

Main Provisions of the Whistle Blower Protection Act

The Public Interest Disclosure (Protection of Whistle Blowers) Act:

- ⇒ Applies to any government agency, private or public company and other bodies established under any other law.
- ⇒ Protects against various forms of occupational detriment.
- ⇒ Encourages employees to make honest public interest disclosures at all times.
- ⇒ Is not just applicable in corruption cases but can be used by other investigating authorities such as Drug Enforcement Commission, Investigator General, Auditor General and Judicial Complaints Authority.
- ⇒ Is superior to any contract of employment or agreement between employer and employee to the extent that such attempt to exclude any provision of this Act.
- ⇒ Recognizes the protection that other laws such as the Anti-Corruption Act Number 3 of 2012 provide to witnesses, experts, victims of corruption and other persons who give assistance to the Commission.

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The Anti-Corruption Commission also has offices in
Chirundu,
Livingstone, Nakonde,
Ndola and Serenje
districts.



**ANTI-CORRUPTION
COMMISSION
ZAMBIA**

WHISTLE BLOWER PROTECTION IN ZAMBIA

Extracts from the Public Interest
Disclosure (Protection of Whistle
Blowers) Act Number 4 of 2010

**“A Corruption-Free
Zambia Begins with Me”**

About the Anti-Corruption Commission

The Anti-Corruption Commission (ACC) is mandated under the Anti-Corruption Act Number 3 of 2012 to spearhead the fight against corruption in Zambia through corruption prevention, community education, investigations and prosecution. The cultivation and protection of informers is of critical importance in the fight against corruption.

Whistle Blower Protection in Zambia

In Zambia, the Public Interest Disclosure (Protection of Whistle Blowers) Act Number 4 of 2010 provides the major legal provisions for the protection of whistle blowers. This law protects people in an organizational context against unlawful reprisals. It protects employees from various forms of occupational detriment such as disciplinary action, suspension, dismissal, demotion, undue transfer, withholding promotion, intimidation and other adverse treatment in relation to career, profession or employment.

Types of Public Interest Disclosures

Disclosures may relate to issues that are about to occur, likely to occur or have already occurred. The disclosure may be against another employee or the employer and generally includes conduct that:

- ⇒ Adversely affects honest or impartial performance of official functions.
- ⇒ Amounts to breach of public trust.
- ⇒ Leads to substantial public wastage.
- ⇒ Is a danger to the environment.
- ⇒ Is a danger to public health and safety.
- ⇒ Amounts to a criminal offence.
- ⇒ Can lead to miscarriage of justice.

Forms of Protection

An investigating authority is empowered under this Act to take action to prevent any unlawful reprisal, discipline any person responsible, commence legal proceedings against the person responsible and or confiscate or forfeit any property, benefit or other proceeds obtained from disclosable conduct or unlawful reprisal.

Any employee who is a subject of occupational detriment is also empowered to seek legal redress under this law.

Report with Courage!

- ⇒ **To help protect public resources**
- ⇒ **To improve service delivery**
- ⇒ **To promote fairness**
- ⇒ **To support national development**
- ⇒ **To reduce poverty**

**ALL EMPLOYERS ARE REQUIRED TO
ESTABLISH PROCEDURES TO
PROTECT EMPLOYEES FROM
UNLAWFUL REPRISALS**

