Protecting And Promoting Whistleblowing In South Africa

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THE WHISTLEBLOWER HOUSE

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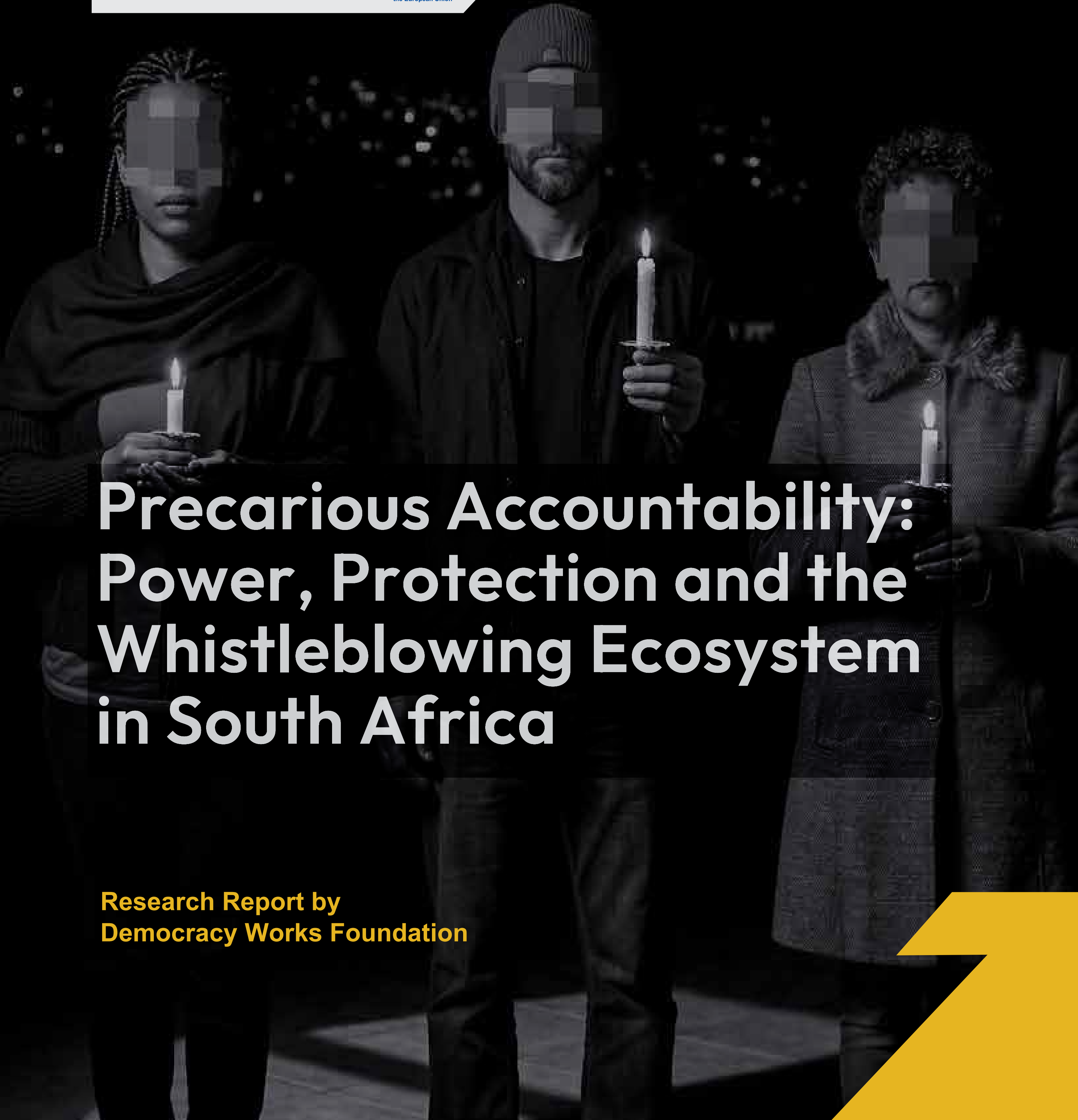

Precarious Accountability: Power, Protection and the Whistleblowing Ecosystem in South Africa

Research Report by
Democracy Works Foundation

The PPW project is led by Democracy Works Foundation, in partnership with the Whistleblower House, with co-funding by the European Union

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Executive Summary

This report evaluates the effectiveness of South Africa's whistleblower protection framework, focusing on the Protected Disclosures Act 26 of 2000 (PDA), Witness Protection Act 112 of 1998 (WPA), and relevant labour laws such as the Labour Relations Act 66 of 1995 (LRA). Drawing on semi-structured interviews with whistleblowers, a journalist, an academic, and a civil-society representative, the findings reveal a protection system that appears comprehensive in law but is largely ineffective in practice.

This research forms part of broader efforts by civil society organisations (CSOs) such as Democracy Works Foundation (DWF) and Whistleblower House to strengthen South Africa's whistleblowing ecosystem through evidence-based research, advocacy, and direct support to whistleblowers and their families[1]. Situated within these ongoing initiatives to translate post–state capture reform commitments into practical protection, the study contributes empirical evidence intended to inform policy reform, institutional accountability, and the design of holistic support mechanisms.

Whistleblowers reported limited knowledge of their legal rights at the time of making a disclosure, contradicting the PDA's assumption that individuals understand how to make a "protected disclosure." Cultural stigma around 'impimpis' further discourages early reporting. Internal reporting channels, which the PDA prioritises, proved consistently unsafe. Key informants described internal systems as captured, obstructive or directly linked to implicated actors. Retaliation was swift, severe and multi-dimensional, including dismissals, restructuring, harassment, surveillance, break-ins and financial collapse, demonstrating gaps across the PDA, LRA and WPA. Institutional responses were slow and inconsistent. The Public Protector South Africa (PPSA), National Prosecuting Authority (NPA) and other bodies often failed to finalise investigations or provide timely updates, creating an accountability vacuum. The WPA offered no protection during the most dangerous early phase before a criminal case is opened. Families of whistleblowers suffered significant psychological and financial harm, a dimension absent from existing legislation.

CSOs such as Platform to Protect Whistleblowers in Africa (PPLAAF), Whistleblower House, and The Centre for the Study of Violence and Reconciliation (CSVR) emerged as the most consistent support structures. Still, they lack the resources and statutory authority to fill the gaps left by the state. Across testimonies, key informants emphasised structural power imbalances and the inadequacy of the PDA's "good faith" requirement, which employers frequently weaponise. The findings align with critiques from the Judicial Commission of Inquiry into Allegations of State Capture (Zondo Commission, 2022), the National Anti-Corruption Advisory Council (NACAC), Corruption Watch and academic scholarship, confirming persistent failures of internal reporting, inadequate early protection, and weak institutional enforcement.

1 This research was commissioned as part of the *Protecting and Promoting Whistleblowing in South Africa (PPW)* project, a three-year initiative implemented by Democracy Works Foundation (DWF) in partnership with The Whistleblower House (TWBH), with support from the European Union under its Human Rights and Democracy programme. The PPW project combines direct, holistic support to whistleblowers and their families with research-driven advocacy aimed at strengthening South Africa's legal, policy, and social environment for whistleblowing.

This research expands existing literature by highlighting the profound financial and psychosocial impact on whistleblowers and their families. To build a functional protection ecosystem, the report recommends establishing an independent Whistleblower Protection Agency, removing the PDA's good-faith clause, amending the WPA to include pre-investigation protection, creating a statutory support package, and imposing binding timelines on oversight institutions. Future research should examine comparative international models, quantify long-term socio-economic impacts on whistleblowers, and deepen understanding of cultural barriers that shape reporting behaviour.

A detailed, operational set of recommendations is provided for legislators, institutions, and civil society actors engaged in strengthening whistleblower protection and democratic accountability in South Africa.

Table of Contents

List of Abbreviations

CCMA	Commission for Conciliation, Mediation and Arbitration
CPI	Corruption Perceptions Index
CSO(s)	Civil Society Organisation(s)
CSVR	Centre for the Study of Violence and Reconciliation
DWF	Democracy Works Foundation
LRA	Labour Relations Act 66 of 1995
NACAC	National Anti-Corruption Advisory Council
NLC	National Lotteries Commission
NPA	National Prosecuting Authority
NPC	National Planning Commission
PDA	Protected Disclosures Act 26 of 2000
PPLAAF	Platform to Protect Whistleblowers in Africa
PPSA	Public Protector South Africa
POPIA	Protection of Personal Information Act 4 of 2013
SIU	Special Investigating Unit
WPA	Witness Protection Act 112 of 1998

List of Tables

1. Introduction

Whistleblowing is widely recognised as a critical mechanism for accountability, integrity, and democratic governance, enabling individuals to disclose wrongdoing that would otherwise remain concealed. Through such disclosures, whistleblowers play a central role in exposing corruption, maladministration, unlawful conduct, and abuses of power. In South Africa's unique socio-economic and political context, whistleblowers have frequently been the primary catalysts for the exposure of corruption, institutional weakness, and state capture. Heightened public and media attention to whistleblowing has been instrumental in revealing unlawful practices that pose fundamental threats to democratic consolidation and the broader transformation project three decades after the advent of democracy.

South Africa's transition to constitutional democracy in 1994 was premised on a vision of governance grounded in accountability, transparency, and the rule of law (Calland 2013). These principles find expression in constitutional guarantees of freedom from all forms of violence (section 12(1)(c)), fair labour practices (section 23), and freedom of expression (section 16) in the Constitution of the Republic of South Africa (Constitution RSA, 1996). Yet, thirty years after the end of institutionalised apartheid, corruption remains endemic (Lodge 2021), representing not merely a failure of enforcement but a profound challenge to the constitutional project itself (Chipkin and Swilling 2018). While the National Planning Commission's (NPC) aspiration of "zero tolerance towards corruption" by 2030 remains normatively achievable (NPC 2012, p. 4), its realisation is inextricably linked to the effective protection of whistleblowers, who continue to face significant professional, economic, and personal retaliation when exposing wrongdoing (Uys and Radulovic 2025).

This paper examines that gap through an empirical, qualitative inquiry into how South Africa's whistleblower protection framework operates in practice. It focuses not on the formal content of the law alone, but on the socio-economic, psychological, and related consequences experienced by individuals who disclose wrongdoing. The research was undertaken as part of ongoing civil society efforts by organisations such as Democracy Works Foundation (DWF) and Whistleblower House to strengthen the whistleblowing ecosystem through evidence generation, advocacy and direct support to whistleblowers and their families. The paper was given impetus by a recognition that, while existing scholarship has extensively analysed the design, limitations, and best-practice elements of whistleblowing legislation, there remains limited empirical documentation of the cumulative harms borne by whistleblowers and their families, particularly in the South African context. Addressing this gap is critical for informing both legal reform and the development of practical, survivor-centred support interventions.

By foregrounding the voices of whistleblowers and key actors within the whistleblower support ecosystem, this study contributes original evidence on how current legal protections are experienced, navigated, and often undermined in practice. In doing so, it seeks to inform ongoing debates on the whistleblower ecosystem from law reform, institutional accountability, to the development of effective support mechanisms in post–state capture South Africa.

Against this backdrop, questions arise not only about the adequacy of South Africa's formal whistleblower protection framework, but about how that framework is experienced and navigated by those who rely on it. This study responds to these questions through an empirical examination of whistleblower protection in practice, contributing evidence intended to support reform initiatives, advocacy strategies, and the strengthening of whistleblower support systems in South Africa.

This paper sets out the research aims, contextual framework and methodology, followed by the findings section, which presents thematically organised empirical insights into whistleblower vulnerability, retaliation, and protection in practice. These findings are then examined, with consideration of relevant legal and scholarly literature in the analysis section. The paper concludes with a set of operational recommendations for reform, followed by reflective concluding observations.

1.1. Research Aims and Questions

This study assesses the effectiveness of South Africa's existing legal and policy framework in protecting whistleblowers across the disclosure process, from the initial reporting stage through to longer-term consequences. It seeks to generate empirically grounded insights into how statutory protections operate in practice and where they fail to mitigate retaliation, harm, and vulnerability. The central research question examines the extent to which South Africa's whistleblower protection frameworks, including the PDA, the WPA, and labour laws, effectively safeguard whistleblowers in practice.

Subsidiary questions explore:

- How whistleblowers understand and navigate available legal protections at the time of disclosure;
- How institutional actors, CSOs, and the media shape protection outcomes; and
- What gaps exist between statutory protections and lived experience, and what reforms are required to address them?

The study is largely exploratory in nature and does not measure prevalence or causality. Rather, it aims to generate qualitative insights into systemic patterns of protection failure and resilience, producing evidence that can inform legal reform, institutional practice, and the design of support interventions for whistleblowers operating in high-risk environments.

The research design was qualitative in nature and relied on a combination of semi-structured interviews with documentary and legal analysis. This approach enabled an in-depth examination of the interaction between legal frameworks, institutional practices, and lived experience. In addition to contributing to scholarly debate, the methodology was deliberately oriented toward generating applied, policy-relevant insights.

1.2. Corruption as a Constitutional Crisis

South Africa is plagued by the deeply rooted issues of corruption due to systemic discrimination, economic exploitation, and authoritarian governance during the colonial era and the apartheid regime (Lodge 2002). The evolution of corruption is viewed as more than a criminal activity; it also represents an attack against the fabric of a fair and just society (Luna-Pla and Nicolás-Carlock, 2020)). The Zondo Commission revealed that "capture" of the state involves, first and foremost, the active and strategic dismantling of democratic institutions, from state-controlled corporations to police and intelligence (Zondo Commission, 2022). For this and many other reasons, the protection of whistleblowers becomes not simply a matter of principle, but an imperative of constitutional democracy (Uys and Radulovic 2025).

For conceptual clarity, it is necessary to consider the definition of "whistleblowing" before turning to the legal framework governing disclosures. The term emerged in the 1960s to distinguish insiders who disclose wrongdoing from external complainants (Jubb 1999). Despite its widespread use, South African legislation provides no coherent or uniform definition of whistleblowing. Only the National Environmental Management Act 107 of 1998 (NEMA) and the Companies Act 71 of 2008 (CA) refer to whistleblowers, but neither statute offers substantive definitional guidance (NEMA; CA).

This definitional silence has practical consequences. It contributes to uncertainty about who qualifies for protection when disclosure is recognised as legitimate, and which harms trigger remedial obligations. These legal ambiguities are compounded by powerful social stigma. Whistleblowers in South Africa have historically been labelled '*impimpi',* a term associated with apartheid-era informants and violent retribution, resulting in disclosure frequently being framed as betrayal rather than civic action (Buur 2006). Together, legal inadequacy and lingering cultural hostility shape the environment in which disclosures occur and contribute to a failure in the ecosystem to translate formal protection into lived security.

2. Background

Whistleblowing is a central accountability mechanism for exposing corruption and protecting the public interest. Academic scholarship frames whistleblowing as both an individual ethical act and a structural governance tool capable of revealing hidden wrongdoing that escapes formal oversight and catalysing institutional reform when disclosures are acted upon (Near and Miceli 2016; Lewis 2011).

In South Africa the legal architecture for disclosure is anchored in the PDA, the WPA and labour protections under the LRA. These statutes were drafted in different political moments and for different problems, and scholars have long argued that statutory design alone cannot compensate for weak institutional capacity, fragmented enforcement, or cultural resistance to speaking out (Pillay, Dorasamy and Vranic 2012; Pillay, Dorasamy 2011). Practitioner-led research and civil society analysis similarly emphasise that law must be paired with implementation systems, resourcing, and survivor-centred support to be effective.

South Africa's macro corruption environment intensifies the stakes for whistleblower protection. Transparency International's Corruption Perceptions Index (CPI) places South Africa well below a clean-governance threshold, with a score of 41 in the 2024 CPI, which is below the global average, indicating persistent governance and integrity challenges (Transparency International 2024). Domestic monitoring corroborates this picture: Corruption Watch's recent reporting documents highlight the risks faced by whistleblowers, and list high volumes of complaints with persistent problem areas being in procurement, local government, and state-owned entities (Corruption Watch annual reporting 2024/25). These indicators are not merely abstract measures of governance performance but reflect environments in which accountability mechanisms such as channels for whistleblowing are routinely compromised.

The Zondo Commission produced detailed evidence of how capture operated through patronage, compromised procurement and control of oversight mechanisms, demonstrating that disclosure channels were often captured or neutralised by those who benefited from corruption. Recent high-profile disclosures by senior officials, including allegations aired through national media in 2025, underscore the continued centrality and contestation of whistleblowing in South Africa's accountability landscape. These dynamics mean whistleblowers frequently operate in environments where implicated actors can exercise political influence over investigations and that reprisals are both subtle and severe. (Transparency International, 2024)

Several interrelated conditions inhibit whistleblowing and the development of robust support in South Africa's current legal and institutional landscape. First, legal and procedural design features create practical barriers. The PDA's emphasis on internal-first reporting presumes that employers and internal compliance units are neutral and trustworthy, an assumption that empirical evidence contests in contexts of organisational capture (Pillay et al. 2012; Lewis 2011). The WPA provides important tools for witness safety but is reactive as protection typically becomes available only once criminal proceedings commence, leaving disclosures vulnerable during the critical early period when reprisals are most likely (Zondo Commission findings, 2022). Labour law offers remedies after dismissal or occupational detriment but not proactive emergency support such as temporary income, relocation or trauma counselling.

Second, awareness and legal literacy are low; interviews and surveys show that many prospective disclosers learn about legal protections only after they have suffered harm, undermining the PDA's functional utility (Pillay et al. 2012; PPLAAF 2024). Third, cultural stigma rooted in histories of policing and informant punishment discourages reporting in communities where the term for an informant carries powerful negative connotations (Dorasamy, Pillay 2011; Buur 2006). Fourth, state institutions meant to receive, investigate or protect whistleblowers are often under-resourced, slow or subject to political interference. The NACAC's Close-Out Report emphasises institutional fragmentation and capacity shortfalls that impede effective handling of disclosures. Together, these factors create both legal and social disincentives to speak out (The Presidency of South Africa, 2025).

Why support is crucial now requires situating whistleblowing in the post-state-capture recovery agenda. The Zondo Commission documented how capture hollowed out the normal checks and balances of the state and produced concentrated corruption that undermined service delivery, fiscal stability and public trust. Addressing these structural weaknesses in the post-state capture period acquires urgency not only through prosecuting wrongdoing but also through protecting individuals who bring it to light. Within this context, civil society initiatives that combine empirical research, coordinated advocacy, and direct support to whistleblowers and their families have emerged as critical complements to formal state mechanisms, particularly where institutional protection remains uneven or delayed.

The NACAC's recommendations and recent government engagement with whistleblower reform signal political recognition of this need, yet the Council's Close-Out Report also warns that piecemeal legislative change without institutional transformation will fail to deliver real protection or deterrence. Effective reform, therefore, requires bridging law and practice through the provision of proactive protection protocols, emergency financial and psychosocial assistance, safe and anonymous reporting channels, and guaranteed confidentiality and anti-SLAPP protections that prevent legal harassment. Strengthening whistleblower support is also a cost-effective anti-corruption strategy since disclosures often reveal large-scale fraud that, when acted on, can recover significant public funds and restore institutional integrity (The Presidency of South Africa, 2025).

Existing literature also identifies research gaps to which this project initiates a response. Academics note the mismatch between statutory theory and practice, but there is limited empirical work documenting the full socio-economic costs of whistleblowing in South Africa, including impacts on families, mental health, and long-term employability (Near and Miceli, 2016; Pillay et al. 2012). PPLAAF and Corruption Watch reports describe case studies and assistance models, yet systematic evaluations of support interventions, what works, at what cost, and how to scale them, are scarce. The NACAC report recommends further evidence generation on institutional models, sectoral risk mapping, and survivor support mechanisms. This study's qualitative findings on financial collapse, family harms and institutional delay therefore offer a timely empirical contribution that can inform policy piloting and legislative drafting. (The Presidency of South Africa, 2025)

In short, both scholarly analysis and policy reporting converge on a central conclusion that South Africa's formal whistleblowing architecture provides an incomplete shield. Without coordinated institutional reform, improved resourcing, public education campaigns and statutory mechanisms for early protection and financial support, potential disclosers will remain exposed and corruption risks will persist. The post-state-capture moment offers an opportunity to translate the Zondo Commission and NACAC recommendations into formal and practical systemic change. Building that change will require aligning legislative reform with practical support systems, independent oversight capacity, and consistent political commitment to enforce protections. (The Presidency of South Africa, 2025)

Collectively, these conditions demonstrate that retaliation against whistleblowers is not anomalous but structurally produced, emerging from the interaction between legal design, institutional weakness, and social norms.

It is within this context of legal insufficiency, institutional fragility, and lived harm that the present study adopts a qualitative approach to examine how whistleblower protection operates in practice.

3. Methodology

The research design was qualitative in nature and relied on a combination of semi-structured interviews with documentary and legal analysis. This approach enabled an in-depth examination of the interaction between legal frameworks, institutional practices, and lived experience. In addition to contributing to scholarly debate, the methodology was deliberately oriented toward generating applied, policy-relevant insights.

Semi-structured interviews were conducted with whistleblowers, representatives of CSOs, an academic specialist, and an investigative journalist. This enabled the collection of rich narrative data, capturing both personal experiences and broader systemic insights.

Documentary analysis of legislation, case law, and academic literature was used to triangulate interview data through documentary analysis, which included grey sources of literature such as policy and civil society reports, to situate individual accounts within the broader legal and institutional framework.

Recruitment of participants posed significant challenges, reflecting the sensitivity of whistleblowing and the risks associated with participation. Access to institutional stakeholders, including oversight bodies and government entities, was limited, resulting in a sample that leans toward whistleblower and civil society perspectives. While the accessibility challenge introduces potential selection and institutional silence biases, these absences potentially reflect the broader accountability ecosystem encountered by whistleblowers.

To mitigate recruitment constraints, the study employed purposive and snowball sampling strategies. As interviews progressed, participants provided references to other respondents with relevant expertise or experience. While snowball sampling can introduce network bias, it also enabled access to otherwise hard-to-reach participants and strengthened the depth of the dataset.

3.1. Participants

The final sample comprised three whistleblowers, one investigative journalist, one academic researcher, and one representative of a whistleblower support organisation. Although two whistleblowers were drawn from the same institution, their accounts illuminate systemic rather than isolated failures, particularly within high-risk organisational environments. Table 1 below provides a list of participants, categorized by role, sector, and position in the whistleblowing ecosystem.

***Table 1:** List of Participants*

Category	Name	Role / Position	Affiliation / Description
Whistleblowers (n=3)	**Sello Qhina**	Former Monitoring & Evaluation Officer	National Lotteries Commission (NLC)
	WB 1	Former Manager	NGO; disclosed financial fraud involving international funding
	Mzukisi Makatse	Former Grant Agreement Officer / Monitoring & Evaluation Officer	National Lotteries Commission (NLC)
Support Organisations / Academia (n=2)	**Dr. Ugi Radulovic**	Academic Researcher in Whistleblowing Ethics	University of Johannesburg
	Roshnee Narrandes	Southern Africa Regional Director	Platform to Protect Whistleblowers in Africa (PPLAAF)
Media (n=1)	**Raymond Joseph**	Investigative Journalist	Award-winning reporter specialising in corruption investigations

3.2. Limitations

This study is subject to limitations. The qualitative design and small, purposively selected sample do not permit generalisation of findings across all whistleblowers or sectors. Recruitment challenges limited access to state institutions and oversight bodies, resulting in a dataset weighted toward whistleblowers and civil society perspectives, potentially reflecting institutional silence rather than an absence of relevance[2].

As with most interview-based research, findings rely on self-reported experiences and perceptions, which may be shaped by recall bias and the emotional impacts of disclosure. These limitations are acknowledged to contextualise the findings and underscore the need for further research, rather than to diminish the validity of the experiences provided by the participants.

3.3. Data Analysis

Interview data was analysed thematically using an inductive approach. Transcripts were reviewed iteratively to identify recurring patterns, themes, and divergences. Themes were refined and grouped through comparison with documentary and legal analysis, enabling the integration of lived experience with doctrinal and policy critique. Given the small sample size, findings are not statistically generalisable but offer analytically transferable insights into the whistleblower protection ecosystem and its dynamics.

3.4. Ethical Considerations

Ethical considerations were central to the research design. All participants provided informed consent before participation. Given the high risk of retraumatisation and retaliation, interviews were conducted using a trauma-informed approach, with participants able to decline questions or withdraw at any stage of the interview. As a result, one whistleblower is anonymised due to safety concerns; however, complete anonymity cannot be guaranteed with absolute certainty, given the specificity of certain cases.

The study adhered to data protection standards prescribed by the Protection of Personal Information Act (POPIA). Special care was taken to minimise the risk of harm through careful data handling, anonymisation where possible, and responsible reporting of sensitive information.

These ethical safeguards are particularly important in research intended to inform advocacy and protection efforts, where the risk of harm extends beyond participation in the study to the broader context in which whistleblowers live and work.

2 The study's limitations include a small, purposively selected sample (n=6), limiting generalisability; geographic concentration primarily in 5 the Eastern Cape and Gauteng; the inclusion of two whistleblowers from the same institution; reliance on retrospective self-reported accounts; the absence of perspectives from employers, investigators, or adjudicators; and a gender imbalance among whistleblower participants, with only one woman represented.

4. Findings

This section presents the core findings emerging from semi-structured interviews with whistleblowers and key informants. Rather than reporting themes as discrete or sequential experiences, the findings are organised into thematic groupings that reflect how participants' accounts coalesced around interconnected patterns of vulnerability, retaliation, protection, and agency. These groupings capture not only what whistleblowers experienced but also how legal, institutional, and social dynamics interacted to shape those experiences over time. While individual sub-themes are identified for analytical clarity, this structure foregrounds the systemic and relational nature of whistleblower harm and protection in the South African context.

Thematic Grouping 1: Preconditions of Whistleblower Vulnerability

This theme examines the structural conditions that render whistleblowers vulnerable even before disclosure occurs. Participants' accounts reveal that limited legal awareness, compromised internal reporting mechanisms, performative compliance, and ambiguous statutory requirements collectively undermine the protective intent of whistleblower legislation. Rather than operating as safeguards, these preconditions often expose potential whistleblowers to heightened risk from the outset.

Limited Awareness of Rights

Participants consistently reported limited awareness of whistleblower-specific legal protections before and at the time of disclosure. Some awareness of the PDA and related frameworks typically emerged only after the disclosure had been made or retaliation had already occurred, undermining the preventive intent of the legislation.

Mzukisi stated: "Honestly, speaking, I had not thought much about the whistleblowing legal framework at all, strangely, and the only, my only concern was, was, was, you know, my labour relations, you know, rights... in terms of your whistleblowing and Protected Disclosures Act that did not actually come to mind at the time that I decided, you know, to vent out what I thought were the irregularities."

This was confirmed by Sello: "I did not know much about that. When I was dismissed, I went to CCMA regarding labour relations, that was when I tried to understand my rights."

WB 1 similarly consulted an attorney about employment matters, only learning he was making a protected disclosure when raised by the attorney during consultation: "he also mentioned that right now what you're actually doing is making a protected disclosure."

Roshnee unpacked this public confusion: "There are a lot of conflating cases of labour issues where people think that they have information related to whistleblowing - only to understand that those are internal issues that need to be held through CCMA."

Cultural stigma compounds this ignorance. Roshnee explained: "Some ordinary people in the street are referred to as Impimpis (slang for a snitch or a sell-out), with expressions like 'snitches get stitched' being used quite often. That plays out in the whistleblower space as well."

Dr. Ugi observed that awareness comes too late: “policies and laws are made aware once one is in the process of whistleblowing - and experiencing fallout and retaliation.”

The pattern that emerged from the interviews suggests that the whistleblower protection regime assumes a level of legal literacy that is not reflective of the lived realities.

Deliberate Internal Obstruction

Internal reporting mechanisms intended to facilitate disclosure of wrongdoing used by the respondents proved to be anything but insulated from interference, or protective and facilitative. This discussion illustrates experiences about how the internal mechanisms were designed to prevent, discourage, or neutralise internal reporting.

Mzukisi identified systemic vulnerabilities exploited by perpetrators: “there are many projects in the system that stand approved for funding, but no one seems to be picking them up... And there was one individual was sitting at the head office who had access to everybody else’s bins, and he could do as they please, you know, in those bins, and that person was called, happened to... this individual had this, you know, unfettered authority to be able to manipulate and do whatever that they wish in your bin, without your knowing.”

When Mzukisi proposed improvements, these were reframed as incompetence: “they thought that in a way, I was being difficult because I didn’t know how to use the system, so I needed a second training.”

Raymond revealed that even formal whistleblowing channels can be compromised: “The National Lotteries Commission had a whistleblowing line... reports that came from the whistleblower line went to the to the head of risk... it was then changed and stuff coming on the whistleblowing line was going to the same people who the whistle was being blown on.”

Sello described management’s response to his concerns: “My report was ignored during the internal meetings. I noticed that there is really nothing that is going to be done.”

WB 1 identified a pattern of gaslighting: “You’re made to feel that you’re the problem. You told you know that you’re doing everything wrong, but then only to find out afterwards that it’s not actually you that was doing something wrong. They were the ones stealing.”

Testimonies revealed that despite the intention of providing failsafe methods for reporting and protecting whistleblowers, actual implementation rendered reporting mechanisms and processes vulnerable to manipulation and posed an adverse risk to the whistleblower.

Institutional Non-Compliance as Standard Practice

All informants confirmed that formal compliance with protection frameworks is performative rather than substantive.

Roshnee was unequivocal: “I do not think that they comply. They put up a front to say they comply... Every case I have worked with has had no compliance to date. Nothing. No. No.”

She provided concrete examples: “There is a whistleblower who is now being reinstated as of the 1st of October. They did not provide work tools. There is continuous harassment, sidelining... They retaliate in a way that is playing mind games. They keep saying that the municipal manager is not there to properly facilitate everything.”

WB 1 noted wellness policy failures: “I remember there was a wellness policy in place, but nothing was done about it.”

Dr. Ugi noted policy-implementation gaps: “Every company should have the policy in place... but it is about abiding and understanding the Acts, more than that, it is the implementation of those laws.”

Weaponisation of the “Good Faith” Requirement

Some of the informants identified the “good faith” provision of the PDA as fundamentally problematic. Others did not advance any thoughts about the provision at all.

Mzukisi provided legal analysis: “that’s just one element, you know, which is quite subjective in that Act, to say that someone must make a disclosure in good faith, so an employer can decide willy nilly…. Who is supposed to adjudicate as to what good faith means?”

He characterised the Act as “drafted in a defensive mode... in the sense that it seeks, not necessarily, to protect whistleblowers, than to protect the organisations.”

Roshnee called for its removal: “Remove the good faith requirement in the guidelines. It does not make sense.”

Taken together, these findings suggest that whistleblower vulnerability is not incidental but structurally produced. Legal frameworks assume institutional good faith, procedural integrity, and legal literacy that are frequently absent in practice. As a result, whistleblowers enter the disclosure process already disadvantaged, setting the stage for the forms of retaliation examined in the following cluster.

Thematic Grouping 2: Retaliation as the Strategy, Not the Exception

This cluster documents retaliation as a deliberate, coordinated, and escalating response to whistleblowing, rather than an anomalous or ad hoc reaction. Retaliatory measures were triggered rapidly, unfolded across multiple domains, exploited power asymmetries, and were prolonged through procedural delays. For many participants, retaliation was intensified by intersecting forms of discrimination.

Expedited Retaliation

This theme highlights the swift retaliation which followed a refusal to participate in wrongdoing or when concerns were escalated. The data reveals that adverse actions were not delayed, incidental, or procedurally neutral; rather, retaliation was triggered almost instantaneously, suggesting the existence of pre-configured institutional responses designed to neutralise dissent.

Mzukisi’s timeline is particularly striking: “the first instruction was given on the 3rd of August... And then later on, I was forced again, I think, on the same day... within an hour of me responding to that email...

I was served with a notice of suspension that was signed by the National Commissioner."

The speed suggested pre-planning: "this letter had been signed by the Commissioner sitting at the head office, not even knowing who I was... But she signed a letter, you know, of... notice of suspension, and telling me to vacate the office and leave."

WB 1 described being systematically isolated: "I became a target, because I was suspended from management structures, excluded from meetings. There were things happening even around me that I didn't know... I clearly knew that they tried to work me out."

The mechanisms were designed for rapid response to isolate: "There was a WhatsApp group for MANCO, and suddenly messages stopped…you hear about management meetings happening... suddenly, okay, they must have opened up a new group, or something is happening in the background that I don't know about."

WB 1 was also told: "the organisation can no longer claim a salary from International Funder because I refuse to falsify documents on time sheets" - weaponising compliance they themselves created.

Sello experienced similar retaliatory speed: After reporting internally without results and then contacting journalist Raymond Joseph, "The Commissioner and HR called me saying that I was leaking information (tried to blackmail me). I was suspended while on leave."

The data revealed that the rapid retaliation was intended to contain and isolate the whistleblower before their concerns could gain traction or attract scrutiny. The speed of response, even before any meaningful investigation, undermines claims of good-faith disciplinary action and is a basis for the broader, more sustained harms explored in the theme that follows.

Multi-Dimensional Retaliation

Retaliation and its effects were not confined to the workplace, nor were they singular in nature. This theme documents how whistleblowers were subjected to multi-dimensional retaliation, spanning employment, financial security, social standing, legal exposure, psychological well-being, and physical safety. Rather than occurring sequentially, these harms frequently unfolded simultaneously and cumulatively, amplifying their severity and durability.

All whistleblowers experienced retaliation across employment, financial, social, legal, psychological, and physical domains, often simultaneously.

Employment Retaliation:

Mzukisi was dismissed through procedural manipulation: "before I could attend both of these disciplinary hearings, that is the second part of the first disciplinary hearing, and the second disciplinary hearing, I was served with a dismissal notice... I was terminated without a proper, you know, disciplinary hearing being carried out."

WB 1 described manufactured grounds: "There were alternate restructuring. To justify my retrenchment that happened afterwards."

Sello was similarly dismissed on fabricated charges: “bringing the organisation’s name to disrepute, leaking information and using the organisation resources for personal gain - but the last one was eventually disregarded.”

Financial Devastation:

Mzukisi: “you lose your income. You are unable to take your kids to school, to pay school fees, you know to provide for your family. You know you lose your home.”

Sello provided specific detail: “My car was repossessed... I stay in a place where there is no electricity, I have nothing.”

WB 1: “financial stability... that’s being the biggest challenge... there’s nothing from government. There’s nothing from much from civil society... you still need to pay for your electricity, your Wi Fi, your food, your daily expenditure... Even going to Doctor, I need to pay for those stuff because of harm that was inflicted by somebody else, which is unfair.”

Social and Reputational Destruction:

WB 1 was “blacklisted within the NGO sector... the directors speak. So some of the staff that used to work, told me, look here this is what we heard that’s happening in the background.”

Mzukisi described public character assassination: “the National Lotteries Commission decided to engage the media, you know, to vilify me. You know, to tell lies about me being someone that was corrupt, someone who was double dipping.”

Community perception shifted: “when there’s your name and there is corruption in the same sentence. To them, it’s not really about you exposing corruption, it’s about being corrupt... So I’m just saying your entire social reputation as well takes a knock.”

Legal Harassment:

Mzukisi: “I had been approached from, you know, various angles” and was subjected to multiple overlapping disciplinary processes designed to exhaust: “the first disciplinary hearing that I was still going through, had not finished, the second one that I was to attend had not started.”

Sello faced multiple charges and was investigated by the State Security Agency at the organisation’s request (though SSA refused).

Psychological Trauma:

WB 1 was diagnosed with “… hypertension... heart issues and depression.” The gaslighting was profound: “I did not understand. I knew about the term gaslighting. I knew what it meant when it’s done to you. You don’t actually know it until you have time to, like, sit back and speak to somebody about it.”

Mzukisi described: “…your life becomes a mess, and you, you are mired into deep depression... your life becomes, becomes, you know, a serious, serious mess.”

Physical Threats and Safety

WB 1 experienced an attempted break-in: "there's like a three rooms before this particular window. So you pass all these windows, get to this other window, try to break in here, and it just happens to be the same room where my computer is, and all the evidence is on my computer."

Digital security was compromised: "somebody also hacked a home server, small, little one here, a terabyte server with all the information that stored on it."

Mzukisi described surveillance: "I would have people following me around. For instance, when I go to the gym, when I'm at the gym, someone would be watching me, watching my movements at the gym, to a point of me confronting them, and then they would run away."

His office was burglarised: "that office was broken into, and they removed documents... they rummaged my office."

Sello had to relocate: "had to leave my house and live somewhere in the outskirts of Northern Cape. My kids had to be at a school where they could be protected - where there was no easy access by the public."

WB 1 faced additional intersectional vulnerability: "…a hit list that was circulating, and my name is on the hit list, and I'm the only one from my areas that's on that hit list" related to being openly gay and Muslim, compounding whistleblower risks.

The findings illustrate that retaliation functioned as a vast and multifaceted ecosystem of harm, in which different forms of reprisal reinforced one another to exhaust, discredit, and destabilise whistleblowers. Employment sanctions triggered financial collapse; reputational damage constrained future work; legal harassment compounded psychological trauma; and security breaches heightened fear and isolation. This interconnectedness challenges narrow conceptions of retaliation and underscores the inadequacy of protection frameworks that address harms in isolation rather than as structurally linked and mutually reinforcing.

Prolonged Temporal Warfare

Drawn-out investigations, prosecution, and uncertainty, combined with retaliation has significant tangible and psychological impacts on whistleblowers. This theme demonstrates how protracted prosecution takes the form of punishment, representing a deterrent to whistleblowers.

Roshnee described a case spanning "over 13 years. They were reinstated to pay back the money owed to them. On the 1st of October, they go to work, and do not even have a chair to sit on."

Sello noted the impact arising from the protracted nature of her case: "Took a toll on myself because my case has been there for about four years."

WB 1 referenced the time taken in the ongoing investigations: "they need another 180 days, which will expire next year February. Yeah, and they did this before already, so it's been quite some time."

The CCMA process itself creates delays: WB 1 noted "the slowness of it, the the CCMA itself is slow in terms of number of months and the duration to get, like, arbitration."

Roshnee identified the long time taken as deliberate: "There needs to be clear timelines regarding what is going on with the cases because whistleblowers become paranoid - so they need to provide information to them."

The findings demonstrate that retaliation functioned as a system of deterrence, combining speed, breadth, duration, and asymmetry of power to exhaust and silence whistleblowers. Far from isolated acts of reprisal, these practices reveal an entrenched organisational logic in which retaliation is normalised, sustained, and strategically deployed.

Discriminatory Retaliation and Intersectional Vulnerability

WB 1 experienced homophobia intertwined with whistleblower retaliation: "I receive SMS, so not SMS, WhatsApp, messages. And in the WhatsApp messages, you find language being used like moffie, stabane, a lot of derogatory terms."

Management weaponised stereotypes: "when you speak to him about something he'll like start using knowing that you're gay, start using like expressions such as, oh, you're just being emotional right now. This is not something to worry about. Stop being a drama queen."

Ageism also featured: "when I tried to access the staff, there was like for studying and things during that year to go on courses and things, I was told straight out, it's not for me. It's not meant for me. It's only meant for the young staff."

Roshnee noted gender-specific retaliation: "There is sexual harassment especially for women - It is their word against perpetrators."

Power Asymmetries

This theme illustrated the power differential between whistleblowers and those they expose, highlighting both psychological and physical impacts and despair when even mechanisms intended to protect whistleblowers are compromised.

Sello repeatedly emphasised: "I was fighting big people, which took a toll on me physically and mentally... I faced a lot of hardships because I was dealing with powerful people... They are dealing with powerful people."

WB 1 described powerful connections: "This lady is in a management position... she's connected politically also in the city... her brother, for example, works with the cops."

Mzukisi characterised perpetrators as: "intransigent... people that were for a lack of better expression, you know, intransigent, you know people that, you know had no sense of good governance."

Roshnee identified systemic failure: "In a lot of cases, a lot of people are getting away with it. The law is one thing but the state's inability to enforce the law is a problem. Widespread corruption in SA is also a big challenge."

Raymond noted institutional capture even of protective mechanisms: "stuff coming on the whistleblowing line was going to the same people who the whistle was being blown on."

Thematic Grouping 3: Relational Harm

Beyond individual targeting, this theme highlights the relational consequences of whistleblowing, particularly the harm experienced by family members. Participants' accounts illustrate how retaliation penetrated the private sphere, affecting children, partners, and extended family networks.

Collateral Damage to Families

Beyond the direct targeting of whistleblowers, the data revealed significant and often devastating spillover effects on family members. This theme examines how retaliation extended into the private sphere, impacting children, partners, and extended family networks. These experiences expose a critical blind spot in whistleblower protection regimes, which largely conceptualise harm as individual rather than relational.

Sello's testimony was particularly devastating: "My family was also affected. My daughter even attempted to commit suicide... My daughter was gifted and ended up in the National Olympics competition - but because of what was happening, she had to sacrifice her sports talent because of me."

Mzukisi described abuse of his children: "the managers in this office, they would even chase my kids away when they went to see their mother... my kids were… underage and one was about two, three years old. The other one was around seven years the other one was 11 years old... They will get verbally abused, you know, by people who had been given positions."

His extended family suffered: "My mother suffered a lot. You know, in terms of diabetes, you know, high blood pressure. And eventually, my father lost his life, you know, he suffered from cancer after that... it was difficult to bury him because no finances were available."

Two participants referenced strain on the family. In the case of Mzukisi the strain resulted in the loss of his fiancé.

Dr. Ugi identified the adverse impacts on family as a systemic gap in the ecosystem: "What happens to those who are the family of whistleblowers?"

The accounts presented demonstrate that retaliation against whistleblowers frequently operates through familial vulnerability, imposing emotional, educational, health-related, and economic costs on those closest to them. The absence of formal recognition or support for families not only deepens harm but also intensifies pressure on whistleblowers to withdraw or remain silent. These findings point to a systemic gap in existing frameworks, which conceptualises harm as individual rather than collective and reinforces the need for protection models to respond to the collective consequences of whistleblowing.

Thematic Grouping 4: Displaced Protection and Uneven Institutional Response

This thematic grouping examines where whistleblowers turn for protection once retaliation begins and how protection is reconfigured in practice when formal legal mechanisms fail. Participants' accounts reveal a landscape characterised by uneven state responses, partial reliance on media exposure, and significant intervention by CSOs and journalists. However, even where support was available, it was frequently fragmented, temporary, and insufficient. Taken together, these findings expose a system in which protection is displaced away from the state, inconsistently delivered, and structurally incapable of meeting the full spectrum of whistleblowers' needs.

Media as a Protection Mechanism

The media emerged as one of the most effective avenues for protection, though insufficient on its own.

Sello worked with journalist Raymond Joseph: "I then communicated to Raymond Joseph to expose executives involved in fraud and corruption in the organisation... Raymond even became an award-winning journalist for keeping on, he trusted me although people were trying to take us down."

Mzukisi emphasised media's critical role: "the media played quite, you know, a significant role in the exposure of the disclosed information, but also in the exposure of the suffering that one was going through."

Media exposure created cascade effects increasing the confidence in other individuals to whistleblow and raising public pressure as articulated in the Mzukisi interview: "as much as the National Lotteries Commission was trying to explain away, you know, some of the disclosures that I had made the public started to want more answers... there were also many others within or some other individuals within the organisation that that started now to speak out."

However, Raymond acknowledged limitations: "our law doesn't protect whistleblowers. It might look good on paper, it does not protect whistleblowers... The law is inadequate." He went on to describe the journalist's protective burden borne by journalists: "whistleblowers need to be protected from themselves, because once you build up trust, they will tell you stuff... you've got to be careful how much you're going to say that might identify them... for me, it's just another good story that exposed something, for them it's their lives... getting the story is secondary to protecting the source."

Failures and Variations in State Institution Responses

Experiences with state institutions varied dramatically, revealing inconsistency rather than systematic failure.

The Public Protector South Africa (PPSA) received mixed reviews:

Mzukisi received initial engagement but no follow-through from the PPSA: "… they never compiled a final report. They never served me this final report. And to date, I never received any feedback."

Dr. Ugi noted positive historical precedent: "Mosilo Mothepu... exposed Trillion/ the state capture. Thuli Madonsela took the testimony, which was important for the Zondo Commission report. The public protector was useful."

The National Prosecuting Authority (NPA) was met with a harsh assessment from Roshnee: "NPA is useless."

The Hawks received qualified positive feedback from Roshnee: "With the Public Protector and the Hawks for example, engagements have been positive. We also have to remember that these people are overwhelmed and not well capacitated but they are open to disclosures."

The Commission for Conciliation Mediation and Arbitration (CCMA) was described as procedurally slow but eventually functional in some cases.

International institutions showed greater responsiveness: WB 1 engaged the International Funder's Office of the Inspector General, which initiated investigations (though also subject to delays).

Presidential intervention proved significant in the NLC cases, with both Sello and Mzukisi referencing the presidential proclamation which entailed investigations by the Special Investigations Unit (SIU).

Critical Role of CSOs

CSOs, though under severe resource constraints, were cited as having provided the most consistent support.

All 3 whistleblowers acknowledged the Whistleblower House, a civil society organization dedicated to the promotion and protection of whistleblowers.

WB 1: "I got hold of Whistleblower House, and then they gave me access to their app... Always Safe... they gave me for one month. It was R15,000 to help me for one month, and then legal assistance."

Mzukisi: "with the formation of the Whistleblower House, I think there was also a very important, you know, support... we were able for ourselves to get, you know, some financial assistance so that we could be able to survive."

Sello received "some support from Whistleblower House (especially from the then Director) - they made a small grant for me."

CSVR (Centre for the Study of Violence and Reconciliation) which provided psychological support also featured in the responses:

WB 1: "CSVR in 2023 they I went through some counselling with them, and they offered a therapist, and it was in therapy with the therapist that I realised the extent of the gaslighting."

PPLAAF provided comprehensive support according to Roshnee: "legal assistance, secure communications (such as cellphones and laptops), psychosocial support and financial support. We collaborate with media houses who want to investigate the claims."

However, Roshnee noted severe constraints: "funding is limited... Not many workshops and campaigns are being held due to limited funding... We are a very small team and do not have resources to employ a lot of people."

Additional organisations mentioned in the interactions were Frontline Defenders, Amnesty International, South African Human Rights Commission, Art of Living, and individual support from social worker John Clarke.

Journalist Security Protocols and Ethical Burden

In response to the high risks associated with investigative journalism, Raymond detailed protection measures to which many journalists must resort for their own and for whistleblower safety:

Technical security: “I set up protocols to help them protect themselves, as far as secure their cellphones, secure their laptops, make sure they’re not using a work cellphone or a work laptop.”

Information compartmentalisation: “I keep a lot of information off my computer, stashed off site from my home.”

Gender-neutral language: “I have a policy when I use an unidentified source, I never say he or she, I always say they, so I even avoid going down to gender.”

Verification over speed: “I’m not prepared to publish until I’ve got the proof and can defend my story, and particularly when it’s a non, it’s an anonymous source.”

Raymond also noted journalists face retaliation: “You get trolled on social media. You get attacked... I’ve been sued so many times over my reporting.”

The findings in this cluster demonstrate that whistleblower protection operates through a patchwork of informal, professional, and civil society mechanisms, rather than through coherent statutory guarantees. While media actors and CSOs played indispensable roles, their interventions could not compensate for the absence of comprehensive, durable, and state-backed protection. Persistent gaps in financial, medical, safety, legal, and reintegration support reveal that even the most robust non-state interventions function as stopgaps rather than solutions. This displacement of responsibility not only places unsustainable burdens on journalists and civil society but also reinforces the deterrent effect of whistleblowing by signaling that protection is incomplete and precarious.

Lived Experience Contradicts PDA Theory

The Protected Disclosures Act’s theoretical framework was systematically contradicted by lived experience.

Expectation vs. Reality:

WB 1: “The laws don’t actually shield you properly. It’s a long process, and during the process[…] there’s not much help available... I actually thought, once the truth was on record, I’ll be protected, but it isn’t the case. And even in terms of state protection, it’s symbolic.”

Sello: “The protection I expected did not match up to what happened. I faced a lot of hardships because I was dealing with powerful people. PDA does not protect much.”

Reactive Rather Than Proactive:

Mzukisi: “it doesn’t provide any tangible protection mechanisms... it is not proactive. No, it is only reactive after you have suffered, you know, sorry, occupational detriment. So it’s a very, you know, limited and in a way, you know, ineffective Act.”

Internal Reporting Requirements as Dangerous:

Raymond: “raising something internally very often just brings hell down in your head... I don’t trust blowing internally.”

Mzukisi: “you don’t necessarily have to disclose information within the organisation before you go outside. Because if the environment inside is so toxic that you understand that by me, your life will be, you know, in tatters. So what you need to do? You just have to go to the media and disclose this.”

Limits of Existing Support Mechanisms

Despite CSO efforts, whistleblowers identified multiple unmet needs.

Financial support was universally inadequate:

WB 1: “financial stability... that’s being the biggest challenge... you still need to pay for your electricity, your Wi Fi, your food, your this, your daily expenditure.”

Sello needed: “To cover the basic needs. School fees for children.”

Mzukisi: “you lose your income. You know you are unable to take your kids to school, to pay school fees.”

Medical/Psychological support was insufficient:

WB 1: “proper medical support, proper financial support for whistleblowers”

Physical safety remained largely unaddressed:

Sello: “Physical (nothing) had to leave my house and live somewhere in the outskirts of Northern Cape.”

WB 1 installed cameras with a grant from Frontline Defenders but only after threats materialised.

Legal support was available from CSOs but not from the state:

Mzukisi: “There’s no clear, you know, legislative framework you know, that is able to protect and support whistleblowers.”

Reintegration and employment support was absent:

WB 1: “blacklisted within the NGO sector.”

Mzukisi: “I never got any employment after that, which is what led me to try and open up a legal firm which also got affected by COVID.”

Sello noted: “Could not apply for jobs because my name was tarnished... It is so difficult to be a whistleblower because of corruption in South Africa.”

Thematic Grouping 5: Moral Resolve, Survival and Respondents' Recommendations

Recognition of Societal Impact Despite Personal Costs

Despite devastating personal consequences, whistleblowers were resolute in their conviction about the *need* for their actions.

Mzukisi reflected: "despite all the you know, suffering problems that one might have gone through as a result of blowing the whistle, but the positive aspect of it, you know, which really makes us to sleep at night, is that, you know, a lot has been discovered... over 2 billion thus far, you know, has been discovered to have been stolen within the National Lotteries Commission."

He emphasised the deeper foundational principle: "without us saying and you know exposing these wrongdoings our very constitutional democracy, you know will flounder... the principle remains that without us, you know saying and you know exposing these wrongdoings our very constitutional democracy, you know will flounder."

Sello maintained: "We should keep exposing wrongdoing for the protection of our country against corruption. If we do not, the country is going to end up in ruins."

WB 1 acknowledged the broader stakes: "the State needs to have proper protection mechanisms in place for whistleblowers."

Raymond noted media's essential function: "the media has been instrumental in uncovering corruption in South Africa... publication by the media then leads to action. So it's got a key role."

Recommendations from Lived Experience

Whistleblowers provided concrete, experience-based recommendations.

Documentation:

WB 1: "Document everything. Keep all your emails, your messages, your copies, everything, all the instructions. Keep everything."

Pre-disclosure preparation:

WB 1: "Before you go into it, have some sort of financial safety net... Protect your safety. Think about your own safety, your family safety, or digital security and prepare for emotional and a financial toll that will be heavy."

Early alliance-building:

WB 1: "Don't rely on the law alone... Seek allies, early. Connect with organisations like Whistleblower House, Lawyers for Human Rights, Frontline Defenders, and ask for support Amnesty International. CSVR and Art of Living."

Support systems:

Sello: “Ensure that they have the support systems available because they can end up being depressed or even taking their own life. They should have know-how of whistleblowing procedures and have everything intact.”

Realistic expectations:

Sello: “The process is not going to be easy.”

WB 1: “Yeah, because you’re going to face a backlash.”

These accounts foreground agency without romanticising sacrifice. Whistleblowers’ recommendations reflect a sober recognition that, in the current context, disclosure requires strategic self-protection, collective support, and realistic expectations. Ethical conviction alone, the findings suggest, cannot substitute for effective institutional protection.

Across the thematic groupings, the findings reveal retaliation against whistleblowers as systemic, rapid, and cumulative, rather than isolated or incidental. Retaliatory action was triggered swiftly following disclosure, escalated across multiple and mutually reinforcing domains, and extended beyond the individual to affect families and private life. Together, these patterns suggest that retaliation functioned not merely as a response to whistleblowing but as a deliberate strategy of deterrence, enabled by institutional power, procedural manipulation, protracted investigative and adjudicatory proceedings, and gaps in protection frameworks.

The following section situates these findings within the broader literature and legal context, examining how existing whistleblower protections fail to account for the speed, scope, and relational nature of harm evidenced in these cases.

5. Data Analysis

The interview data demonstrates that South Africa’s core whistleblower protection framework, in the form of the PDA, the WPA, and the LRA failed to provide meaningful protection to whistleblowers in practice. While the legal frameworks present a formally comprehensive architecture of rights and remedies, participants’ lived experiences reveal systemic failures that render protection largely symbolic rather than effective. These findings both confirm and extend long-standing academic and policy critiques regarding the disjuncture between formal whistleblower law and whistleblower protection in operation.

A central finding is that whistleblowers generally lacked awareness of whistleblower-specific legal protections at the time of disclosure. This finding directly contradicts the PDA’s implicit assumption that potential disclosers understand the legal criteria for a “protected disclosure”, particularly as set out in sections 6 to 9. Across all whistleblower interviews, awareness of the PDA emerged only *after* retaliation had occurred. As one participant noted, the disclosure was framed initially as a labour matter rather than the act of whistleblowing, with the legal characterisation of “protected disclosure” arising only later through legal consultation.

This gap in legal literacy is not incidental. It reflects a broader structural weakness in the design of the PDA, which relies on informed individual navigation rather than on informed proactive, institutionally guaranteed protection. As Pillay, Dorasamy and Vranic have argued, whistleblower laws that depend on individual legal sophistication reproduce vulnerability rather than mitigate it. The NACAC Close-Out Report similarly identifies the state's failure to undertake systematic education and awareness-raising as a core weakness in the current framework.

Cultural stigma compounds the lack of legal awareness. Participants repeatedly referenced the enduring association of whistleblowing with betrayal and informant activity, captured in the use of the term '*impimpi'*. This cultural framing discourages disclosure, delays seeking help, and deepens isolation once retaliation begins. Consistent with Pillay, Dorasamy, and Buur's work, the data show that legal protections cannot operate effectively in social contexts that morally sanction retaliation.

A further and particularly acute contradiction between law and practice concerns the PDA's prioritisation of internal reporting. Although the PDA prohibits occupational detriment following protected disclosures, and implicitly treats internal channels as safe entry points, participants overwhelmingly described internal mechanisms as compromised, performative, or actively hostile. In several cases, whistleblowing hotlines and compliance structures were reportedly routed directly to implicated actors. These findings closely mirror the Zondo Commission's conclusions that internal governance and compliance functions were frequently captured or neutralised in environments of systemic corruption.

Retaliation emerged as rapid, coordinated, and multi-dimensional, exposing gaps across the PDA, LRA, and WPA. Despite statutory prohibitions on automatically unfair dismissal linked to whistleblowing, disciplinary processes were described as being activated with extraordinary speed, often within hours of disclosure. Participants' accounts suggest that such actions were not reactive but pre-configured, designed to isolate and neutralise whistleblowers before their disclosures could gain institutional or public traction.

Importantly, retaliation was not confined to employment consequences. Participants experienced cascading harms across financial security, psychological well-being, reputational standing, legal exposure, and physical safety. These harms frequently unfold simultaneously, reinforcing one another and producing cumulative devastation. The WPA's limitation to post-investigation stages proved particularly consequential, leaving whistleblowers exposed during the most dangerous early period of disclosure. This vulnerability was also identified in the Zondo Commission's findings.

One of the most significant contributions of this study lies in its documentation of financial and familial harm. Existing legislation conceptualises whistleblower harm as individual and occupational. The findings demonstrate instead that whistleblowing frequently precipitates total economic collapse and profound relational harm. Participants described the loss of income, housing, vehicles, educational opportunities for children, and the deterioration of family members' physical and mental health. These dimensions are largely absent from both statutory frameworks and academic literature, representing a critical blind spot in whistleblower protection discourse.

Institutional responses further undermined protection. Engagements with oversight bodies such as the PPSA, the NPA, and labour dispute mechanisms were characterised by delay, inconsistency, and non-finalisation. Participants described prolonged investigations and procedural stalling as a form of secondary victimization that compounded the effects of initial retaliation. These findings closely align with critiques in the NACAC Report and Corruption Watch analyses regarding institutional incapacity, fragmentation, and political interference.

In contrast, civil society organisations and investigative journalists emerged as the most reliable sources of support, despite severe resource constraints and the absence of statutory authority. Organisations such as Whistleblower House, PPLAAF, and CSVR provided legal assistance, psychosocial support, and limited financial aid. Journalists played a dual role in exposing wrongdoing and implementing informal protection protocols. However, these non-state interventions functioned as stop-gap measures rather than substitutes for state responsibility.

Finally, the PDA's "good faith" requirement was consistently identified as structurally harmful. The power imbalance between whistleblowers and perpetrators was a recurring theme, reinforcing the structural inadequacy of the PDA's good-faith requirement. Participants and key informants described the provision as subjective, easily weaponised, and misaligned with power realities. Rather than filtering malicious disclosures, the requirement enabled employers to shift focus from substantive wrongdoing to the whistleblower's motives, casting the motive as malicious, delaying investigations and legitimising retaliation.

This critique echoes arguments advanced by Lewis, PPLAAF, and NACAC, and strongly supports calls for its removal or fundamental reform.

Taken together, the findings confirm that South Africa's whistleblower protection framework operates more as a formal declaration of intent than as a functional system of protection. They expand existing literature by documenting family-level harms, psychological trauma, and financial collapse. In so doing, legislative assumptions that awareness, internal structures, and institutional oversight are sufficient to ensure protection in practice are challenged.

The experiences described in this study show that although the PDA, WPA, and labour laws appear comprehensive on paper, they operate symbolically rather than substantively, leaving whistleblowers exposed to retaliation, social exclusion, impoverishment, and long-term harm even when acting squarely in the public interest.

6. High-Level Recommendations

The recommendations that follow are grounded directly in the empirical findings of this study and reflect the lived realities of whistleblowers operating within South Africa's current protection landscape. They are intentionally system-focused rather than incremental, recognising that the failures identified are structural rather than technical. While some recommendations echo proposals advanced by the Zondo Commission and NACAC, this study provides new evidence on why partial reform will be insufficient without proactive protection, financial support, and institutional accountability mechanisms.

In addition to guiding immediate reforms, the table also provides a foundation for future research into unresolved questions, including the feasibility and design of long-term reintegration programmes, the economic costs of whistleblowing, the impact of family-level harms, and the effectiveness of civil society support models in contexts of state fragility.

Further inquiry is much needed into sector-specific whistleblowing risks, community-level perceptions shaped by apartheid-era stigma, and comparative models across African and global jurisdictions that may offer new approaches to prevention and protection. Together, these recommendations and research avenues chart a forward-looking roadmap for strengthening democratic accountability in the post–state capture era.

Table 2: *Tabular Reflection of Areas for Focused Structural and Legislative Reforms*

Recommendation	Description
1. Establish an Independent Whistleblower Protection Agency	Create a standalone statutory body with authority to provide immediate physical, financial and psychosocial protection, removing dependence on unsafe internal reporting channels under the PDA.
2. Remove the PDA "Good Faith" Requirement	Replace the subjective good-faith test with an objective public-interest standard to prevent employers from manipulating or weaponising the requirement against whistleblowers.
3. Amend the WPA for Pre-Investigation Protection	Expand the Witness Protection Act to cover whistleblowers before criminal proceedings begin, ensuring safety during the most dangerous early disclosure period.
4. Create a Statutory Support Package	Introduce legally guaranteed income support, relocation assistance, trauma counselling and reintegration programmes, aligned with international norms and embedded in the PDA.
5. Introduce Binding Timelines & Enforcement Obligations	Require the Public Protector, Hawks, NPA, SIU and CCMA to meet mandatory deadlines and enforce accountability to prevent lengthy delays that harm whistleblowers.

The recommendations below are intentionally detailed and operational. They are designed to support legislative drafting, litigation strategy, institutional reform, and coordinated advocacy. The recommendations are not intended to be viewed as incremental adjustments but rather as necessary system-level reforms.

A. System-Level Structural Reforms

1. Establish an Independent Whistleblower Protection Agency

- Create a standalone statutory body with authority to provide immediate physical, financial, and psychosocial protection.
- Remove dependence on unsafe internal reporting channels under the PDA.
- Vest the agency with investigative, referral, and enforcement powers.

2. Remove the PDA "Good Faith" Requirement

- Replace the subjective good-faith test with an objective public-interest standard.
- Shift the burden of proof so that, once prima facie wrongdoing is disclosed, employers must demonstrate demonstrably malicious intent.
- Prevent good-faith challenges from delaying investigation of substantive allegations.

3. Amend the WPA to Provide Pre-Investigation Protection

- Extend protection to whistleblowers before criminal proceedings commence.
- Ensure safety during the most dangerous early disclosure period.

4. Create a Statutory Whistleblower Support Package

- Introduce legally guaranteed income support.
- Provide relocation assistance, trauma counselling, and reintegration programmes.
- Embed these supports directly in the PDA or enabling legislation.

5. Introduce Binding Timelines and Enforcement Obligations

- Require oversight bodies (PPSA, Hawks, NPA, SIU, CCMA) to meet mandatory deadlines.
- Impose consequences for unjustified delays, including financial penalties and reporting obligations.

B. Legislative Reform Measures

1. Expand Protected Categories Beyond Employment Relationships

- Extend protection to former employees, contractors, volunteers, students, and citizens.
- Explicitly protect family members, intimate partners, and financial dependents.
- Protect journalists, lawyers, and civil society actors assisting whistleblowers.

2. Criminalise Retaliation with Personal Consequences

- Create criminal offences for retaliation against whistleblowers.
- Impose personal liability on decision-makers, not only institutions.
- Establish aggravated offences for retaliation involving physical harm, family targeting, or abuse of state apparatus.

3. Prohibit and Criminalise Blacklisting

- Make employment blacklisting a criminal offence.
- Require reporting of known blacklisting practices.
- Create incentives and placement programmes for employing whistleblowers.

4. Reform Disclosure Pathways

- Recognise external disclosure (media, CSOs, international bodies) as protected from the outset.
- Eliminate internal-first requirements where senior management is implicated or processes are compromised.
- Clarify that public-interest disclosure overrides confidentiality and non-disclosure clauses.

C. Institutional Accountability and Enforcement

1. Mandatory Statutory Timelines

- Commence investigations within 30 days of disclosure.
- Issue preliminary findings within 90 days.
- Resolve cases within 12 months.
- Provide monthly status updates to whistleblowers.

2. Proactive Interim Protection Measures

- Automatic injunctions preventing dismissal, suspension, demotion, or transfer.
- Salary continuation at the previous rate pending investigation outcomes.

3. Establish a State-Funded Whistleblower Protection Fund

- Capitalise the fund through:
  - Dedicated budget appropriation.
  - A percentage of recovered corruption proceeds.
  - Penalties imposed in retaliation cases.
- Use the fund to provide:
  - Full legal representation.
  - Comprehensive medical and psychological care.
  - Physical security measures.
  - Educational continuity for dependents.
  - Skills retraining and reintegration support.

D. Stakeholder Specific Responsibilities

1. Government

- Recognise whistleblower protection as democratic infrastructure.
- Allocate resources proportionate to public value generated.
- Lead by example in protecting public-sector whistleblowers.

2. Parliament

- Prioritise whistleblower protection legislation.
- Conduct public hearings centred on whistleblower voices.
- Establish parliamentary oversight of implementation.

3. Judiciary

- Develop specialised expertise in whistleblower law.
- Recognise sophisticated retaliation patterns.
- Award damages sufficient to deter retaliation.

4. Employers (Public and Private)

- Treat disclosures as governance assets, not threats.
- Invest in genuine speak-up cultures.
- Accept the legitimacy of external disclosure where internal channels fail.

5. Civil Society and Media

- Continue support while advocating for state assumption of responsibility.
- Strengthen collaboration, documentation, and public education.
- Prioritise source protection and ethical reporting standards.

Beyond advocacy and service provision, civil society organisations play a critical translational role between empirical evidence, lived experience, and reform processes. This includes generating applied research, pursuing strategic litigation, coordinating multi-stakeholder advocacy, and providing interim protection and support to whistleblowers in contexts where formal mechanisms are ineffective or delayed. Table 3 on page 46 illustrates a non-exhaustive set of civil society action pathways relevant to organisations operating within the whistleblower protection ecosystem, drawing on initiatives referenced in this study.

Table 3: Illustrative Civil Society Action Pathways to Strengthen Whistleblower Protection

Stakeholder	Illustrative Action Pathways
CSO Pathways	• Develop coordinated advocacy strategies targeting specific legislative, policy, and institutional reforms. • Consider strategic litigation to test, clarify, and expand whistleblower protections under the PDA and related frameworks. • Partner with other civil society actors to provide immediate legal, psychosocial, security, and financial support to whistleblowers while systemic reforms are pursued. • Commission and disseminate follow-up research addressing priority gaps identified through empirical findings, including family-level harm, reintegration, and long-term socio-economic impacts.
Whistleblowers Featured in Research	• Provide each whistleblower with a copy of the report and invite feedback on representation and findings. • Connect whistleblowers with relevant and available support resources within the civil society ecosystem. • Advocate for individual cases where appropriate and with informed consent. • Explore opportunities to amplify whistleblower voices in reform and accountability processes. • Confirm and renew informed consent for any future use of testimonies or case material.
Broader Ecosystem (State, CSOs, Media, Public)	• Acknowledge that incremental reforms are insufficient and that fundamental system redesign is required. • Centre whistleblower voices and lived experience in all reform and implementation processes. • Shift evaluation metrics from outputs (policies adopted) to outcomes (whistleblower safety, wellbeing, and reintegration). • Recognise current protection failures as both a governance and moral crisis. • Treat whistleblower protection as essential democratic infrastructure requiring sustained political and financial investment.

7. Reflection and Conclusion

This research reveals a deeply unsettling paradox at the heart of South Africa's anti-corruption framework. While whistleblowers are publicly celebrated as guardians of accountability, the systems ostensibly designed to protect them instead expose them to extraordinary harm. The disjuncture between legislative promise and lived experience is not accidental; it is structural, predictable, and sustained.

Every whistleblower interviewed paid an immense personal price for acting in the public interest. They lost livelihoods, homes, relationships, safety, health, and in some cases, the well-being of their children. Yet through their disclosures, billions of rand in corruption were exposed, networks of state capture were disrupted, and democratic accountability was advanced. There is a stark imbalance in that society extracts enormous value from whistleblowers while offering minimal protection and no meaningful compensation.

This asymmetry raises profound ethical questions. A system that depends on individual moral courage while systematically externalising the costs of disclosure onto whistleblowers and their families is neither just nor sustainable. It relies on what may be described as uncompensated ethical labour, where the sacrifice of a few for the benefit of many, without reciprocal obligation.

As one participant observed, without whistleblowers, “our very constitutional democracy will flounder.” Yet the current framework effectively requires individuals to choose between silence and devastation. This is not merely a failure of law or policy; it is a failure of governance with profound moral implications.

Meaningful reform requires more than technical amendments or symbolic commitments. It demands a reconceptualisation of whistleblowing as a public service that triggers proactive state duties: to protect, to support, and to compensate. The question is not whether South Africa can afford comprehensive whistleblower protection, but whether it can afford the continued erosion of accountability enabled by fear, silence, and retaliation.

Evidence emerging from initiatives that combine rigorous research, coordinated advocacy, and direct support to whistleblowers and their families demonstrates that alternative models are possible. Programmatic approaches that integrate empirical inquiry with practical protection interventions offer a pathway for bridging the persistent gap between legal promise and lived reality. Strengthening and scaling such models will be essential if South Africa is to move beyond symbolic commitments toward a whistleblower protection ecosystem capable of sustaining accountability over time.

The costs are not abstract. They are measured in destroyed lives, fractured families, and diminished public trust. The choice is therefore clear. South Africa must either build a protection ecosystem worthy of those who defend democracy or accept the ongoing price of corruption facilitated by the silencing of its most principled people.

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Appendix A: Interview Information Table

Identifier	Industry	Date of interview	Virtual/In-person
WB 1	Civil Society	2 October 2025	Virtual
Sello Qhina	Government	4 November 2025	Virtual
Mzukisi Makatse	Government	30 October 2025	Virtual
Raymond Joseph	Media	30 October 2025	Virtual
Roshnee Narrandes	NGO	8 October 2025	Virtual
Dr. Ugliesa Radulovic	Academia	30 October 2025	Virtual

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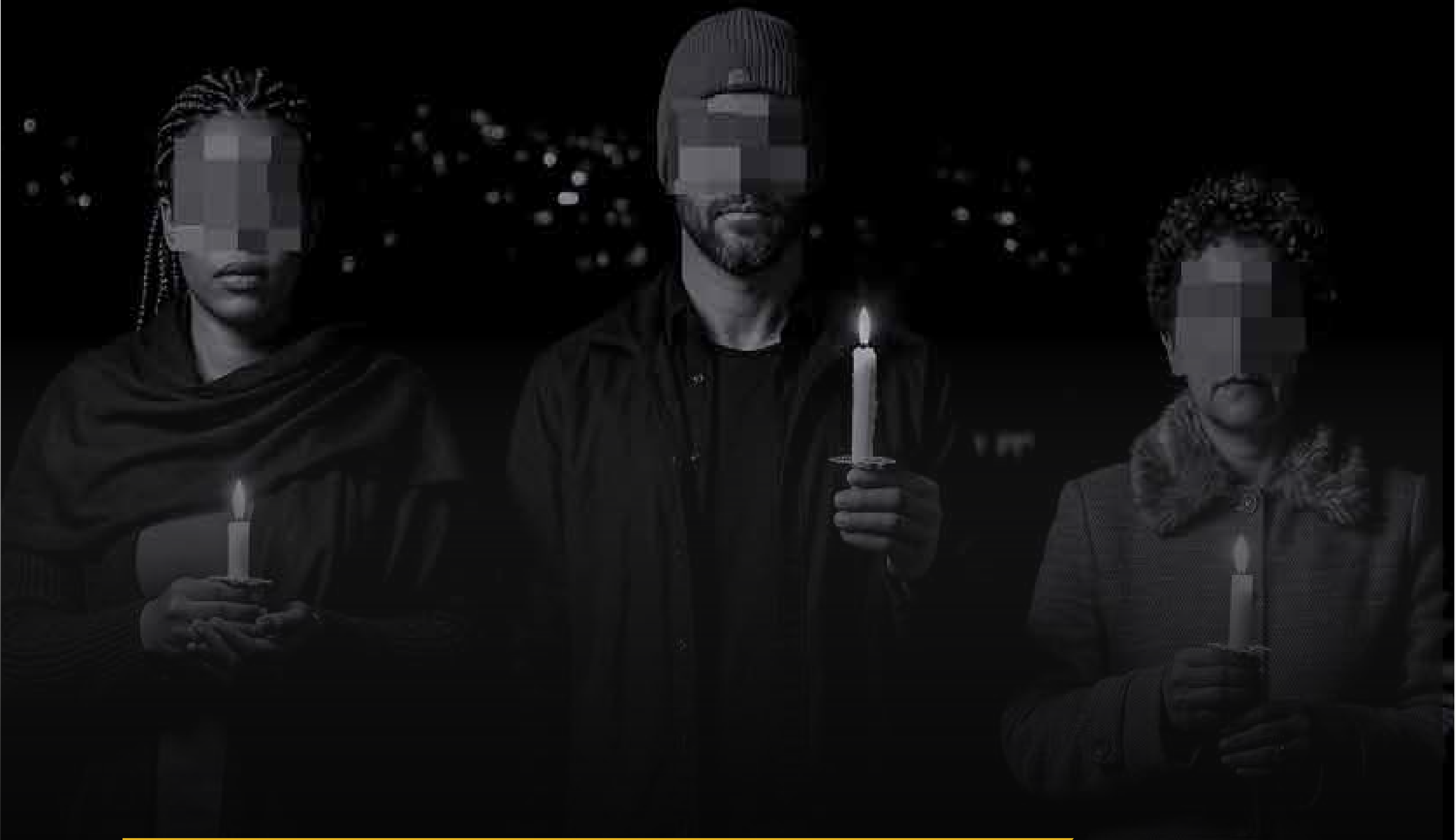

E: info@democracyworksfoundation.org

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