER

Activity 1: Establishment of the Whistleblower Reward Fund

Objectives:
- To examine reasons for establishing the fund
- To discuss how the fund is to be resourced

Time: 30 min.

Method: Presentation, Q&A

Resources: LCD Projector, screen

Description:
This activity is a presentation and it is intended to focus on why the fund was established, its sources of funding and how the Fund is to be used. The presentation should be made in reference to sections 23 and 24 of the Act.
Activity 2: Management of the Fund

Objectives:
- To examine the management structure of the fund
- To examine the role of the IGP, AG and CHRAJ in the management of the fund

Time: 30 Min

Method: Presentation, Q&A

Resources: LCD Projector, screen

Description:
Section 26(1) - “The Fund shall be managed and administered by the Board which shall include for this purpose the Inspector-General of Police or a representative of the Inspector-General of Police..” and section 32 defines the Board as “… the Legal Service Board established under section 8 of the Legal Service Law, 1993 (P.N.D.C.L. 320). The presentation should focus on membership of the Board, how the Board manages the Fund and the role of the IGP and CHRAJ in the management of the Fund.

Activity 3: Payment of Rewards to Whistleblowers

Objectives:
- To discuss conditions under which payments from the fund may be made.
- To examine the role of CHRAJ and the IGP in rewarding Whistleblowers

Time: 30 Min

Method: Presentation, Q&A

Resources: LCD Projector, screen

Description:
Referring to sections 14 (4) 22, 23, 24, 27 and any other relevant sections of the Act, which provide for the manner in which payments from the Whistleblower Reward Fund may be made, the facilitator makes a presentation focusing on the criteria for making payments out of the Fund, and the role of the Inspector-General of Police and the CHRAJ in either ordering, approving or making recommendations for payments of monetary rewards out of the Fund.

MODULE 6: THE MEDIA AND WHISTLEBLOWING IN GHANA

Activity 1: Role of the Media

Objectives:
- To explore the role the media can play in promoting the implementation of the Act
- To discuss the difference between “blowing the whistle” in the media and Whistleblowing in law
- To examine the implications of blowing the whistle in the media

Time: 45 Min

Method: Case Study

Resources: copies of story, pen, paper
Description:
Participants will be placed into different groups. The facilitator will give out copies of the case study (see below) to all participants and give them 10 minutes to read through the case.

Case Study 3: “Whistleblower Thrown Out”

The Moon Newspaper “Whistleblower Thrown Out”

Advocate, Mohammed has gone into hiding after several threats on his life, including physical torture at the hands of a syndicate who employs various tricks to embezzle state funds. Advocate Mohammed blew the whistle on the operations of the syndicate which has some prominent public officers as members for alleged embezzlement of millions of cedis from the state every month. Advocate Mohammed blew the whistle to the Moon Newspaper, which was reported on 20th May 2000.

According to Advocate Mohammed, rather than investigating the disclosure of impropriety, the Police arrested and detained him. In an interview with the Moon Newspaper, shortly after his arrest and detention, Advocate Mohammed accused the Police and some state agencies for plotting to eliminate him. One year on, Advocate Mohammed’s assailants are still praying for his blood. The hell has been beaten out of him on several occasions, compelling him to abandon his wife and children. According to him, each occasion when he reported assaults on him the police turned him away and left him at the mercy of those trying to eliminate him. Advocate Mohammed then subsequently petitioned the Chief Justice, the Attorney General and Minister of Justice and the Minister of Interior to rescue him from his assailants.

The attempts on his life notwithstanding, Advocate Mohammed insists that he stands by the allegation she made against the syndicate and appealed to the Attorney General and other state anti-corruption bodies to probe the allegations. No doubt, the mal-treatment of Advocate Mohammed for the simple reason that he blew the whistle over some people milking billions of cedis out of the public purse raises doubts about the government’s readiness to protect whistleblowers.

After each group has had about 20 minutes to address the issues below:

- Did Advocate Mohammed blow the whistle?
- Identify the reasons why it is not advisable to blow the whistle to the media
- If you were the Editor of the Moon Newspaper, could you have done anything to ensure his safety?

The facilitator should spend about 5 minutes to sum up the discussions noting that whistle blowing in Ghana is a confidential process. It is not a matter for public debate or analysis in newspapers or FM stations.

Activity 2: Working with the Media
Objectives:
To examine the relationship of the whistleblower and the media
To examine relationship of CSOs, Traditional Authorities and the media
To explore ways to collaborate with the media
Time: 45 Min  
Method: Group Discussion  
Resources: flip chart paper, masking tape  

Description  
This activity is divided into two parts.  
In Part A, participants will work in small groups to identify two ways of working with the media.  
In Part B, each group will present their ideas to the larger group. The facilitator, preferably someone in the media, comments on the presentations of the groups.

MODULE 7: ROLE OF CSOS AND TRADITIONAL AUTHORITIES  
Activity 1: Receiving a Disclosure of Impropriety  
Objectives:  
- To discuss steps to be taken by traditional Authorities on receipt of a disclosure  
- To explore the role of CSO & CBOs in assisting traditional authorities receive disclosures  
Time: 45 Min  
Method: Presentation, Q&A  
Resources: LCD Projector, screen  

Description:  
The activity is a presentation on the roles assigned to Chiefs, Elders and Head of Family of the whistleblower, as well as any other role that these persons can play to promote a whistleblowing culture in the communities. After the presentation, the participants may ask questions and make contributions to the presentation.

Activity 2: Assisting the Whistleblower to report to other Authorities  
Objectives:  
- To explore how Traditional Authorities can assist Whistleblowers report to the Police or other authorities  
- To discuss factors that may influence traditional authorities in choosing the agency or person to which the whistleblower should report.  
Time: 45 min  
Method: Brainstorming  
Resources: flip chart paper, masking tape  

Description:  
The activity is divided into three parts.  
In Part 1, the facilitator leads a brainstorming session for participants to identify ways that a Chief or Head of family of the Whistleblower will take to assist the whistleblower report to the Police or other...
agencies. As the participants provide ideas, the facilitator lists these on a flip chart according to the person (i.e. Chief or Head of family) as provided in the worksheet below.

**Worksheet 2: Whistleblower Protection Methods**

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Method/Category of Persons</th>
<th>Chief</th>
<th>Head of Family</th>
<th>Elder</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

In Part 2, participants will further discuss the factors that traditional authorities will consider in selecting the person or authority to which the whistleblower would report the impropriety.

In Part 3, the facilitator will sum up the activity. The facilitator should note the factors such as distance, fear that evidence may be concealed and prevailing circumstances in the community.

**Activity 3: Confidentiality of the Whistleblower**

**Objectives:**
- To explore how traditional authorities can ensure confidentiality of the whistleblower
- To explore the contribution of CSOs in ensuring the confidentiality of whistleblowers

**Time:** 45 Min

**Method:** Brainstorming

**Resources:** pen, paper

**Description:**
The facilitator leads participants in a brainstorming session to have them reflect on ways that CSOs and Traditional Leaders can take to ensure confidentiality of whistleblowers and the whistleblower information.

This activity draws lessons, which are particularly important where the Whistleblower comes from a small community where everybody knows everybody, as is often said, and where state agencies do not exist.

**Activity 4: Protecting the Whistleblower**

**Objectives:**
- To consider measures that CSOs and traditional authorities can take to provide additional protection to Whistleblowers

**Time:** 45 Min

**Method:** Group Work

**Resources:** flip chart paper, markers and masking tape

**Description**
The facilitator will divide participants into small groups according to the categories of participants: Group A- CSOs; Group B- Chiefs; Group C-Elders/Heads of family. The groups conduct a brainstorming session on issues and report back. The facilitator leads the discussion.
MODULE 8: CHALLENGES OF IMPLEMENTATION OF THE WB ACT

Activity 1: Challenges of CSOs

Objectives:
- To examine and list challenges of CSOs
- To propose appropriate strategies

Time: 45 Min

Method: Presentation

Resources: LCD Projector and screen

Description:
Civil Society organisations are not mandated under the Act to deal with whistleblower complaints. Nevertheless, CSOs can promote the implementation of the Act. This activity seeks to explore that role. Therefore, in this activity, the facilitator discusses the role of CSOs in promoting a whistle blowing culture in the country.

Activity 2: Challenges of Chiefs and Elders

Objectives
- To examine and list challenges of Chiefs and Traditional Leaders
- To make suggestions to deal with the challenges

Time: 45 Min

Method: Presentation

Resources: LCD Projector, screen

Description:
Sections 3, 5, 6 and 7 of the Act provide for some of the roles that Chiefs and Elders can play under the Act. These sections deal with receiving disclosures of impropriety, reducing the disclosures into writing, taking action on receipt of the disclosures and submission of a copy of the disclosure to the Attorney-General.

Referring to these sections of the Act, the facilitator discusses the role of Chiefs and Elders as well as any other roles not provided under the Act, but which can nonetheless contribute to a whistle blowing culture in the country. Questions and answers follow after the presentation.

Activity 3: Challenges of Head of Family and Religious Leaders

Objectives
- Examine and list challenges of Heads of Family and Religious Leaders
- Make suggestions to deal with the challenges

Time: 45 Min

Method: Presentation

Resources: LCD Projector, screen
**Description**

Sections 3, 5, 6 and 7 of the Act provide for some of the roles of Heads of Family and religious organisations. These sections deal with receiving disclosures of impropriety, reducing the disclosures into writing, taking action on receipt of the disclosures and submission of a copy of the disclosure to the Attorney General. Referring to these sections of the Act, the facilitator discusses the role of head of family of the whistleblower and religious organisations as well as any other roles not provided under the Act, but which can nonetheless contribute to a whistleblowing culture in the country.

Questions and answers follow after the presentation.

**Activity 4: General Challenges of Implementation of the Act**

**Objectives:**
- To identify general challenges
- To propose appropriate strategies to deal with the challenges

**Time:** 45 Min

**Method:** Small Group Work

**Resources:** flip chart paper, masking tape

**Description:**
This activity is divided into three parts.

In Part A, participants will work in small groups to identify challenges to whistleblowing in the country and/or their communities and the strategies to address them.

The facilitator divides participants into small groups according to the target audience of the training: CSOs in one group; CBOs in another and Traditional Leaders in the other. Participants will use the Reference Sheet/information provided below as reference for this activity, as well as their own ideas.

*Reference Sheet 4: Challenges of Stakeholders*

**Summary of Challenges Identified by Stakeholders:**

The Whistleblowers Act brings with it a number of challenges. These include:

- **Scope of Application:** It is being perceived that the Act applies to only the Public Sector. This perception arises because the Act fails to mention the private sector specifically.

- **Confidentiality:** Ensuring intra-institutional confidentiality is another challenge. According to the Act, the Whistleblower may make a disclosure to one or more of the 18 institutions and persons mandated to receive disclosures. Where the Whistleblower makes the disclosure to four persons, keeping the information confidential may become problematic. In addition, it will make it very difficult to locate responsibility for any leakage of information as the institutions and persons who may have handled the information are many.

- **Parent v. Whistleblower Mandate:** Most of the institutions mandated to receive whistleblower complaints already have mandates similar to those provided under the Act. A challenge may arise where the institution receives a complaint from the public which is not very obvious that it comes under the Act.

The Whistleblower Act 2006 therefore brings with it the challenge of distinguishing complaints that will be termed as Whistle blowing from those that will fall under the
parent Acts of these institutions. This means that there must be serious public education on how to make a disclosure of impropriety to those institutions.

Lack of Awareness: There is general lack of awareness of the Act. Very few people are even aware that the law has been passed. Even then, there is general lack of appreciation of the import of the Act and its benefits. The result is the absence of a whistle blowing culture in the country. This is reflected in the few disclosures made since the Act became operational.

Lack of Internal Whistle blowing Policies in Organizations: Very few organizations, both public and private sector, have whistle blower policies and procedures in order to encourage whistle blowing.

Traditional Systems and Beliefs: It is not easy to say that the whistleblower act will change longstanding belief system and practices in organizations. The negative perception and stigmatization of whistleblowers as ‘troublemakers’ will take some time to change. It is important that determined effort is made to see the extent to which the act is contributing to building a new organizational ethos that is a marked departure from the past.

The facilitator provides each group with copies of the Reference Sheet “Challenges Identified by Stakeholders”. Keeping in mind the challenges outlined in the summary, participants will identify potential challenges in their work/organizations. They will list them as follows:

**Work Sheet 3: Challenges of Stakeholders**

Group: ............................................

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Challenges</th>
<th>Strategies</th>
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<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>3.</td>
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</table>

In Part B, participants will share the results of your discussions with the larger group (i.e. report back). In part C, the facilitator will sum up the discussion.
Part 4: Closing Session

The activities in Part four bring closure to the training. The part deals mainly with an assessment of the implementation of the entire training programme. It also seeks to gather feedback on the content and process of the training. It also focuses on assisting participants reflect on their learning and to receive proposed actions for improving future programmes.

MODULE 1: CLOSING AND EVALUATION

Activity 1: Post Workshop Evaluation

Objectives:
- To gather feedback on the content and process
- To assess the entire programme implementation
- To consider the extent to which expectations have been met
- To receive proposed actions for improvement of future programmes
- To assist participants reflect on their learning

Time: 15 min

Method: Questionnaire

Resources: pen, copies of printed questionnaire

Description:
This activity is to be performed by the organizers and not the facilitator. The organizers would have prepared a questionnaire (see sample in Annex) for the activity, which would be distributed at the end of the programme and before the official closing. The completed questionnaires are then collected for analysis later. The results are then communicated to the facilitators and all relevant persons.

Activity 2: Official Closing

Objectives:
- To officially bring closure to the training
- To appreciate the contribution of facilitators, participants and organizers of the training

Time: 30 Min

Method: Short Presentations

Description:
A representative of the organisation responsible for organising the training and any other invited guest would make short remarks assessing the implementation of the training for the period and appreciating the contribution of all stakeholders.
END OF TRAINING
References

5. Peter B. Jubb, Whistle blowing: A Restrictive Definition and Interpretation, Journal of Business Ethics
7. Equitas, 2007., Training of Trainers: Designing and Delivering Effective Human Rights Education, Montreal, Quebec, Canada
Annex 1: Glossary of Terms Used

Activity
Learning tasks designed to teach a set of content, which lead to achieving the objectives of the program. One of the trainer’s roles is to design activities and to be available as a resource while the learners carry out the activities.

Brainstorming
This is a basic and highly popular tool for group problem solving. The purpose of using brainstorming is to generate ideas or to seek solutions to both theoretical and practical problems. They require a problem to be analyzed and then solutions to be developed. Brainstorming encourages and requires a high degree of participation and it stimulates those involved to maximum creativity.

During a brainstorming session, only ideas are recorded; no explanations are required and no interventions are judged or rejected at this stage. In a subsequent stage, responses are categorized and analyzed; ideas are then combined, adapted or rejected.

Briefing
A brief, cursory and introductory overview of a single topic, the purpose is to introduce the audience to some basic concepts with respect to a given subject.

Case Study
A technique designed to give a group training in solving problems and making decisions. A case study is a written description of a hypothetical situation that is used for analysis and discussion. Case studies should be based on credible and realistic scenarios which are not too complex and which focus on two or three main issues.

Case studies are useful when discussing common problems in a typical situation. They also provide a safe opportunity to develop problem-solving skills, and to promote group discussion and group problem-solving skills. The scenario for a case study can be presented to participants for consideration, in its entirety, or “fed” to them sequentially as a developing situation to which they have to respond.

Debate
A technique where participants state conflicting views and argue their points. A moderator is required.

Energizer
Activities designed to pep up the group after significant periods of inactivity, fatigue, or plain dullness.

Evaluation
The purpose of an evaluation is to assess training outcomes. It provides a way to measure how much was accomplished during a training session and to examine how the design of teaching can be changed in the future, often using evaluation instruments and reports.
Experiential Learning
A method that allows the learner to learn from experience; synonymous with discovery learning.

Facilitator
A trainer who functions in a way that allows participants to assume responsibility for their own learning.

Feedback
Data received from or given to one or more participants concerning one's behavior, attitudes and relationships in the training situation.

Forum
Free, open question/discussion period immediately following a presentation

Group Discussion
Mutual exchange of ideas and opinions by members of small groups (8 to 20) on a problem or issue of common concern. The purpose of using group discussions is to develop understanding.

Presentation
A presentation is an activity conducted by a resource specialist to convey information, theories or principles. Forms of presentation can range from straight lecture to some involvement of the learner through questions and discussion. Presentations depend more on the trainer for content than does any other training technique.

Question Period
An opportunity for anyone in an audience to directly question presenters

Role Play
In a role play, two or more individuals enact parts in a scenario related to a training topic. Role plays are used to help change people's attitudes, enable people to see the consequences of their actions on others, provide an opportunity for learners to see how others might feel/behave in a given situation, provide a safe environment in which participants can explore problems they feel uncomfortable about discussing in real life.

Small Group Discussion
An activity that allows learners to share their experiences and ideas or to solve a problem. This training technique enhances problem-solving skills, helps participants learn from each other, gives participants a greater sense of responsibility in the learning process, promotes teamwork, and clarifies personal values. The optimal size of a small group is four.

Synthesis
A summarizing task; a way to invite learners to look back on what they have learned and sum it up. Popular education aims at a synthesis at the end of each day and at the end of the course.
REFERENCE SHEET 1: UNDERSTANDING WHISTLEBLOWING

Understanding Whistleblowing

Introduction

Just like corruption there is no universally accepted definition of whistleblowing. This is because whistleblowing can be seen as (1) an anti-corruption tool, (2) an act of free speech and (3) an organizational ethics management mechanism.

The UK Standing Committee on Standards in Public Life defines whistleblowing as ‘raising a concern about malpractice within an organization through an independent structure associated with it’.

Ralph Nader (1971) says whistleblowing is “an act of a man or woman who, believing that the public interest overrides the interest of the organization he serves, blows the whistle that the organization is involved in a corrupt, illegal, fraudulent or harmful activity’. Marcia P. Miceli and Janet P. Near (1982) describe the four processes of whistleblowing namely:

- A triggering event occurs, involving questionable, unethical, or illegal activities which influences the employee to consider blowing the whistle
- The employee engages in decision making, assessing the activity and whether it involves wrongdoing, gathering additional information, and discussing the situation with others.
- The employee exercises voice by blowing the whistle; alternatively the employee could exit the organization or remain silent out of loyalty or neglect.
- Organization members react to, and possibly retaliate against the whistleblower.

Peter Jubb sees whistleblowing as an element of free speech describing it as “a deliberate non-obligatory act of disclosure which gets into public record and is made by a person who has or had privileged access to data or information of an organization about non-trivial legality or other wrongdoing whether actual or suspected or anticipated which implicates and is under the control of that organization to an external entity having potential to rectify the wrongdoing "The International Labor Organization (ILO) looks at whistleblowing from the employment perspectives defining it as “the reporting by employees or former employees of illegality, irregular, dangerous or unethical practices by employers”. According to the Australian Senate Select Committee what is important is not the definition of the term but the definition of circumstances and conditions under which the employees who disclose wrongdoing should be entitled to protection from retaliation. An expensive form of looking at whistleblowing is to see it as a means to promote accountability by encouraging the disclosure of information about misconduct and also protecting the whistleblower against sanctions of all forms. It relates to both internal and external disclosures and should apply to all organizations; public or private. The results of
whistleblowing are to ensure that individuals express their democratic right of freedom of speech without any holdback and that organizations become more transparent in their activities and are accountable to their stakeholders.

It is envisaged under whistleblowing that employees would be afforded the opportunity to by-pass the direct management line and go outside the organization if they feel management is engaged in a discredited act.

**Who is a Whistleblower?**
The term ‘whistleblower’ is derived from the practice of English police officers, who would normally blow their whistles to alert other officers and the general public of danger when they noticed that a crime has been committed. In that regard a whistleblower is a person who expresses concern by reporting a wrongdoing that has occurred, is occurring or likely to occur in an organization or body of people.

The alleged misconduct may be classified in many ways, for example:
- A violation of a law, rule, regulation and/or
- A direct threat to public interest, such as fraud, health/safety violations, and corruption.

To be considered a whistleblower the employee must:
- Have reason to believe his or her employer has violated some law, rule or regulation;
- Testify or commence a legal proceeding on the legally protected matter;
- Refuse to violate the law; and
- Acting good faith.

Whistleblowers are commonly seen as selfless martyrs for public interest and organizational accountability.

**Ways to blow the whistle**
Four ways to blow the whistle are:
- Reporting wrongdoing or a violation of the law to the proper authorities such as a superior officer, a hotline or an Attorney-General, etc;
- Refusing to participate in workplace wrongdoing;
- Testifying in a legal proceeding; and
- Leaking evidence of wrong doing e.g. to the media(This should be done with caution)

**Reasons Why People must blow the whistle**
There is evidence that many devastating cases of corruption and its consequences could have been averted if steps were taken by individuals who were aware to report the danger. Failure to blow the whistle can lead to:
- Financial loss;
- Death;
- Material loss;
- Loss of job, life-long savings and pensions; and
- Extra cost to shareholders, investors, etc.
In 1994 in Kenya 300 passengers got killed on a Mom bass a ferry as a result of failure to report corruption and safety issues. In the case of the collapse of the Bank of Credit and Commerce International in 1991 it is known that about two billion pounds were lost by customers as a result of fraud/corruption. Staff did not feel they could voice out their concerns as a result of the prevailing intimidating environment. An internal auditor who raised concerns was dismissed.

**Reasons why some are usually reluctant to blow the whistle**

Many people are usually reluctant to blow the whistle for a number of reasons, including the following:

- Inadequate protection;
- Societal perception of whistleblowers as trouble makers;
- Lack of moral courage. Whistleblowing calls for virtues, especially courage, to stand up for principles that in the public interest;
- Fear of reprisal, e.g. dismissal from work, intimidation, or victimization;
- Personal cost. e.g. emotional stress, depression and anxiety;
- Culture of silence and some traditional practices of being other's keeper no matter what; and
- Fear of losing relationships at work and outside work.

**Role of Whistleblowing**

- It is a powerful mechanism for fighting corruption, waste and indiscipline which flourish the more where the likelihood of getting caught and punished is low.
- It is a solid way of safe guarding the interest of staff and the people using the service as well as the organization’s reputation.
- It may lead to increased public confidence in the organization and its products.
- It creates the opportunity for organization learning since more people will be willing to disclose concerns about poor practice. The consequence of this will undoubtedly be improved quality of service and protection for the vulnerable people.
- It is a nearly warning signal for organizations that something has gone wrong, or is going wrong, will go wrong for the necessary internal management mechanisms to be deployed.

**Factors Promoting whistle blowing Culture**

Several factors can promote the disclosure of information on impropriety. These include:

- Protection for whistleblowers. They must have solid legal protection, access to courts of justice, rights to legal counsel and the rights to compensatory, aggravated and punitive damages
- When whistleblowers are viewed by public in a positive light
- Effective governmental administrative and legal machinery with powers of enforcement
- Well informed and active civil society groups and communities

**Where to disclose information**

Whistleblowers may make their allegations internally (for example, to other people within the accused organization) or externally (to regulators, law enforcement agencies, to the media or to groups concerned with the issues).

Most whistleblowers are internal whistleblowers, who report misconduct to a fellow employee or a superior officer in the establishment. For this to be effective there must be complaint systems that offer
not just options dictated by the establishment, but a choice of options for individuals, including an option that offers confidentiality.

Although the whistleblower is normally from the same organization, he/she could also be an outsider. External whistleblowers report misconduct to outside persons or entities. They may report the wrong doing to lawyers, the media, and law enforcement agencies or watch dog agencies, or other district or regional agencies.
Annex 3: Case Studies

Case Study 1: “Whistleblower” in Trouble”
On Tuesday, August 9, one of the State Agencies mandated to investigate disclosures of impropriety, received information from a Whistleblower that a group of officers had made a plan and was siphoning millions of Ghana cedis from government. Members of the group acquired luxury houses at East Legion, Hasto and Spintex Road worth several millions of dollars. The whistleblower provided detailed information about the modus operandi of the group.

The State agency conducted investigations within 30 days and submitted its findings and recommendations to the Attorney-General as required by law. On receipt of the report of investigations from the State agency, four members of the group were prosecuted in Court and sentenced to various terms of imprisonment. Their houses were confiscated to the state. The Whistleblower was also rewarded.

However, the identity of the whistleblower was later revealed and the family members of Gang, tried to pursue the Whistleblower. Police acted swiftly and offered protection to the whistleblower and his family.

Case Study 2:
In 2006, Advocate Jeanneta Brink blew the whistle on fraud occurring in South African Province of Gauteng. According to her claims, the local anti-corruption hotline was not investigating tip-offs and was derailing investigations against senior government officials.

Brink’s trouble began in early 2006 when she, as part of her duties and under pressure from the Public Services Committee, wrote two reports on the provincial fraud hotline - which was later made national - and claimed that in some cases almost half of all tip-offs were never investigated.

She wrote:
“Hotline reports would continue to be delayed, would lie around and get stuck in ... offices and there was no feedback,”

In one report she assessed the hotline’s performance between January and October 2005. In April, nine out of 20 tip-offs were never dispatched. In August a quarter of 43 reports were "lost in the system". The departments implicated included social development, transport, labour, health, education and housing.

From then on her environment grew "toxic". She was ignored, her subordinates were reassigned and her duties around the hotline were taken away. She was given a written warning and eventually left. On December 4, 2006, Brink resigned - because she "simply couldn’t go on". In 2008, a Court declared her resignation was coerced and she was awarded compensation.

Case Study 3: The Moon Newspaper “Whistleblower Thrown Out”

Advocate, Mohammed has gone into hiding after several threats on his life, including physical torture at the hands of a syndicate who employs various tricks to embezzle state funds. Advocate Mohammed blew the whistle on the operations of the syndicate which has some prominent public officers as members, for alleged embezzlement millions of cedis from the state every month. Advocate Mohammed blew the whistle to the Moon Newspaper, which was reported on 20th May 2000.

Rather than investigating the disclosure of impropriety, the Police arrested and detained advocate Mohammed. In interview with the Moon Newspaper, shortly after his arrest and detention, Advocate Mohammed the Police and some state agencies for plotting to eliminate him. One year on, Advocate Mohammed’s assailants are still praying for his blood. The hell has been beaten out of him on several occasions, compelling him to abandon his wife and children. According to him, each occasion when he reported assaults on him, the police turned him away and left him at the mercy of those trying to eliminate him. Advocate Mohammed then subsequently petitioned the Chief Justice, the Attorney General and Minister of Justice and the Minister of Interior to rescue him from his assailants.

The attempts on his life notwithstanding, Advocate Mohammed insists that he stands by the allegation she made against the syndicate and appealed to the Attorney General and other state anti-corruption bodies to probe the allegations. No doubt, the mal-treatment of Advocate Mohammed for the simple reason that he blew the whistle over some people bilking billions of cedis out of the public purse raises doubts about the government’s readiness to protect whistle blowers.

Case Study 4: Journalists Don’t Understand Whistleblower’s Act

The Acting Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ), Ms.Anna Bossman, has said the media does not seem to really understand the Whistleblower’s Act, which was evident in their reportage of the case involving the former Minister of Sports, Muntaka Mohammed-Mubarak, and the Principal Accountant, Mr.Adim Oddom, who reportedly blew the whistle over as scandal involving the minister.

She said this was further evident from questions some members of the media often asked, especially as to whether the interdiction of Mr.Oddom and the Chief Director would not discourage others from blowing the whistle on corrupt public officials.

According to her,"you cannot ask those questions just like that,"saying, the media must first try to understand why the two officials were interdicted, because the fact that a person is the first to make a report, would not mean that he or she was telling the truth.

Ms. Bossman was responding to questions at a tone-day human rights workshop organized by the Commission for journalists in Accra on Tuesday, where she said the law must be published in the news papers for the public to appreciate its content.

Though she said she was not familiar with the details of the Muntaka case, she believed the verdict was reached, based on the work done by the Presidential Committee, which looked into the conduct of all the parties; hence she could not make any definite pronouncements on the matter.

However, speaking in general terms, she said the Whistleblower’s Act, which seeks to protect people who provide information leading to the detection of corruption, provides a list of organizations, including CHRAJ, where one could go to blow a whistle, and receive protection.

Also, the report must be about something that was already going on, about to go on, or had already gone on, and when one gives such information to any of the relevant institutions under the law, the whistle blower would receive some form of confidentiality, she noted.
This, she pointed out, affords the blower a hidden identity from the public, employers or individual he was accusing, and also afford the institution, especially the Commission, about sixty days to conduct its investigations.

She said within this period, the blower was not supposed to go to the media with the information, since by such an action; he or she would be blowing his or her own cover. According to her, there were also instances when whistleblowers themselves did not have clean hands, but this notwithstanding, they could still be afforded some form of protection.

She observed that whistle-blowing was voluntary, and cautioned that those who provided false information, or with ulterior motives, were also likely to put themselves into serious trouble, advising that people must have just or clean motives for blowing the whistle on others.

Asked whether the Principal Accountant would not have been interdicted had he made the report to CHRAJ, she said that would have depended on the facts of the case.

Touching on human rights reportage by journalists, the Acting Commissioner indicated that journalists and media practitioners had to develop a greater interest in human rights issues, because “human right is everyone’s business.”

“Reporting on human rights is peculiar than the normal stories, because with human rights, you have to go behind the story to help the public understand the concept of human rights in the story,” she noted, stressing, “looking at the story behind the story, is the essence of human rights reportage.”

In her opinion, journalists must not reports sensational stories just because they sell, but educate readers on the importance of human rights to the linkage it has with corruption and administrative justice.

The President of the Ghana Journalists Association (GJA), Mr. Ransford Tetteh, encouraged journalists to continue to report on human rights, even if their stories are not promoted, and asked the Commission to extend its training to editors, since they are those who take the decisions concerning stories.

Heals our good journalists to go beyond stories to writing features of human rights interest, since that stood a greater chance of being used, saying, “human rights are the things that affect our daily lifestyle and development.”

**Case Study 5**

Mr. Anas Gyimah works with Osoko Company Ltd as an Industrial and Market Analyst for 10 years. Within the past four months he has been contemplating reporting his employer to the Commission for Human Rights and Administrative Justice for certain practices that he considered wrongful and not in the public interest. Osoko Company Ltd has been discharging waste in a landfill site just at the outskirt of a developing area. Attempts by the local people to stop this practice have not been successful because of economic and political implications. The company is owned by some big wits in the ruling party and a major source of party finances and employment for party foot soldiers. It has been paying its taxes to the state without delay and a source of support to the district assembly.

Mr. Anas Gyimah has in his possession a strategic document of the company which among others contains policies of ‘buying’ people to overlook certain unethical organizational practices. In fact he was part of the team that drafted the policy and has successfully operated it in the past three years. But the facts on the ground now show that the policy must be reviewed or stopped altogether. Mr. Anas Gyimah once gathered courage and wrote to management to stop the unethical practice but nobody paid heed. He was called to the CEO’s office and strongly reprimanded for his action.
Case Study 6
Mr. Adanku Mensah was told by a fellow worker about a syndicate in the production department that falsifies records on production figures for personal advantages. Upon this tip off he conducted personal investigation in to affairs in the production department. He was unable to draw definite conclusion regarding the veracity of the allegation. Mean while one of the suspected syndicate members was not in his good books and he has a strong urge to blow the whistle hoping that authorities will investigate the matter.

Case Study 7: Timber Coy Rips Gov’t of Gh¢Billions
Takoradi—The Western Regional Secretariat of the Forestry Service Department (FSD), is to investigate the circumstances under which Dupaul Wood Treatment (DWT),a Takoradi based timber processing company, entered the Subri Forest Reserve and felled a large number of trees which cost runs into several billions of Ghana cedis, without the approval of the Forestry Commission. The decision follows an earlier petition sent to the FSD by a whistleblower, which the former, under the administration of Mr. J.E. Manu set up a seven member committee to investigate, but failed to make any recommendations.

The said committee, chaired by Mr. J. M Ocansey in their first interim report after field investigation, concluded that until the reporter (whistleblower) joins and leads the team to the exact locations of the buffer zone and stumps of the illegally felled trees, it would be a wild-goose chase. It also noted that another field inspection/investigation would be conducted as soon as the reporter (whistleblower) avails himself to accompany the team to the field.

The whistleblower, Mr. Boakye Yiadom, a former employee of DWT, petitioned the Chief Executive Officer (CEO) of the Forest Commission (FC), complaining about the illegal felling of timber logs at the buffer zone in the Subri Forest Reserve.

The said petition was headed-Illegal Felling of Trees in Compartment 407, 400, 397 and Between Compartment 407 and 408-in the Buffer Zone of Subri Forest Reserve under Takoradi Forest District by Messer Dupaul Wood Treatment Ghana Limited. The petitioner wrote: The company that Messer Dupaul Wood Treatment Ghana Limited illegally fell the following number of trees in the said compartment and they are as follows; Between Compartment 407 and 408 Buffer Zone SPPABR, QUANTITY Nyankom HER 46, Dahoma PIP 32, Mahogany K I8, Odum MIL 5 , Avodire TUR 4 , Kusia NAU I.

The whistleblower indicated that he was prepared to show the FDS stumps of the trees felled by the company-I wish to state that I can show your outfit the stumps at their various locations, he said. The seven member committee then invited the whistleblower who escorted the investigation team to the stumps sites, where the logs were alleged to have been illegally exploited under heavy police protection. The second Interim report presented by the seven member committee concluded that "upon thorough deliberation by the team members, it was agreed that the inspection should be suspended and the compartment boundaries should be re-opened before the next visit. The committee ordered for the re-opening of the compartment boundary for further assessment of the illegally exploited trees. That was in 2006, and since then the work of the committee has been halted.

The Chronicle has, however, laid hands on documents which point to the fact that there was a clan destine deal between some top management of DWT to deliberately and illegally exploit the forest buffer zone by felling illegal logs from the zone, without paying a pesewa to the government.

In a secret memo bearing the letter head of DWT under the subject-Harvesting of Trees in Buffer Zone at Subri Forest Reserve, and signed by one A.A. T. Worman, who is in charge of Raw and Poles Extraction of the DWT revealed that we have negotiated with the District Forestry, Takoradi to harvest the following trees located in the buffer zone at Subri Forest Reserve at the normal price per cubic meter we offer to
We have also agreed to mill fifty percent of the Dahoma, and there st used to offset our milling expenses. The secret memo was addressed to the Finance Manager, Mr. Kingsly Amoah.

The Finance Manager of DWT, Kingsley Amoah, in his reply wrote: Your memo of 29th March 2005 refers; Since DWT shall be responsible for payment of stumpage fees for the trees to be extracted from the buffer zone, the price we offer should make provision for this. We cannot, therefore, offer the same price as to our log supplier. We shall, therefore, offer the price indicated below against the species; Niangen-650,000. Mahogany-700,000. Kussia-300. Makore-800.00 Kako-400.00 Avodire-400.00 Gurea-350.00 Emire-350.00 Chenchen-250.00 Edinam-350.00 Odum-650.00 Offam-200.00 Essia-200.00 Bompeya-200.00 Kokote-200.00 Yaya-200.00. The memo concluded thus Please note that only 50% of all Dahoma logs delivered to us shall be invoiced at ¢120./m³. The difference of ¢180.00 shall cover milling charges in respect of the other 50%.

Whilst this allegation, which seems to have faulted some staff members of the Takoradi office of the FDS for compromising their position is yet to be fully investigated, Mr. Samuel Gyasi, a former Accountant of the company, has also sent a petition to the Minister of Lands and Natural Resources to investigate the illegal felling of logs at the same Subri forest reserve by DWT.

According to him, he was initially employed in the DWT as an Account clerk and later promoted to a Principal Accountant position, and served the company for a period of 14 years. While serving the company in his capacity as a Principal Accountant, he said "I noticed some malpractices among some senior officers in the company, which I questioned.

He continued that two senior management officers (names withheld) were unhappy about his intervention on the illegal connections and he was served with a notice of transfer to Offinso plantation.

Three top management members of the company—Mr. Kingsly Amoah, Finance Manager, A.A.T. Warman, Raw Logs and Extraction Manager and Mr. Wilcox Awortwe, Human Resource Manager, who were contacted by this reporter, denied that DWT illegally extracted the trees from the buffer zone of the reserve. They however refused to go into further details.

The regional Manager of the FSD, Mr. Kwakye Ameyaw who has promised to investigate the deal told The Chronicle that documents he had sighted seem to suggest that some illegal activities went on, and that investigations would have to be conducted into the case. To him, it was illegal for any company or individual to enter a buffer zone to fell timber species.


AN ACT to provide 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; to provide for the protection against victimization of persons who make these disclosures; to provide for a Fund to reward individuals who make the disclosures and to provide for related matters.


ENACTED by the President and Parliament:

Information the disclosure of which is protected

Disclosure of impropriety

1. (1) A person may make a disclosure of information where that person has reasonable cause to believe that the information tends to show

   (a) an economic crime has been committed, is about to be committed or is likely to be committed;
   (b) another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;
   (c) a miscarriage of justice has occurred, is occurring or is likely to occur;
   (d) in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;
   (e) the environment has been degraded, is being degraded or is likely to be degraded; or
   (f) the health or safety of an individual or a community is endangered, has been endangered or is likely to be endangered.

(2) A conduct which falls within any of the matters specified in subsection (1), is in this Act referred to as an "impropriety".

(3) A person who makes a disclosure of impropriety is in this Act referred to as a "whistleblower".

(4) Despite Any other law to the contrary, a disclosure of an impropriety is protected if

   (a) the disclosure is made in good faith,
   (b) the whistle blower has reasonable cause to believe that the information disclosed and an allegation of impropriety contained in it are substantially true, and.
   (c) the disclosure is made to one or more of the persons or institutions specified in section 3.
Person who qualifies to make disclosure of impropriety

2. Disclosure of impropriety may be made

   (a) by an employee in respect of an employer,
   (b) by an employee in respect of another employee, or
   (c) by a person in respect of another person, or an institution.
   (d) person to whom or institution to which disclosure of impropriety may be made

3. (1) Disclosure of impropriety may be made to any one 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 recognized 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.

(2) A whistleblower may take into account

   (a) a reasonable belief or fear on the part of the whistle blower that the whistleblower may be subjected to dismissal, suspension, harassment, discrimination or intimidation;
   (b) a reasonable belief or fear that evidence relevant to the impropriety may be concealed or destroyed;
   (c) that the person to whom the disclosure is made will not frustrate the objective;
   (d) that the impropriety is of an exceptionally serious nature and that expeditious action must be taken to deal with it;
   (e) the place where and the prevailing circumstances under which the whistleblower lives; in determining to whom the disclosure may be made.
Procedures for disclosure of impropriety and related action

4. (1) A disclosure may be made in writing or orally.

(2) The disclosure shall contain as far as practicable
   (a) the full name, address and occupation of the whistleblower;
   (b) the nature of the impropriety in respect of which the disclosure is made;
   (c) the person alleged to have committed, who is committing or is about to commit the
       impropriety;
   (d) the time and place where the alleged impropriety is taking place, took place or is likely to
       take place;
   (e) the full name, address and description of a person who witnessed the commission of the
       impropriety if there is such a person;
   (f) whether the whistleblower has made a disclosure of the same or of some other
       impropriety on a previous occasion and if so, about whom and to whom the disclosure was
       made; and
   (g) if the person is an employee making a disclosure about that person’s employer or a fellow
       employee, whether the whistleblower remains in the same employment.

Reduction of disclosure into writing

5. (1) Where a whistleblower makes a disclosure orally, the person to whom the disclosure is made
     shall cause the disclosure to be reduced in to writing containing the same particulars as are
     specified in subsection (2) of section 4.

(2) Where the whistle blower is illiterate, the writing required to be made under subsection(1)
     shall be read over, interpreted and explained to the whistleblower in a language the
     whistleblower understands and the whistleblower shall approve of it before making a mark to it
     and a certificate to this effects shall be attached to the writing.

(3) In the case of a person who is blind or with some other physical disability, but literate, a
     certificate as required in subsection (2) shall be made with the necessary modification.

Action by person who receives disclosure of impropriety

6. (1) When a disclosure of impropriety is made to a person specified in section 3, the person shall

     (a) make a record of the time and place where the disclosure is made,
     (b) give to the whistle blower an acknowledgment in writing of receipt of the disclosure, and
     (c) keep the writing in which the disclosure is made confidential and in safe custody pending
         investigation of the impropriety.

(2) Where the disclosure is made to a chief, head of a recognized religious body or a head or an elder of a
     family, the chief, head or elder may instead of recording the disclosure as required under subsection(1),
     assist the whistleblower to make the disclosure to the police or to some other authority specified in
     section 3.

(3) Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person
     commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty
     units and not more than one thousand penalty units or to a term of imprisonment of not less than two
     years and not more than four years or to both.
Submission of copy of written disclosure to the Attorney-General

7. Where a disclosure is made to a person specified under section 3, other than the Attorney-General, the person shall submit a copy of the written disclosure to the Attorney-General within seven working days after receipt of the disclosure.

Investigation

8. (1) Where a disclosure is made to a person specified under section 3, the person shall investigate the matter except that where the person to whom the disclosure is made does not have the capability to undertake the investigation, the person shall refer the disclosure as recorded to the Attorney-General or another body as directed by the Attorney-General for investigation within seven working days after receipt of the disclosure.

(2) Despite sub section (1), the Attorney-General may on receipt of a copy of a written disclosure under section 7, cause investigation to be conducted in to the disclosure.

(3) Investigation undertaken in respect of impropriety shall be carried out as expeditiously as possible and shall in any event be completed within sixty days of receipt of the disclosure or directives to undertake the investigation.

(4) A person who undertakes an investigation in respect of an impropriety and in the cause of that investigation conceals or suppresses evidence, commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years and not more than five years.

Application to court for assistance

9. Where in the course of an investigation under section 8, it appears to the investigator,

(a) that evidence or documents relevant to the investigation are likely to be destroyed, concealed, tampered with or,

(b) that a person willing to provide information relevant to the investigation is being subjected to pressure, inducement or intimidation to withhold the information, the investigator may apply to the court for an order to preserve the evidence or documents or to restrain the intimidation of the person willing to provide, the information.

Submission of report of investigation to the Attorney-General

10. (1) A report on investigation conducted under section 8 shall be submitted to the Attorney-General for directives immediately the investigation is completed.

(2) Where the completion of the investigation is delayed beyond the sixty day period specified in Sub section (3) of section 8, a report shall be submitted to the Attorney-General stating:

(a) the reasons for the delay;

(b) measures that are proposed to expedite the investigation, and

(c) any further assistance required to complete the investigation.
(3) A report of an investigation which is submitted to the Attorney General shall contain particulars of

(a) the manner in which the investigation was conducted,
(b) the names and particulars of persons who provided information in the course of the investigation,
(c) facts obtained which either confirm or dispute the truth or accuracy of the information contained in the disclosure and the person who provided the facts,
(d) an obstacle encountered in the course of the investigation and the nature of the obstacle, and
(e) the recommendations of the investigator.

Action by the Attorney-General
11. The Attorney-General may on receipt of a report under sub section (3) of section 10, take the following steps:

(a) accept the recommendations contained in the report and act on it,
(b) ask for further investigations by the same person or institution that conducted the investigations or by some other person or institution, or
(c) reject the report and the recommendations for stated reasons which shall be communicated to the investigator.

Protection for making disclosure of impropriety

Protection of Whistleblowers
12. (1) A whistleblower shall not be subjected to victimization by the employer of the whistleblower or by a fellow employee or by another person because a disclosure has been made.

(2) A whistleblower shall be considered as having been subjected to victimization if because of making the disclosure,

(a) the whistleblower, being an employee, is

(i) Dismissed,
(ii) Suspended,
(iii) declared redundant,
(iv) Denied promotion,
(v) transferred against the whistleblower’s will,
(vi) Harassed,
(vii) Intimidated,
(viii) Threatened with any of the matters set out in sub paragraph (i) to (vii), or
(ix) Subjected to a discriminatory or other adverse measure by the employer or a fellow employee, or
(b) Not being an employee, the whistleblower is subjected to discrimination, intimidation or harassment by a person or an institution.

(3) A whistleblower shall not be considered as having been subjected to victimization 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.

Report to Commission on Human Rights and Administrative Justice
13. (1) A whistleblower who honestly and reasonably believes that whistleblower has been subjected to victimization or learns of a likely subjection to victimization because a disclosure has been made, may in the first instance make a complaint to the Commission.

(2) A complaint made under subsection (1) shall contain the following particulars;
(a) the name, description and address of the whistleblower,
(b) the name, description and address of the whistleblower’s Employer or of any other person who the whistleblower claims has subjected the whistleblower to victimization or might subject the whistleblower to victimization, and
(c) the specific acts complained of as constituting victimization.

Action by the Commission and enforcement of its orders
14. (1) The Commission shall, on receipt of a complaint, conduct an enquiry. Into the complaint at which the whistleblower and the person against whom the complaint is made shall be heard.

(2) The Commission in the course of conducting an enquiry under subsection (1) may make an interim order that it considers fit.

(3) After hearing the parties and other persons considered necessary by the Commission, the Commission shall make an order considered just in the circumstances including an order for
(a) reinstatement,
(b) reversal of a transfer, or
(c) transfer of the whistleblower to another establishment where applicable.

(4) The Commission may, where it considers it just in the circumstances of the case, make an order for payment of reward from the Fund established under section 20.

(5) An order of the Commission under this section shall be of the same effect as a judgment or an order of the High Court and is enforceable in the same manner as a judgment or an order of the High Court.

(6) The powers conferred on the Commission under this Act are in addition to the powers exercisable by the Commission under the Commission on Human Rights and Administrative Justice Act, 1993(Act456).

Right of action for victimization
15. A whistleblower who has been subjected to victimization may bring an action in the High Court to claim damages for breach of contract or for another relief or remedy to which the whistleblower may be entitled, except that an action shall not be commenced in a court unless the complaint has first been submitted to the Commission under section 13.
Legal assistance
16. Where the Commission in the course of an inquiry or hearing before it under section 14, is of the opinion that the whistleblower is in need of legal assistance, the Commission shall issue a certificate to the whistleblower to obtain legal aid from the Legal Aid Board or another institution that the Commission may specify in the certificate.

Police protection
17. (1) A whistleblower who makes a disclosure and who has reasonable cause to believe that
(a) the whistleblower’s life or property, or
(b) the life or property of a member of the whistleblower’s 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.
(2) Despite subsection(1), the Commission or the Attorney-General as appropriate may in relation to a disclosure of impropriety made or about to be made direct that the person who has made or is about to make the disclosure and the person's family be given police protection.
(3) "Family" for the purposes of this section means spouse, father, mother, child, grandchild, brother and sister.

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

Void employment contracts
19. (1) A provision in a contract of employment or other agreement between an employer and an employee is void if it
(a) seeks to prevent the employee from making a disclosure,
(b) has the effect of discouraging an employee from making a disclosure,
(c) precludes the employee from making a complaint in respect of victimization, or
(d) prevents an employee from bringing an action in court or before an institution to claim relies for remedy in respect of victimization.
(2) Subsection (1) also applies to a contract of employment or agreement in existence on the commencement of this Act.

Whistleblower Reward Fund
Establishment of Whistleblower Reward Fund
20. There is established by this Act a Whistleblower Reward Fund.
Sources of money for the Fund
21. The moneys for the Fund consists of

(a) voluntary contributions to the Fund, and
(b) other moneys that may be allocated by Parliament to the Fund.

Object of the Fund
22. The object of the Fund is to provide funds for payment of monetary rewards to whistleblowers.

Reward on conviction
23. A whistleblower who makes a disclosure that leads to the arrest and conviction of an accused person shall be rewarded with money from the Fund.

Reward on recovery of money
24. A whistleblower whose disclosure results in the recovery of an amount of money shall be rewarded from the Fund with

(a) ten percent of the amount of money recovered, or
(b) the amount of money that the Attorney-General shall, in consultation with the Inspector-General of Police, determine.

Bank account of the Fund
25. Moneys for the Fund shall, on the directions of the Legal Service Board established under section 8 of the Legal Service Law, 1993 (PNDCL 320), be paid into a bank account opened for the purpose by the Board with the approval of the Accountant-General.
I am a person who cannot read or write. Can I blow the whistle?

Yes. As long as the information which you have amounts to impropriety.

Who are the persons or bodies to whom I can make a disclosure of impropriety?

- The employer of the whistleblower
- A police officer
- The Attorney-General
- The Auditor-General
- A staff of the Intelligence Agencies
- A Member of Parliament
- The Serious Fraud office
- The Commission on Human Rights and Administrative Justice
- The National Media Commission
- The Narcotics Control Board
- A chief
- The head or the elder of the family of the whistleblower
- A head of a recognized religious body
- A member of the District Assembly;
- A Minister of State;
- The Office of the President;
- The Revenue Agencies Governing Board; or
- A District Chief Executive.

Can I be sued for blowing the whistle?

You cannot be sued for blowing the whistle if the information you gave is true.

How and when does the law protect a whistleblower?

I saw the General Manager diverting the iron rods meant for the office building for his house.

You can count on our utmost confidentiality in this matter. Thank you for blowing the whistle.

Are there any conditions for a whistleblower to be protected by the law?

The goal of the whistleblower must be to protect the public interest, not to attack personal, political, religious or other enemies.

I've got him at last. He's too nosey.

From what forms of victimization am I protected as a whistleblower?

- Dismissal
- Suspension
- Declaration of redundancy
- Denial of a promotion
- Transfer against your will
- Harassment

After I make a disclosure can I be protected by the Police?

CHRAJ or the Attorney-General may order the police to protect you and your family, i.e., your spouse, father, mother, child.

Should I go public with my information after I have blown the whistle or made a disclosure?

No. Under the Act, a disclosure is a confidential process; it is not a matter for public discussion or analysis on FM radio stations or in newspapers.

What can I expect after making a disclosure?

You have a right to expect courteous treatment. Undue delay in the processing of your complaint may be matter of administrative injustice. In that case, you can file a complaint of administrative justice with CHRAJ.
About GACC

The Ghana Anti-corruption Coalition is a cross-sectoral grouping of public, private and civil society organizations with the sole aim of building a national effort to confront the problem of corruption and devise effective control measures.

The GACC seeks to facilitate anti-corruption activities in Ghana through the concerted efforts of its membership and in collaboration with other stakeholders.

In addition, the coalition envisions a society in which honesty, transparency, accountability and integrity are upheld.

Mission
GACC seeks to reduce poverty by coordinating anti corruption activities in Ghana – this is through collaboration with its members and other key stakeholders.

Vision
A Ghana free from corruption where honesty, transparency, accountability and integrity are upheld.

Partnerships
The Coalition works in close co-operation and collaboration with development partners. GACC is expected to co-opt and function with any of the broad array of institutions (public, private and civil) involved in and relevant to the battle against corruption. The core-group include crucial institutions and agencies in the forefront of the fight against corruption.

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