

An open approach to corruption

Companies have a duty to protect whistleblowers – it's also in their interest to inform staff about the process



EMPLOYMENT

DR ANDREW AGAPIOU

All employees have a legal and ethical duty to blow the whistle on a colleague, employer or client.

Despite Hollywood's best efforts to glamorise whistleblowers in films such as Erin Brockovich, they face a harsh reality.

Those courageous enough to speak out often do so at considerable personal cost.

Court cases involving employees from construction bear testament to the victimisation taking place in workplaces.

The Government introduced legislation to protect whistleblowers in 1998.

The Public Interest Disclosure Act was created in the wake of a number of disasters including the Clapham Rail tragedy in

which 35 people lost their lives, and after which an investigation found that maintenance workers had been aware of, but not voiced, concerns over the safety of wiring systems.

The Act offers a national framework of protection against victimisation of all employees who blow the whistle on criminal behaviour or other wrongdoing. The legislation does not introduce protection to whistleblowers in all circumstances.

It only applies to those who have followed the procedures laid down in the legislation in disclosing specific categories of malpractice.

Although the act imposes no positive obligations on employers to do so, an employer should minimise the risks which arise when an employee makes a protected disclosure and, in particular, the risk that the employee is dismissed or suffers as a result of the disclosure.

The key to this is implementing a procedure for employees to follow if they consider that there are matters that should be reported. Here are some tips:

Keep it simple It should be easy to understand and operate.

Employee consultation The policy should meet the employees' needs and concerns as well as those of the employer.

Training Train managers to operate the procedure so that matters are resolved in line with the policy's objectives.

Contract workers Consider whether individuals who are employed by a third party should also have a disclosure policy and procedure.

Anonymous telephone lines Establish a whistleblowing hotline to enable employees to make anonymous reports.

Confidentiality clauses Consider whether to qualify confidentiality provisions in contracts of employment by

reference to the employee's right to make a protected disclosure.

All organisations are vulnerable to accusations of unprofessional and unethical behaviour. A statement of behaviour expected of all employees could provide a framework against which individuals can be encouraged to report erroneous behaviour.

A climate of open communications, supported by a clear procedure for dealing with concerns, can help to reduce misconduct and ensure concerns are dealt with swiftly.

Public Concern at Work has produced a step-by-step guide to designing and implementing an effective policy.

Dr Andrew Agapiou is an ambassador of the Chartered Institute of Building

For further information go to www.pcaaw.co.uk



“ Establish a hotline to enable employees to make anonymous reports ”

