What you always wanted to know about Whistleblowing

What is whistleblowing? The disclosure by organisation members (former or current) of impending risks or wrongdoing (illegal, immoral or illegitimate practices) under the control of their employers, to persons (within or outside their own organisation) or to organisations that may be able to effect action.

Whistleblowers go public anonymously, don't they? This is only one possibility. Whistleblowing can be done openly, confidentially or anonymously. There is internal, regulatory, and external whistleblowing according to whether the recipient is a member of the organisation, a regulator or an outsider like the media. Therefore, internal whistleblowing is whistleblowing as well.

How does whistleblowing work? Typically, whistleblowing is a process of five stages:

1. Recognition
   - Event seen as risk or possible wrongdoing
2. Assessment
   - Choosing between "neglect", "exit", and "voice"
3. Action
   - Blowing the whistle (recipient/content/form)
4. Reactions
   - by the addressee and/or the organisation and its members
5. Evaluation
   - of reaction as success or failure (back to step 3?)

Why is whistleblowing important?

Wrongdoings can flourish thanks to a lack of transparency. Someone who does not know that things go wrong cannot take action. With an increase in the division of labour we more and more rely on insiders to point us to problems and risks. Within organisations (e.g. companies/authorities) critical information is often filtered out when reporting to superiors. So bosses should have an interest in promoting whistleblowing. Democracy as government by the people needs knowledge of the people for a democratic discourse to take place.

Do whistleblowers get due protection?

In Germany, internal whistleblowing is obligatory for the whistleblower before taking any further action, like informing public authorities. Under labour law, going public is forbidden. Violation of these rules can lead to dismissal without notice. But even when following the rules, whistleblowers are often subjected to reprisals and harassment. They carry the burden of proof, which often leaves them without any protection.

Are whistleblowers disloyal?

No, on the contrary. But they are loyal to moral values and not to those who act illegally, immorally or illegitimately.

What is at stake? Whistleblowers risk to be excluded or harassed by their organisation or by their colleagues. They risk to be fired or in worse cases prosecuted. Their health or even life may be endangered depending on the power and reaction of those affected by their whistleblowing. The legal protection of whistleblowers is insufficient.

Do whistleblowers get protection of sources from journalists?

They might. But protection of sources just means that journalists cannot be legally forced to reveal their sources. When blowing the whistle internally or to regulatory authorities, source protection does not apply. And even when it does, it is just a right of journalist and not one of whistleblowers, who have no way to enforce their protection. It is also necessary to be aware that any supposed protection that is based on anonymity does not work, if there are only few people who have had the information and if the whistleblower has raised his/her critique before. Besides, it depends on lucky conditions for a whistleblower case to make it into the media.

Are there examples?

If whistleblowing is done internally, it often does not become visible. If the addressed organisation reacts properly and takes corrective action it may appear as a routine case. Things look different where the organisation denies taking action and instead answers whistleblowing with reprisals. In this case, some whistleblowers have gone public. Important whistleblowers are Deep Throat alias Mark Felt, who blew the whistle on Watergate, Daniel Ellsberg making the Pentagon Papers public or Mordechai Vanunu who disclosed Israel's atomic weapons' programme. One could see Martin Luther as the most famous whistleblower from Germany. Currently, in Germany, there is Brigitte Heinisch, a nurse for the elderly who was fired for disclosing intolerable conditions in a nursing home. She has finally won a law suit against Germany at the European Court of Human Rights. Rudolf Schmenger and his colleagues, as tax inspectors, would not accept restrictions in tracking tax fraud and consequently were forced into early retirement by means of flawed psychiatric expertise.

What does Whistleblower-Network want to change?

We want to create conditions where people can and will blow the whistle whenever it is necessary. In our view this requires:

- Changing the attitudes of people concerning whistleblowing: Starting in schools and kindergarten where critical questioning and discussing should be encouraged and awareness raised about the dangers of uncritical loyalty to authorities instead of loyalty to values.
- Employers and unions should see its benefits and support whistleblowing.
- The legislator is called upon to act. Freedom of opinion and petitioning are basic human rights and must be expanded to the workplace. Informing the authorities about wrongdoings at the workplace must become legal.

Finally whistleblowers need to be protected and encouraged - as well as those mistakenly suspected of wrongdoing.

What is our mission?

As a non-profit organization we see our main task in informing about whistleblowing via our homepage at http://whistleblower-net.de. In our blog we spread news and we also try to give advice to individual whistleblowers. We are trying to set up a civil society's support network (e.g. with journalists, lawyers, physicians and scientists). We talk to the media, politicians and organisations and develop concepts how to support whistleblowing within organisations and through legislation.

What can you do?

Visit our website. Support us and especially:
Please support the next whistleblower at your workplace!