



# MMH Whistle Blowing Policy International

## Contents

<b>MMH WHISTLE BLOWING POLICY .....</b>	<b>3</b>
<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. WHY A MMH FRAUD AND ETHICS REPORTING FACILITY? .....</b>	<b>3</b>
<b>3. DEFINITION .....</b>	<b>3</b>
<b>4. STATEMENT .....</b>	<b>3</b>
<b>5. POLICY OBJECTIVES .....</b>	<b>4</b>
<b>6. SCOPE .....</b>	<b>4</b>
<b>7. OTHER RELEVANT POLICIES AND PROCEDURES .....</b>	<b>4</b>
<b>8. SAFEGUARDS .....</b>	<b>4</b>
<b>9. HOW TO RAISE A CONCERN.....</b>	<b>5</b>
<b>9.1. In person reporting .....</b>	<b>5</b>
<b>9.2. Anonymous reporting through the MMH reporting lines .....</b>	<b>5</b>
<b>10. ALLEGATIONS .....</b>	<b>6</b>
<b>11. FALSE ALLEGATIONS .....</b>	<b>6</b>
<b>12. HOW MMH MANAGEMENT WILL RESPOND .....</b>	<b>7</b>
<b>13. WHAT IS MMH'S FRAUD AND ETHICS REPORTING LINES? .....</b>	<b>8</b>
<b>14. WHAT DOES THE DELOITTE TIP-OFFS ANONYMOUS LINES DO ON BEHALF OF MMH?.....</b>	<b>8</b>
<b>15. WHEN TO USE THE MMH ETHICS REPORT LINE.....</b>	<b>9</b>
<b>16. WHO WILL DEAL WITH YOUR INFORMATION? .....</b>	<b>9</b>

## **MMH WHISTLE BLOWING POLICY**

### **1. INTRODUCTION**

MMH is committed to the highest possible standards of openness, honesty and accountability.

In line with this commitment, employees who have serious concerns about any aspect of MMH's work are encouraged and expected to come forward and voice those concerns, and may do so without fear of victimisation, subsequent discrimination or disadvantage.

### **2. WHY A MMH FRAUD AND ETHICS REPORTING FACILITY?**

With the new emphasis on corporate ethics in the aftermath of so many high-profile corporate financial scandals, formal Whistle blower Facilities, represent an increasingly important communication tool for employees to report violations of the company's ethical standards, and of the law, without fear of retribution.

Employees are often in a good position to identify concerns regarding misconduct within and against MMH. However, they may not want to express their concerns because they are fearful of repercussions and that speaking up would be disloyal to their colleagues or MMH. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct or malpractice.

This policy is intended to encourage and enable employees to raise serious concerns within MMH rather than overlooking the problem or "blowing the whistle" outside.

### **3. DEFINITION**

The term "whistle blowing" in this policy refers to the disclosure, by employees or workers, both former or current, of suspected malpractice as well as suspected illegal acts and omissions at work.

The only provision is that the disclosure should be made in good faith.

### **4. STATEMENT**

MMH takes misconduct or malpractice very seriously. MMH has a "Zero Tolerance Policy" concerning all crimes and violations of the company's ethical standards as contained in the MMH Code of Ethics and Standards of Behaviour.

MMH is also committed to the highest possible standards of openness, honesty and accountability.

In line with this commitment, employees who have serious concerns about any aspect of MMH's work are encouraged and expected to come forward and voice those concerns, and may do so without fear of victimisation, subsequent discrimination or disadvantage.

This statement must be read in conjunction with the Code of Ethics and Standards for Conduct Policy which can be found in the Code of Ethics category under Policies and Procedures.

## 5. POLICY OBJECTIVES

This policy aims to

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about work practice;
- Ensure that you understand your responsibility for reporting misconduct or malpractice;
- Provide avenues for you to raise concerns and receive a response on any action taken;
- Allow you to take the matters further if you are dissatisfied with management's response;
- Reassure you that you will be protected from reprisals or victimisation, if you have
- Reasonable belief that you have made any disclosure in good faith.

## 6. SCOPE

This policy applies to all employees of MMH including long-term contract workers, temporary employees or persons considered to have the rights and privileges of employees or workers.

**IMPORTANT NOTE:** The whistle blowing policy is intended to cover concerns that fall outside the scope of other procedures and therefore does not replace a procedure that enable you to lodge a grievance relating to your own employment.

Thus serious concerns about any aspect of service provision or conduct of employees or workers acting on behalf of MMH can be reported under this policy.

This may be about something that:

- Is unlawful, fraudulent, corrupt; or
- Is against, or fails to comply with MMH's guidelines, procedures, values, policies, codes of conduct, legal obligations; or
- Falls below established standards of practice; or
- Amounts to improper conduct; or
- Constitutes sexual, physical or emotional abuse of clients/employees; or
- Endangers the health and safety of any individual; or
- Is a miscarriage of justice; or
- Is unfair or deliberate discrimination; or
- Is an attempt to cover up any of the above

## 7. OTHER RELEVANT POLICIES AND PROCEDURES

This policy should be read in conjunction with MM's existing Code of Ethics and Standards for Conduct Policy, and with future guidelines and procedures that may be developed from time to time and which will be brought to the notice of employees and others to whom this policy applies.

## 8. SAFEGUARDS

MMH's management recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If you make an allegation in good faith

you should have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.

Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence, which will be dealt with under disciplinary procedure.

## 9. HOW TO RAISE A CONCERN

### 9.1. In person reporting

If you have a concern you should not approach or accuse individuals directly or attempt to investigate the matter yourself.

This policy encourages whistle blowers to submit allegations in writing and to identify you directly to one of the officers listed below.

All direct disclosures will be treated in confidence and every effort will be made not to reveal your identity, if you so wish. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

It is recommended that you should raise concerns with your immediate management or;

- Head: Group Forensic Services and Anti-money- Laundering Operations  
Douw Lotter  
Tel 012-673 7569  
Fax 012-663 5735  
Cell 083 259 1428  
E-mail: [dlotter@mmltd.co.za](mailto:dlotter@mmltd.co.za)
- Executive: Chief Risk Officer  
Jan Lubbe  
Tel 012-684 4412  
Fax 012-671 8151  
Cell 071 624 5734  
E-mail: [jan.lubbe@mmltd.co.za](mailto:jan.lubbe@mmltd.co.za)

### 9.2. Anonymous reporting through the MMH reporting lines

MMH had to consider the decision of “whistle blowers” that may wish to stay anonymous and have therefore established toll free [MMH Ethics and Fraud Report lines](#).

Why employees do not blow the whistle?

- While employees are usually the first to know of wrongdoing, many may feel that they stand to lose the most by speaking up.

- Those employees who genuinely suspect that something may be going seriously wrong in the workplace may face an acute dilemma. They can stay silent and look the other way or they can raise the matter with the employer.
- The fear of being labelled a “sneak/rat/impimpi” or the fear of “breaking rank” and appearing disloyal to colleagues and the fear of being required to provide irrefutable evidence are powerful incentives not to speak up.
- Those individuals who think they ought to resist the social pressure to look the other way and recognise that those in charge should investigate the matter must consider their own position. Usually they fear that they may be disadvantaged, disciplined or even be dismissed for speaking up.
- In such circumstances, it is not surprising that most employees who find themselves in such a position speak only to friend or family, rather than to their employer, the person best able to investigate and deal with the issue.
- The result of this communication breakdown is that the employer loses a valuable opportunity to avert what might become a damaging crisis or to reassure employees that their concerns are mistaken, and the employer also loses access to a valuable pool of information.

MMH has therefore decided that it would be the best practice to make a facility available to staff, where staff and other concerned persons can report violations in an **independent anonymous environment**, should they so wish.

### 10.3 Escalation protocol: Whistle Blowing

As a point of departure, MMH affirms that it will always take all reasonable steps to ensure that whistle blowing takes place in a non-discriminatory and confidential manner. In this regard MMH has introduced a formal guidance note on the escalation of whistle blowing incidents.

The guidance note was compiled in view of the frequent inquiries from MMH employees and managers for guidance and information on the process and escalation protocol when dealing with complaints or when an employee blew the whistle, whether directly or anonymously. The guidance note also advises on the existence of and usage of whistle blowing facilities available to employees and other stakeholders.

The MMH Escalation Protocol Guidance note can be found in the Risk category under Policies and Procedures.

## 10. ALLEGATIONS

You are advised to set out the background and history of the concern, giving names, dates, and places where possible and the reason why you are particularly concerned about the situation. Include any proof that you may have to support the allegation (invoices, bank statements, purchase orders). If you are in possession or aware of any other evidence and where it can be found, please provide the detail to assist with the investigation. The earlier concerns are expressed, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate that there are reasonable and sufficient grounds, for your concern.

The Company Representative or the Ethics Report Line Consultant will also assist you in this regard.

## 11. FALSE ALLEGATIONS

If an allegation is made in good faith, but not confirmed by the investigation, the reporting facility has worked.

However, an allegation made frivolously, maliciously or for personal gain, will undermine the existence of the facility and discourage employees to make use of such facilities.

Such allegations will also tie up resources to give attention to real issues.

If a person is identified at any stage after such a frivolous, malicious or for-personal-gain allegation was made, MMH will take strong action against such a person.

## **12. HOW MMH MANAGEMENT WILL RESPOND**

Action taken by MMH management will depend on the nature of the concern taking in account the MMH escalation protocol. Any matter raised may be:

- Investigated internally,
- Referred to the Police Services or
- Form the subject of an independent inquiry

In order to protect individuals and MMH, initial enquiries will be made to determine whether an investigation is appropriate and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

Within **twenty one working days** of a concern being received, the relevant officer will write to you to, or to the Report Line Service Provider for onward transmission, to indicate the following to you:

- Acknowledge that the concern has been received
- Indicate how the matter will be dealt with
- Whether the matter will be referred to another person or body to be dealt with more appropriately
  
- Give an estimate of how long it will take to provide a final response
- Tell you whether any initial enquiries have been made, and
- Tell you whether further investigations will take place, and if not, why not.

Should MMH not be in a position to make a decision within 21 days whether to investigate or refer the matter you will be informed that MMH is unable to do so and, thereafter be advised on a regular basis (at intervals not more than two months at a time) that the decision is still pending. You will be advised within six months from the time you made the protected disclosure of the decision to investigate or not.

You will be given as much feedback as possible, but sometimes precise action will not be set out where this would infringe on a duty of confidence that MMH owes to someone else or if it is necessary to avoid prejudice to the prevention, detection or investigation of a criminal offence.

MMH may, on occasion and after informing the complainant, change the time limits referred to in this policy.

The amount of contact between you and the representative of MMH whom is considering the issues will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information that was provided. If necessary, further information will be sought from you directly or through the Ethics Report Line Service Provider.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a colleague who is not involved in the area of work to which the concern relates.

Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern, for instance, if you are required to give evidence in criminal or disciplinary proceedings, management will arrange for you to receive advice about the procedure.

It is accepted that you need to be assured that the matter has been properly addressed. If you are not satisfied with management's response to concerns raised under this Policy and have reasonable grounds to base your dissatisfaction, MMH will arrange for an independent body (e.g. external auditors) to investigate the matter.

While management cannot guarantee that it will respond to all matters in the way that you might wish, MMH will endeavour to handle the matter fairly and properly. By abiding to this policy you will help management to achieve this.

### **13. WHAT IS MMH'S FRAUD AND ETHICS REPORTING LINES?**

As stated, MMH has a "Zero Tolerance Policy" concerning all crimes and violations of the company's ethical standards as contained in the MMH Code of Ethics and Standards of Behaviour.

MMH has created a number of reporting facilities to enable the reporting (anonymously or otherwise) of any such transgressions.

Currently Deloitte Tip-offs Anonymous independently administers the [MMH Ethics and Fraud Report lines](#) as to ensure anonymity.

The facility is a 24-hour, seven-days-a-week, 365-days-a-year toll free phone line, fax line, email and postal facility that professional operators employed by Deloitte Tip-offs Anonymous administer.

### **14. WHAT DOES THE DELOITTE TIP-OFFS ANONYMOUS LINES DO ON BEHALF OF MMH?**

MMH has signed a number of agreements with Deloitte Tip-offs Anonymous.

Deloitte Tip-offs Anonymous as a professional independent operator effectively creates a barrier between the caller/information supplier and MMH, thereby ensuring the anonymity of the caller. Deloitte Tip-offs Anonymous guarantees all callers anonymity, in that no caller identification exists, although calls are recorded and stored for quality purposes.

Deloitte Tip-offs Anonymous bound MMH contractually that no release of caller identification, including voice recordings, will be provided to MMH. Deloitte Tip-offs Anonymous will receive calls and correspondence on an anonymous basis, or where the caller/information supplier wants to be identified on that basis, with specific reference to obtain information relevant to reporting fraudulent and unethical behaviour of MMH staff, MMH management, service providers to MMH and intermediaries contracted to MMH.



## 15. WHEN TO USE THE MMH ETHICS REPORT LINE

If you have a valid and reasonable concern and you feel that you do not want to report your concern to a representative of MMH directly, you are encouraged to make use of the Report facility.

- Deloitte Tip-offs Anonymous can field calls/information supplied in nine major official Southern African languages.
- The operators at Deloitte Tip-offs Anonymous will use a client-specific format that would address the needs of MMH.
- Deloitte Tip-offs Anonymous line operators will ask specific questions related to your complaint or information provided.
- Deloitte Tip-offs Anonymous line operators will prepare a Hotline Memorandum detailing the information provided to MMH.

## 16. WHO WILL DEAL WITH YOUR INFORMATION?

Under most circumstances the recipients of whistle blowing reports at MMH will be:

- The Head of Group Forensic Services and Anti-money Laundering Operations, Douw Lotter.
- Alternatively the responsible MMH Executive: Chief Risk Officer, Jan Lubbe and
- Dedicated business specific officers at areas with dedicated lines.

There is however a formal MMH Escalation Protocol that advises Deloitte Tip-offs Anonymous and employees on how information will be escalated based on specific circumstances. In this regard employees are referred to the MMH Escalation Protocol guidance note.