



# Making whistleblowing work



22–23 November  
2010

# Whistleblowing

**The whistle was blown, but Enron never heard it**

**EC clears whistleblower who exposed Brussels fraud**

**Canoe death firm 'had been warned over safety'**

**Maxwell may have transferred £400 million without authority**

**Fraud office inquiry into pension fund**

**Ferry firm admits doors were open**

**Why I had to blow the whistle on heart unit**

Daily Mail Reporter  
A HOSPITAL heart unit  
... people died put lives

**...the tragedy of Zeebrugge**

# Public Concern **at Work**

PCaW is an independent charity, founded in 1993. We provide:

**free confidential advice** to people concerned about wrongdoing in the workplace who are unsure whether or how to **raise their concern**

**train** organisations on policy and law of whistleblowing

campaign on **public policy**, and

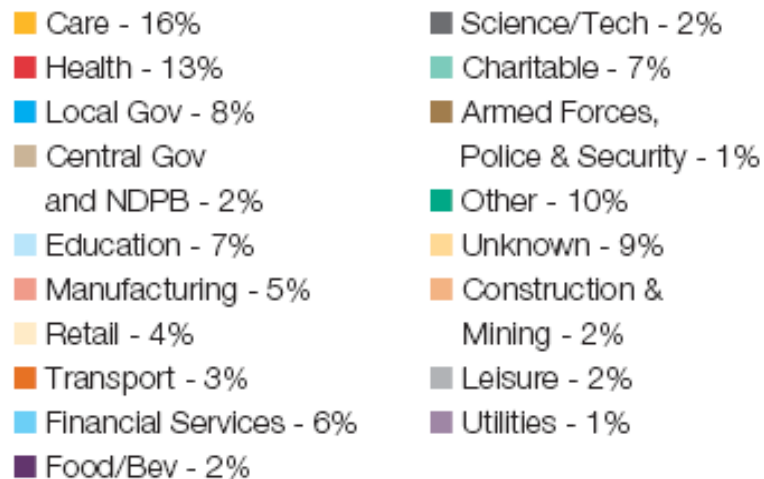
promote **public interest whistleblowing** laws.

# Public Concern at Work

## Helpline - statistics

Over 18,000 calls to date - a third are from the health and care sector

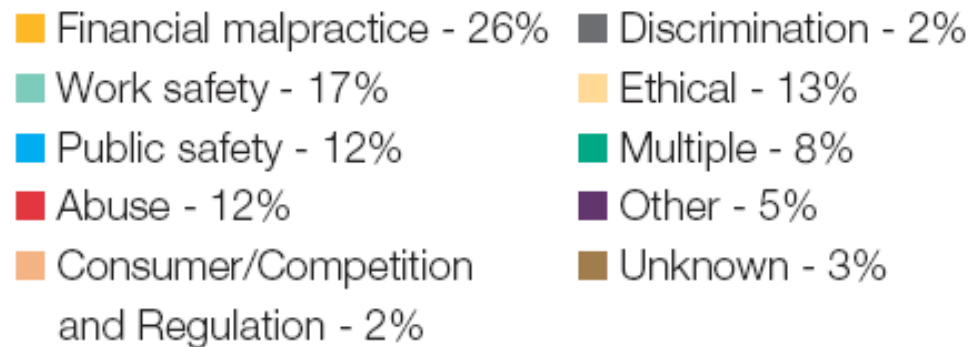
35% are public, 44% private and the remainder voluntary sector or unknown



# Public Concern at Work

## Helpline - statistics

### Breakdown of types of wrongdoing



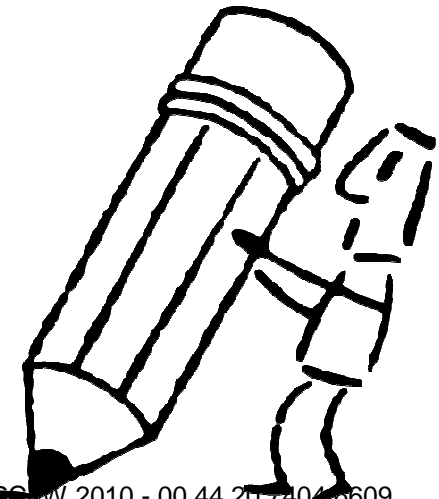
# The dilemma

Keep quiet?

Go Outside?

A concern  
about  
malpractice

Raise  
internally?



# Whistleblowing

practical issues



# Scope

Should the law treat whistleblowing as a workplace issue?

If so, should there be a common approach for public and private sectors?

How do you separate public concerns from private complaints?

What safeguards against abuse are necessary?

# A workplace **issue?**

CoE Convention requires protection of 'employees', UNCAC suggests States consider extending protection to 'any person'.

Employees will usually be first to know and have most to lose. They also work under obligations of confidentiality.

# Public/private sectors

Corruption is classically an illegal bargain made between someone in the private sector with someone in the public sector.

CoE Convention covers both sectors; public interest disclosure laws often cover both sectors in the same way in the same piece of legislation; and USA covers private and public sectors but in separate schemes.

# How?

Should we encourage people to raise a concern

**openly,**

**confidentially** (so, if requested, the person's identity is not freely disclosed), or

**anonymously** (the person does not identify himself)?

# Whom to tell?

Should the law encourage people to raise a concern...

with the alleged wrongdoer?

with the organisation involved?

with the regulatory authorities?

more widely – to politicians, NGOs, the media?

# Other issues

Should it be a duty to blow the whistle?

If not, should good faith be a requirement?

Who should best promote the law?

Should the protection be under criminal or civil law?

Should there be an obligation to investigate?