

Public Concern at Work

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Ms Karen Williams

Director

Investigation and Disciplinary Office of the Commission

Directorate General for Human Resources and Security

B-1049 BRUSSELS

Belgium

18 November 2011

Dear Ms Williams,

Whistleblowing in the European Union

We noted with interest your intervention during the hearing of the Budget Control Committee on 22 September. You said that Commission staff will receive new advice on whistleblowing, which would clarify the practical meaning of Articles 22a and 22b of the Staff Regulations. We very much welcome this important initiative. We would be interested to know what stage has been reached in the process of issuing advice. We would also be glad to assist in this in any way we can.

Public Concern at Work is a charity devoted to the promotion of responsible whistleblowing. We have advised many leading private sector companies on their policies. We have also provided advice to public sector agencies and regulators including Government Departments. Most of this work has been in the UK, but we have advised companies and Governments in other EU countries. The basic principles of responsible whistleblowing remain the same, no matter the legal context. In 2006 we published a review of the whistleblowing policies in all UK Government Departments. We note that Articles 22a and 22b of the Staff Regulations derive partly from the UK Civil Service Code (the relevant provisions of the 2006 revision of the CSC are numbered 17 and 18). They may not be satisfactory but it is possible to work within them.

We have also noted the recommendations made by the consultants Price Waterhouse Coopers in their recent report 'Corruption and Conflict of Interest in the European Institutions: the effectiveness of whistleblowers'. We would be interested to know if and when their recommendations will be taken forward. If at any stage you require advice or assistance we would be glad to provide it. It may be helpful at this stage to note two particular recommendations (5 and 6).

We are aware that the Commission has a new network of ethics councillors who might, with appropriate training, become the source of the internal support to whistleblowers proposed in recommendation 5. PCaW regularly provides such training to those designated to handle whistleblowing concerns in both the public and private sectors, and would be glad to assist the Commission.

Recommendation 6 is for the establishment of an independent advisory body 'comparable with PCaW'. It may be helpful to clarify that PCaW runs an advice line for those who have witnessed malpractice, wrongdoing or risk at work and are unsure whether or how to raise their concern. The service offers free, independent and confidential legal advice to whistleblowers. The advice is subject to legal professional privilege. We do not carry out investigations, we simply advise whistleblowers on the options available to them, and we encourage them to use internal channels, and to state their concerns openly where possible.

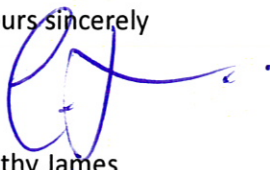
making whistleblowing work

I should add that our helpline is largely funded by subscriptions from organisations whose staff make use of it and who understand that to refer their staff to PCaW for independent advice is in their own best interests. This means their staff can make informed decisions before the concern is raised. Our lawyers can sometimes also defuse employment disputes that are essentially about private employment matters but which the caller may consider has some element of whistleblowing.

We very much agree with the spirit of the intervention by Mr Epping on 22 Sept: many issues can be resolved internally if advice is available on proper handling. As the Ombudsman observed in his intervention, staff complaints represent an opportunity for responsible managers to make positive improvements. Where this is understood, there is less need for public whistleblowing.

We would be glad to discuss these ideas with you further if you wish.

Yours sincerely



Cathy James
Chief Executive

cc Rene Slootjes