

Whistleblowing in Europe

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CONGRATULATIONS
FRANK
WHISTLEBLOWER
OF THE
MONTH

BILL PROUD

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;

had their concerns channelled to the **wrong people**; or

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

The **confused** message



Wikileaks

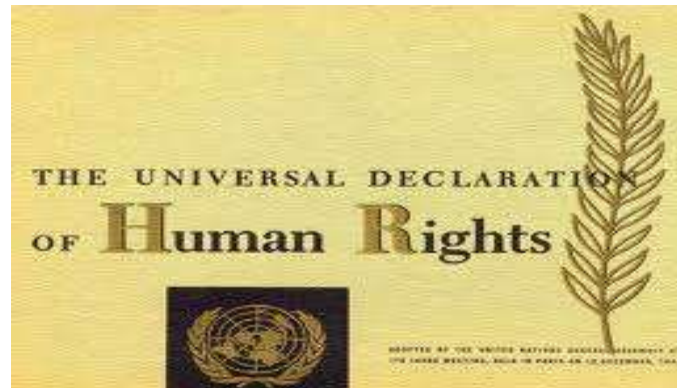
Anonymity



Source

Witness protection

Hotlines



Informant

The Dilemma



The challenges

Culture

Hierarchy

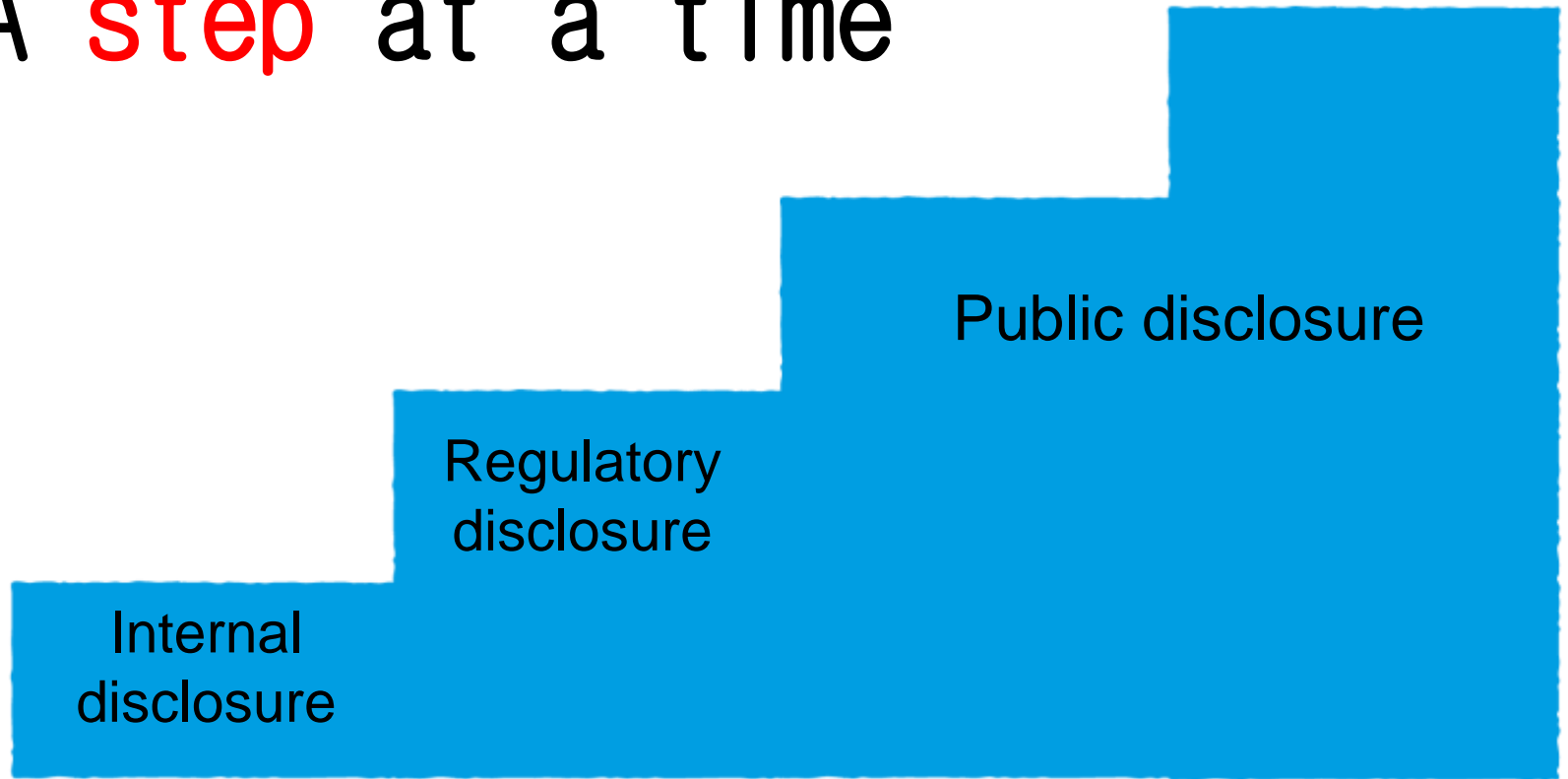
Expectations

Institutional capacity

International requirements

Legal framework

A **step** at a time



Striking the balance between protecting the public interest and the interests of employers



UNIVERSITY
of
GREENWICH

**public
concern**
at work

the whistleblowing charity

WHISTLEBLOWING: THE INSIDE STORY

A study of the experiences of 1,000 whistleblowers

Myth 1: Whistleblowers are persistent

- ❑ The majority of whistleblowers (**44%**) raise a concern only once and a further **39%** go on to raise their concern a second time. Majority (**83%**) will only try internal options once or twice and then give up.
 - Small window of opportunity to address wrongdoing
 - Importance of front line and middle management training
- ❑ Very few are persistent in raising their concern- **only 22 individuals from PCaW research went on to raise their concern 4 times.**

Myth 2: Whistleblowing is always going outside

- ❑ 83% of whistleblowers blow the whistle internally.**
- ❑ Supported by YouGov survey in 2013:** The majority of working adults in Great Britain (83%) said if they had a concern about possible corruption, danger or serious malpractice at work they would raise it with their employers.

Myth 3: Whistleblowers are always trashed

- ❑ 60% of those who called PCaW advice line did not report any response from management (either negative or positive).**
- ❑ Of the 40% who said they had a response, the most common action is formal action short of discipline and 15% were dismissed.**
- ❑ YouGov 2013 survey: overwhelming majority of British workers (72%) view the term whistleblower as positive or neutral**

Myth 4: Whistleblowers only want money

- ❑ **74% of whistleblowers say that nothing is done about the wrongdoing.** They want the concern to be addressed. Organisations need to **LISTEN**
- ❑ Majority of respondents to the Whistleblowing Commission did not want a system of financial rewards.
- ❑ Rewards are not a substitute to strong legal protection. More needs to be done to strengthen legal framework- the Public Interest Disclosure Act 1998.

What is whistleblowing?

Any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector *Source: Council of Europe, Recommendation*

A worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally and/or externally (i.e. regulators, media, MPs) *Source: Public Concern at Work, UK*

Laws in Europe

Public Interest Disclosure Act, 1998 -
United Kingdom

Protected Disclosures Act, 2014 - Ireland

Law on the Protection of Whistleblowers,
2014 – Serbia 2014

Working Environment Act 2006 - Norway

Laws in Europe

Whistleblower Regulation for Central Government & Police, 2010 - **Netherlands**

Law concerning the protection of personnel from public authorities, public institutions and from other establishments who signalize legal infractions, 2004.
Romania – Law 571/2004

Integrity and Prevention of Corruption Act, 2010 – **Slovenia**

Various provisions for civil servants, public officials to allow reporting or duty to report

Recommendation on the Protection of Whistleblowers

- Human rights, public interest (incl. corruption)
- Work-based
- Comprehensive, coherent approach – rules, rights, obligations on individuals AND institutions
- Channels – all accessible & protected depending on circumstances

Recommendation cont' d.

- Confidentiality
- Acting on information
- Protections (see Ireland)
- Reasonable grounds to believe
- Burden of proof
- Information/advice
- Evolution



Mission:

Share civil society expertise and solidarity across national, legal, social and cultural boundaries to promote public interest whistleblowing.

- platform to share technical expertise on the law and practice of whistleblowing as a public interest accountability mechanism
- protect whistleblowers by working together to transmit first-hand knowledge across borders
- create new links with civil society around the world
- develop international policy and legislative solutions

www.whistleblowingnetwork.org

THANK YOU
for your attention