



Ferguson

International Issue

- **EU Convention: Protection of the European communities' financial interests, 1st & 2nd Protocols; Fight against corruption involving officials of European Communities of officials of Member States**
- **OECD Convention Anti-bribery Convention 1997**
- **Civil Law Convention on Corruption – art 9 (+GRECO)**
- **UN Convention Against Corruption – art 33**
- **EU Project on Whistleblowing Law in 27 member states (2012)**
- **Sarbanes Oxley Act & Dodd-Franks (USA) Bribery Act (UK) – domestic examples of international reach**
- **scandals**

Whistleblowing

Whistleblowing - **a.** Bringing an activity to a sharp conclusion as if by the blast of a whistle (OED) **b.** Raising concerns about misconduct within an organisation or within an independent structure associated with it (*Nolan Committee*) **c.** Giving information (usually to the authorities) about illegal or underhand practices (*Chambers*) **d.** Exposing to the press a malpractice or cover-up in a business or government office (*US, Brewers*) **e.** Providing a safe alternative to silence (*Public Concern at Work*) **f.** (*origins*) Police constable summoning public help to apprehend a criminal; signal to stop work in the industrial age; referee stopping play after a foul in football.

Why whistleblowing matters



GRECO evaluations

- Need to address a contradiction between whistleblowing and a duty of confidentiality – **hard law**
- Concerned employees need early confidential advice – **preventive**
- Protection against the more subtle types of retribution – **preventive & hard law**
- Not enough to provide that identity is not revealed – **preventive**
- Purpose & detail of whistleblowing law explained to public officials & more widely – **preventive**

Law, Culture, Practice

- A workplace issue?
- Public/private sectors
- Degree of knowledge: suspicion/proof?
- Disclosure channels: internal, authorities, wider (eg. CSO, media)
- Openness, confidentiality, anonymity
- Power/duty to disclose?
- Incentives? – protection, rewards