

Wikileaks – will there be a backlash for whistleblowers?

The storm of coverage surrounding the controversial leaking of thousands of US diplomatic cables by Wikileaks will doubtless run for many weeks to come, bringing into sharp focus questions about whistleblowers and the information they bring to the public domain. The backlash is bound to follow, with all the attention on the trouble caused by anonymous leaking rather than the real value of genuine whistleblowers in preventing damage and disaster.

Whatever we think of the most recent controversy those who speak truth to power and disclose information (openly or confidentially) to those who can address risk and prevent damage should be protected.

Governments have their part to play in this. Of course, no government can operate effectively if highly confidential information is leaked day in day out, but whistleblowers are vital in a functioning democracy – there needs to be a balance.

We are fortunate in the UK to have world-leading protection for whistleblowers in the form of the Public Interest Disclosure Act 1998 (PIDA) which was a response to a series of disasters, including the Clapham rail crash, Piper Alpha explosion, the sinking of the Zeebrugge ferry and the collapse of banking giant BCCI.

In all those cases, it was discovered that staff had information which could have averted disasters if it had been acted upon. Protection does not however come without responsibility and one of the great strengths of the legislation is the way in which it balances the public interest with the interests of employers. The legislation entrenches the basic common law principle that there is no confidence in iniquity and so where there is malpractice, wrongdoing or criminal activity the reasonable disclosure of such information comes with full protection from the law.

Since it came into force, PIDA has provided protection for many whistleblowers by encouraging the reporting of misconduct, malpractice and other risks, thereby protecting the public interest and enhancing our democracy. It has the continued support of business, unions and regulators alike and is seen as the gold standard internationally for such protection.

Whether it be the anonymous leak of government papers, a nurse secretly filming patients on their deathbeds or an FSA insider questioning the approach of a regulator, there is no doubt that whistleblowers can and do court controversy – the more this plays into the general perception that blowing the whistle is a dangerous exercise the less likely we are to create open and accountable workplaces – making it clear within our workplaces that it is safe and acceptable to speak up therefore becomes all the more important.

The danger with the present coverage is that the mixed messages about whistleblowing can only encourage the workforce to stay silent , or to anonymously leak – the worst options for accountability and responsibility.

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NOTE TO EDITORS

Public Concern at Work is an independent, self-funding whistleblowing charity. Set up in 1993, it helped devise and promote the Public Interest Disclosure Act 1998. It runs a free confidential helpline on 020 7404 6609 for people with whistleblowing concerns; promotes the public interest through its policy work; and advises public bodies, business, regulators and unions on how to create more open and accountable cultures. The charity's work has been commended by ministers, the Court of Appeal, leading newspapers, the Committee on Standards in Public Life and various public inquiries.