

## 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

21 February 2012

Dear Ms Williams,

### Whistleblowing in the European Union

Thank you for your letter of 6 December.

What you say about the guidance sounds sensible but there is one aspect that is unclear to us. You mention that your guidance will cover the issue of whether the information people have qualifies as whistleblowing. This seems to echo the OLAF annual report 2011, which states that whistleblowing has a specific meaning in the staff regulations. This is a point we find hard to understand as the term is not mentioned anywhere in the staff regulations as far as we can see - certainly not in Articles 22a or 22b. The OLAF report also says that to qualify for protection, staff must satisfy conditions concerning the type of disclosure, to timeliness of the disclosure and the channels for disclosure and that the person must reveal his identity and job function (it is not clear if this means just to OLAF). The tone is to say the least discouraging and it is less surprising, given the tone of the OLAF report, that OLAF say they have only 5-10 contacts with whistleblowers a year. Though I note that persons who are not EU staff members are considered not as 'whistleblowers' but 'informants'.

We would be glad to assist in this in any way we can with the advice and wonder whether it might be helpful to you if it is possible for us to comment on it in draft form.

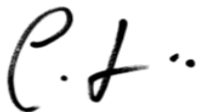
I note that you have decided to set up a new internal confidential advice line for whistleblowers. That will be valuable to the extent that it is seen as independent of management. As I mentioned PCaW regularly provides training to those designated to handle whistleblowing concerns in both the public and private sectors, and would be glad to assist the Commission in training if you wish.

However we would encourage you to offer some external possibilities as well. They need not involve funding by the Commission. Experience shows that in some situations staff have no faith in any internal avenues and they may then feel they have to choose between keeping silent or making an anonymous leak to the media. That is why most UK Government Departments offer external options for advice - the Civil Service Commissioners (who are independent though they may not always appear so to staff), our own helpline (which gives free legal advice), a lawyer, or Trade Unions.

making **whistleblowing** work

UK Civil Servants who do not feel they need advice before reporting may in any case also make direct reports to external regulators - such as the National Audit Office or the Health and Safety Executive.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. J.', enclosed within a thin black rectangular border.

Cathy James  
Chief Executive  
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