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Esa Käyhkö

Ministry of the Interior, Police Department, Helsinki, Finland

THE WHISTLEBLOWER'S DILEMMA

Is quality approach to whistleblowing possible?

Corruption in Finland

The comparatively low level of corruption in Finland is likely the outcome of the social equality and citizens' trust in the political and administrative system. Finland's administrative and legal culture emphasises the values of common good, fairness and justice. There is the moral and legal condemnation of power centralisation and socio-economic disparities in the society.

The values of the Finnish public administration are built on the value base of a democratic constitutional state and a Nordic welfare society within a globalisation. Furthermore, according to the Constitution (Section 1) "Finland operates in international co-operation for the protection of peace and human rights and for the development of society". This statement of basic values that consists of the internal and external considerations is one of Finland's key strengths in combating corruption.

Promoting ethical values

Finland does not have legislation as written codes of ethics concerning the public administration. Instead the provisions of the State Civil Servants' Act serve as a code of conduct for state officials and the Act on Municipal Officeholders for local officials. These provisions that state such traditional values as equality, legality, responsibility and impartiality are also described in

the Administration Act. "New" values as effectiveness, service principle, quality and expertise are considered by the result-based public service culture.

There are also various guidelines and declarations on professional ethics. For instance the Act on Health Care Professionals contains a prohibition of accepting bribes, connected with sanctions. The police, customs, taxation and many other administrations have stated guidelines of their own good governance, and started a discussion about values and what is a real ethical basis for administration and the core functions of organisations. The Ministry of Finance, that bears the main responsibility of the state personnel policy, has published in 2005 a handbook "Values in the daily job - Civil Servant's Ethics".

In sum, the ethical values of the Finnish public administration and officials can be interpreted as an interaction between value-based codes consisting of shared values and compliance-based codes as a set of agreed-upon standards. Ethics training will be very crucial.

Quest for whistleblowing

Finnish legislation does not contain any particular provision on the reporting of misconduct and corruption with regard to state civil servants. However, there is a general rule that an officeholder normally is responsible for reporting illegal activities observed. In the Act on Municipal Officeholders (Section 47) there is an obligation to report offences "in well substantiated" cases to the police without delay. According to the Police Act the police officer has a right to remain silent when receiving confidential information from a single person. Also the contracts of employment act and the act on occupational safety respect confidential information and indirectly protect an employee against retaliation in conflict situations. In fact, there is no specific statutory protection for whistleblowers in the Finnish legislation.

There has been the gradual interest in ethics in the Finnish public administration - but not necessarily in whistleblowing. There are many cultural and historical limitations to introducing whistleblowing procedures as a special mechanism outside the chain of command in both the public and the private organisations. Major problems for using whistleblowing models as informing dubious practices are primarily legal protection for witnesses (anonymity) and the strong risk of

manipulation, exploiting the system, and wrongful denunciation. Political and administrative culture does not value whistleblowing and whistleblowers. While the open society enables more space for whistleblowing, the organisational culture prefers to internal disciplinary procedures especially with respect to avoiding conflicts of interest.

Despite the fact that Finland does not have any specific whistleblower provisions, there are many other ways of encouraging the reporting of official corruption and abuse of power. The general principles of openness, transparency and accountability of public administration are considered the main guarantees against corruption in Finland. According to the Constitution (Section 12) "everyone has the freedom of expression" and "everyone has the right of access to public documents and recordings".

The system of free access to information is probably one of the key elements to explain why corruptive practices seem to be exceptional events in Finland. In this progress the role of the media as a watchdog and an external avenue for whistleblowing is very significant. According to the Act Exercise of Freedom of Expression in Mass Media (Section 16) confidentiality of sources and right to anonymous expression in the media is guaranteed.

Quality approach to whistleblowing

The analysis of whistleblowing experiences on combating corruption and other unethical practices in the Finnish public administration is as follows:

1. Whistleblowing can be considered more as an anonymous employee feedback tool for reporting internal and external ethical issues. In addition there is needed an anonymous customer feedback system for identifying the relevance of internal findings. The emphasis is on the disclosure rather than the whistleblower. The legal protection of the anonymity is still an absolute precondition to a more holistic approach.

Whistleblowing can also be developed with respect to quality? Whistleblowing as the quality-oriented activity of organisations is considered through ethics and legitimacy. The exercise of final authority receives its legitimacy from the citizens, even though the ordinary citizens, as taxpayers

are main victims of corruption, for instance in terms of overcharging. Therefore we should ask who the customer of whistleblowing is.

For this purpose we need an evaluative construction as illustrated below.

SOURCE OF ETHICS

		External	Internal
DEGREE OF CUSTOMER-ORIENTATION	High	§ Citizens are immediate customers as consumers and legitimate clients as students and patients etc.	§ Citizens are moral agents as employees and cooperative actors and individual subjects as active employee members
		§ High quality is an excellence	§ High quality is an excellence
		§ Empowerment is focused on customers	§ Empowerment is focused on agents
		§ Sense of quality ownership is pragmatical	§ Sense of quality ownership is individual
		§ 'Guiding' virtues: justice, prudence	§ 'Guiding' virtues: fairness, loyalty
	Low	§ Citizens are ultimate customers as the general public and taxpayers	§ Citizens are human beings and virtuous people (e.g. corporate citizen, civic duty)
		§ High quality as an option	§ High quality is an option
		§ Empowerment is focused on systems	§ Empowerment is focused on human rights
		§ Sense of quality ownership is exceptional	§ Sense of quality ownership collective
		§ 'Guiding' virtues: openness, justice	§ 'Guiding' virtues: courage, temperance

Conclusion

Quality-based ethics must be added in a larger ethical environment where citizens as human beings have many roles. Also whistleblowing and the protection of whistleblowers and informants should be seen in this proactive context, not only as a special mechanism for disclosing wrongdoings. There is a need for guiding virtues such as justice, prudence, fairness, loyalty, openness, courage and temperance.