



WHISTLEBLOWING POLICY

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CHAIRPERSON'S STATEMENT

Effective promotion and protection of competition in trade and commerce and protection of consumers from unfair and misleading market conducts require a strong ethical culture to both FCC staff and external stakeholders. The Commission is therefore committed towards instituting integrity, accountability and professionalism as a corporate culture for realization of the vision and mission.

One way of achieving this is to have an effective mechanism for stakeholders to report unethical conducts and behavior committed or facilitated by FCC employees. In line with this commitment, this policy is set up to ensure that stakeholders have an opportunity to report malpractices at an early stage to allow for timely redress measures.

The Commission assures full support to Management in implementing this policy. FCC stakeholders are highly encouraged to embrace a culture of whistleblowing whenever they become aware of any form of malpractice. Failure to report known malpractices will have a negative impact in enhancing integrity and reputation of FCC.

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Prof. Humphrey P. B. Moshi

Chairman

Fair Competition Commission

DIRECTOR GENERAL'S STATEMENT

The fight against corruption and other malpractices within the FCC cannot be effective without adequate involvement of all stakeholders. During their direct or indirect interactions with the FCC, employees as well as external stakeholders are best positioned to detect or suspect office malpractices that may impact negatively on our corporate objectives or image.

This policy portrays commitment of the FCC Management in the fight against office malpractices and provides an opportunity for stakeholders to play an active role in instituting integrity as a corporate culture. It aims at encouraging stakeholders to report on malpractices committed by FCC employees so as to enable Management to take appropriate and timely redress measures.

The policy among other things, outlines channels through which stakeholders can report their information, reporting procedures, responsibilities of different parties in implementing the policy as well as possible protections of whistleblowers. Realizing the value and sensitivity of reported information, FCC Management assures whistleblowers maximum confidentiality on the reported information.

As partners in building systems of integrity, accountability and transparency in public institutions, stakeholders are urged to embrace the culture of whistleblowing whenever they become aware of fraud, corruption or any other form of office malpractice. Let us join hands in reporting office malpractices so as to enhance integrity, professionalism and accountability as drivers for economic development.

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William Edward Erio

Director General

Fair Competition Commission

INTERPRETATIONS OF KEY TERMS

In this policy unless the context otherwise requires, the masculine shall include the feminine and the singular shall include the plural.

The following terms used in this policy shall have the meaning as hereunder defined:

“FCC”	means Fair Competition Commission
“Commission”	means the Board of the Authority established under the Tanzania Revenue Authority Act, Cap 399 (R.E: 2006);
“corruption”	means abuse of entrusted power for private gain. It includes but not limited to; Bribery, Embezzlement, Fraud, Favouritism, Extortion and Conflict of Interest;
“fraud”	means deliberate misrepresentation of facts for one’s private gain which causes another person to suffer damages, usually monetary losses;
“malpractice”	includes failure by internal or external stakeholders to observe laws, regulations, policies, procedure and other guidelines which affect FCC operations;
“Policy”	means the FCC Whistleblowing Policy.
“stakeholder”	includes members of FCC, employees, suppliers, Customs Clearing Agents, licensed service providers and the general public;
“victimization”	includes an act which causes injury, retaliation, damage or loss; of intimidation or harassment of discrimination, disadvantage or diverse treatment in relation to person’s employment; or amounting to threat of reprisal;
“whistleblowing”	means disclosure of information in good faith by stakeholders in respect of malpractices.

1.0 INTRODUCTION

In carrying out its daily operations, FCC is faced with several challenges including bribery, fraud, theft, embezzlement, conflict of interest, favoritism and other malpractices that impact negatively the corporate image. The FCC understands that its employees, taxpayers, tax advisors, contractors and other engaged parties are usually the first to suspect or detect the malpractices committed or facilitated by FCC employees either directly or indirectly. These stakeholders are therefore best positioned to report malpractices to the FCC Management for immediate remedial measures. FCC has developed this policy as a tool of engaging stakeholders in instituting integrity as a corporate culture with the aim of improving service delivery.

The policy encourages stakeholders to report information on malpractices committed or facilitated by FCC employees at an early stage to enable Management to provide appropriate and timely solutions.

2.0 POLICY STATEMENT

The FCC is committed to uphold staff integrity, accountability and professionalism so as to enhance good governance as a tool for attaining corporate goals. In line with this commitment, it encourages stakeholders to report information about malpractices related to conducts or behavior of its employees. FCC therefore assures stakeholders confidentiality in handling reported information.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

- a) Provide avenues for reporting information and encourage stakeholders to report information about malpractices committed or facilitated by FCC employees; and
- b) Provide feedback to whistleblowers on remedial measures taken by Management in addressing reported staff malpractices and assure them protection from victimization or retaliation for whistleblowing made in good faith.

4.0 SCOPE OF THE POLICY

This policy will apply to all FCC stakeholders.

5.0 PROTECTION

Stakeholders should not hesitate to report information since by so doing they will be discharging their civic responsibility to the Government. In raising the information, the policy provides the following protections:

5.1 Confidentiality

Stakeholders should rest assured that reported information will be treated as confidential. Identities and particulars of whistleblowers will not be disclosed unless required by law. Likewise, whistleblowers are expected to maintain confidentiality on the information reported for their safety and facilitation of investigations.

Breach of confidentiality by recipient of information reported by a whistle blower will amount to an offence subject to disciplinary action.

5.2 Victimization

The FCC will not tolerate victimization and will take appropriate actions to protect a whistleblower. Victimization of a whistleblower will be treated as an offence subject to disciplinary actions.

5.3 False Information

Where after an investigation it is found that a reported concern was deliberately false or malicious, the same will be treated as a misconduct subject to disciplinary action or criminal proceedings as the case may be. However, if an information was reported in good faith but not confirmed after an investigation, the whistleblower will suffer no detrimental treatment.

6.0 IDENTITY OF A WHISTLEBLOWER

A whistleblower may reveal his identity when reporting or choose to remain anonymous. However, the FCC assures whistleblowers that anonymous and non-anonymous information will be treated equally.

7.0 RESPONSIBILITIES

- a) The Commission is responsible for policy approving and overseeing policy implementation.
- b) FCC Management is responsible for coordinating policy implementation.
- c) Management Ethics Committee is responsible for setting mechanism for effective policy implementation.
- d) Head of Internal Audit Unit is responsible for coordinating monitoring, evaluation and review of this policy.
- e) Ethics Committees are responsible for;
 - (i) Acknowledging receipt of reported information
 - (ii) Provision of feedback to Whistleblowers where necessary

8.0 WHERE TO REPORT

Whistleblowers can report their information either orally or in writing. They are encouraged to report directly to the Director General, Directors or Heads of Departments/Units or depending on seriousness, sensitivity, value of the information and designation of the staff involved.

9.0 HOW TO REPORT

Whistleblowers can report their information either orally or in writing. They are encouraged to report a concern through:

- i. FCC website
- ii. E-mails
- iii. Phone calls
- iv. Text messages
- v. Letters
- vi. Reporting physically

- vii. Suggestion boxes

10.0 INFORMATION TO BE REPORTED

Staff members and external stakeholders should report any reasonably suspected / potential for fraud or corrupt practices. Concerns which should be reported in shall include, but are not limited to acts committed by staff, external parties.

10.1 Acts committed by staff:

- i. Any dishonest or fraudulent act;
- ii. Forgery or alteration of documents or accounts;
- iii. Misappropriation of funds, supplies or other assets;
- iv. Impropriety in the handling or reporting of money or financial transactions;
- v. Profiting personally from an official position or enabling family members or others to do so;
- vi. Disclosure of official activities or information for advantage;
- vii. Accepting or seeking value from third parties by virtue of official position or authority.
- viii. Theft or misuse of property, facilities or services

10.2 Acts committed by external stakeholders

External party actions which should be reported include:

- i. Being offered a bribe or inducement by a supplier, regulated entity or any other third party;
- ii. Receiving fraudulent (i.e., intentionally inaccurate, rather than erroneous) invoices from a supplier; and
- iii. Known instances of corruption, deception or misuse by a supplier or operator of regulated services.

Upon becoming aware of a suspected fraud, and where possible, the reporter should take note in writing of any pertinent details, including what was said or done by whom, the date, the time, the location and the names of the individual(s) involved etc. The reporter should not:

- a) Contact the suspected perpetrator to get facts or demand restitution without approval of the Accounting Officer;
- b) Discuss the case facts or allegations with anyone outside of the organization; and
- c) Attempt to conduct investigations or interviews.

11.0 PROCEDURE FOR HANDLING REPORTED INFORMATION

Upon receipt, an information will be recorded and the recipient shall acknowledge to the whistleblower. The reported information may be subjected to:

- i. Internal Investigation by the Internal Audit Unit.
- ii. An independent inquiry committee
- iii. External law enforcing agency

12.0 REWARDING WHISTLEBLOWERS

Rewards to whistleblowers are not meant to compensate but rather to motivate them. These may be in monetary or non-monetary terms and will be determined by the Commission/Management from time to time.

13.0 REVIEW

The Internal Audit Unit is responsible for monitoring and evaluation of the policy on regular basis. The policy will be reviewed after every three years or when need arises.

14.0 APPROVAL BY THE COMMISSION

This Whistleblowing Policy was approved by the Commission on the **28th day of October, 2021**