

Why whistleblowing?

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The challenges

Culture

Hierarchy

Expectations

Institutional capacity

International requirements

Legal framework

The Dilemma



The missed message

All too often inquiries into disasters and scandals show that staff knew of the dangers before any damage was done but had:

been **too scared** to speak up;

spoken to the **wrong people**; or

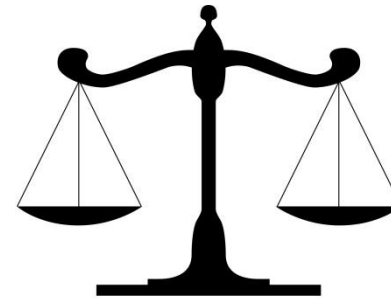
raised the matter only to be **ignored**.

The confused message



Wikileaks

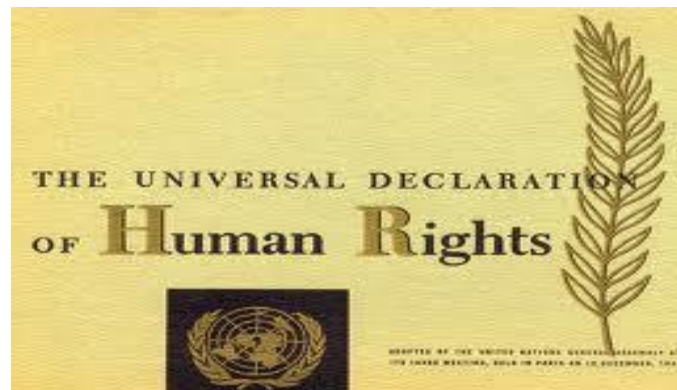
Anonymity



Source

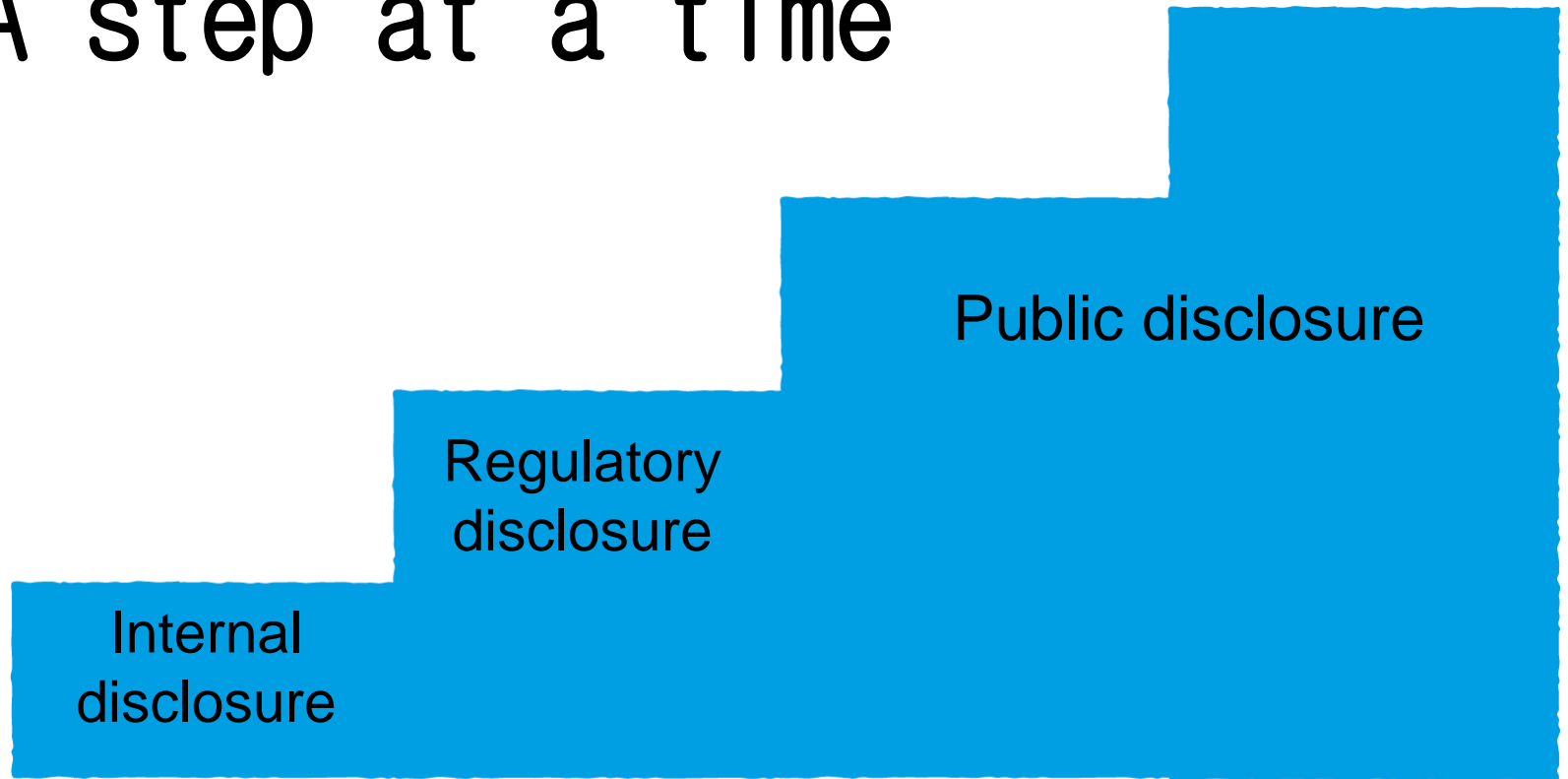
Witness protection

Hotlines



Informant

A step at a time



Striking the balance between protecting society
& protecting the interest of employers

Grievances versus concerns

Grievances

risk is to self

need to prove case

rigid process

legal determination

personal redress

Concerns

risk is to others ✓

tip off or witness ✓

pragmatic approach ✓

accountability ✓

public interest ✓

Handling concerns

- accessibility
- building trust
- confidentiality/anonymity
- knowing the ropes (investigations / other agencies)
- feedback

Practical messages

Think of the bodies you regulate (think of your own employers). Do they...

reassure **their staff** that it is safe and acceptable to raise a whistleblowing concern?

prepare their **managers** to confront a difficult whistleblowing situation?

demonstrate to **oversight bodies / regulator** that encouraging staff to raise any significant issues is part of their internal management/risk/compliance systems?

Best in practice:key elements

1. Commitment at and from the top
2. Clear option to raise concern high up hierarchy
3. Access to confidential advice from an independent body
4. Identity kept confidential
5. Directions to appropriate outside channels (e.g. anti-corruption agency, ombudsman, other regulator).
6. Punishment of those who act against bona fide whistleblowers (even when mistaken)
7. An offence to make a deliberately false allegation.

Good arrangements: what else?

Default is **open** reporting but respect **confidentiality**

Avoid defensive **legalistic** terms

Distinguish whistleblowing from **grievances** and **bullying**

Thank the whistleblower

Tell the **good** stories

Promote policy effectively

Audit and Review

Concerns - **volume**

Concerns – **substance**

Adverse incidents?

Assessing **trust** and **confidence**

Evidence of **appropriate handling** and **feedback**

Other information?

Public Concern at Work

Independent institute founded in 1993

free confidential advice

support and training

public policy

promote legitimate public interest **whistleblowing**

www.pcaw.org.uk

Sources of info and help #1

BSI Code of Practice – www.pcaw.org.uk/bsi

Public Concern at Work – www.pcaw.org.uk

Whistleblowing International Network (WIN) – new NGO resource platform (coming soon!)

Transparency International – EU whistleblowing project
http://www.transparency.org/whatwedo/activity/our_work_on_whistleblowing

* You are welcome to contact Anna Myers as well if you have any questions on the presentation or whistleblowing generally: amyers65@gmail.com

Sources of info and help #2

For examples of whistleblowing laws see:

Public Interest Disclosure Act 1999 (*UK 1999*)

Law no. 571/2004 concerning the protection of personnel from public authorities, public institutions and from other establishments who signalize legal infractions (*Romania 2004*)

General Scheme of the Protected Disclosures in the Public Interest Bill (*proposed law, Ireland, 2012*)

(http://www.oas.org/juridico/english/law_reporting.htm)

Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers And Witnesses

(Organisation of American States, 2011)

(http://www.oas.org/juridico/english/draft_model_reporting.pdf)