

# THE WHISTLEBLOWER'S DILEMMA

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**Is a quality approach to whistleblowing possible and how?**

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# Structure of presentation

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1. Corruption in Finland
2. Promoting ethical values
3. A quest for whistleblowing
4. Quality-oriented ethics and whistleblowing?

# 1. Corruption in Finland

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- Finland is not a country that is absolutely free from corruption
- International surveys indicate certain Finnish strong points in preventing corruption

# Anticorruption strenghts

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- Social equality and citizens' trust in public institutions are main sources of the ethical culture in Finland
- The system of free access to information is a key element to explain why corruptive practices seem to be exceptional events in Finland

## 2. Promoting ethical values

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- Ethical duty of public officials in Finland is based on shared values and organisational norms (rules of conduct)
- Shared values as value-based codes promote participation and good judgement within an organisation
- Norms as compliance-based codes can be evaluated from outside the organisation

# Promoting ethical values

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- Organisational ethics consist of external and internal considerations
- Professional responsibility reflects the ethics of the entire population
- Public servants in Finland value citizens' expectations

# 3. A quest for whistleblowing

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## Four elements:

- ✓ An individual acts with the intention of making information public;
- ✓ The information is conveyed to parties outside the organisation, who make it public and a part of the public record;

# A quest for whistleblowing

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- ✓ The information has to do with possible or actual nontrivial wrongdoing in an organisation;
- ✓ The person exposing the agency is not a journalist or ordinary citizen, but a member or former member of the organisation.

Source: Elliston et al. 1985: *Whistleblowing Research: Methodological and Moral Issues*, New York: Praeger, pp. 3-15, in Johnson 2003: *Whistleblowing, When It works – And Why*, Boulder, London, pp. 3-4).

# Whistleblowing in Finland?

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- Finnish legislation does not contain any particular provision on the reporting of abuse and corruption in the public administration
- There are no whistleblowing procedures as a special mechanism
- Public servants are normally responsible for reporting illegal activities observed

# Whistleblowing in Finland?

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## The Finnish Constitution:

1. Everyone has the freedom of expression; and
2. Everyone has the right of access to public documents and recordings

# Protection of the whistleblower?

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- We do not have any actual laws in Finland to protect the whistleblower
- The Finnish organisational culture prefers to internalize disciplinary procedures
- We have only indirect protections for the anonymity and against possible retaliation and discrimination

# Indirect protections in Finland

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- The police officer has a right to remain silent when receiving confidential information from a single person (Police Act)
- Employee position in conflicts of interests is protected by respecting confidential information (Contracts of the Employment Act, Occupational Safety Act)

# A Finnish type of whistleblowing

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- The role of media as a watchdog and an internal avenue for whistleblowing is crucial
- Confidentiality of information sources and right to anonymous expression in the media is quaranteed by law

# Finnish type of whistleblowing

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- The open society and the organisational culture are two counterparts for whistleblowing
- Loyalty to the professional ethics is a guarantee of integrity and transparency

## 4. Quality-oriented ethics and whistleblowing

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- Whistleblowing can be seen as an anonymous employee feedback system
- The emphasis is more on the issue than the whistleblower
- The protection of the anonymity is still an absolute precondition

## 4. Quality-oriented ethics and whistleblowing

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- Whistleblowing can also be seen as an anonymous customer feedback system
- The emphasis is on the customer-orientation and the internal and external sources of ethics

**The customer of whistleblowing?**

**SOURCE OF ETHICS**

**External**

**Internal**

**DEGREE OF CUSTOMER-ORIENTATION**

**High**

- (1)**
- Citizens are immediate customers as consumers and legitimate clients as students and patients
  - High quality is an excellence
  - Empowerment is focused on customers
  - Sense of quality ownership is pragmatically
  - Guiding virtues: justice, prudence

- (2)**
- Citizens are moral agents as employees and cooperative actors and individual subjects (e.g. active employee members)
  - High quality is an excellence
  - Empowerment is focused on agents
  - Sense of quality ownership is individual
  - Guiding virtues: fairness, loyalty

**Low**

- (3)**
- Citizens are ultimate customers as the general public and taxpayers
  - High quality is an option
  - Empowerment is focused on systems
  - Sense of quality ownership is exceptional
  - Guiding virtues: openness, justice

- (4)**
- Citizens are human beings and virtuous people
  - High quality is an option
  - Empowerment is focused on human rights
  - Sense of quality ownership is collective
  - Guiding virtues: courage, temperance

# IN CONCLUSION

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- Citizens as the general public and taxpayers are main victims of corruption
- Citizens are external and internal sources of ethics
- Citizens' expectations constitute a societal basis to whistleblowing

# IN CONCLUSION

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

# QUESTIONS FOR THE FUTURE

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1. Do we need guidelines for whistleblowing in the EU and globally?
2. Do we need to follow other European examples of whistleblowing?
3. Will Finland have to find own way of blowing the whistle?