

COVID-19 is a chilling reminder of why the world needs to protect whistleblowers

The global health and economic crisis brought about by the COVID-19 pandemic highlighted, in several ways, that the world needs whistleblowers. Around the world, governments, international organisations, companies and NGOs embarked on massive emergency financing to mitigate the impact of COVID-19 and prepare for post-crisis recovery. Given the urgency, essential transparency and accountability measures were shortcut or postponed. Whistleblowers are one of the only ways that misconduct will be able to be early detected and addressed. Whether it is doctors reporting important medical developments; government employees reporting fraud or embezzlement in vital healthcare procurement; company employees reporting bribery to obtain lucrative deals in medical products or equipment; or citizens reporting misconduct in the granting of key services or economic bailouts, now more than ever, people should be able to speak out without fear for their lives or livelihoods. This is the message launched by the **OECD Webinar “Emergency measures to protect whistleblowers and promote reporting during the COVID-19 crisis and beyond”** (OECD Anti-corruption and Integrity website).

We live in complex and rapidly evolving times. The world has been brought to its knees by the COVID-19 pandemic. One of the many valuable lessons learned from this pandemic will be that we need whistleblowers, and we need to protect them. Indeed, as the current crisis highlights, every time a whistleblower is silenced, the risk to public health and safety increases proportionately.

The most advanced modern whistleblower protection laws allow whistleblowers to report directly to the public or media in cases of danger to public health or safety and be protected. Never had this form of protection been more important than in the context of the Covid-19 pandemic. A preliminary study estimates that the number of infections in China could have been reduced by up to 95% if containment and mitigation strategies such as testing, social distancing, and travel restrictions had been implemented earlier. Yet, as governments implemented measures to contain the pandemic, reports came to light about attempts to silence early warnings by health workers and journalists... Had these early warnings been listened to, and whistleblowers protected instead of silenced and sometimes sanctioned, the outbreak may not have reached its scale – affecting billions of people around the world.

Empowering whistleblowers to speak up without fear of reprisal can help successfully prevent, detect, investigate, and prosecute wrongdoing, including corruption, bribery, fraud, embezzlement, and conflicts of interest. Robust and comprehensive whistleblower protection frameworks, with clear rules and procedures for reporting suspected misconduct, are thus crucial to safeguarding the public interest and promoting a culture of accountability and integrity.

In response to the pandemic, governments, international organisations, companies and NGOs embarked on massive emergency financing of containment and mitigation measures and policy actions to avoid or curb an economic recession. Given the urgency, essential transparency and accountability measures were shortcut or postponed, and reports of corruption or wrongdoing relating to the pandemic have been compiled. Whistleblowers are often the first to detect misconduct of this nature. Whether it is doctors reporting important medical developments; government employees reporting fraud or embezzlement in healthcare procurement; company employees reporting bribery to obtain lucrative deals in medical products or equipment; or citizens reporting misconduct in the

granting of key services or rescue packages, now more than ever, people should be able to speak out without fear for their lives or livelihoods. Yet, retaliation against whistleblowers during the COVID-19 pandemic was in the world news.

At both the international and national level, there is a relative legal vacuum when it comes to norms for protecting whistleblowers. The 2019 **EU Whistleblower Protection Directive** could change the landscape in Europe, by requiring governments and companies to introduce sweeping reforms to facilitate reporting. Under the Directive, reports to the public or media are protected when they concern an imminent or manifest danger to the public interest. Alongside this groundbreaking legislation, other international initiatives show there is global political commitment to protecting whistleblowers, such as the 2019 **G20 High Level Principles for the Effective Protection of Whistleblowers** and the **OECD Recommendation on Public Integrity**, which calls on adherents to support an open organisational culture within the public sector, including through robust whistleblower protection frameworks. Whistleblower protection was also identified as a priority issue to be addressed in the current **review of the OECD's 2009 Anti-Bribery Recommendation**, aimed at complementing the **OECD's Anti-Bribery Convention** by further strengthening the fight against foreign bribery.

The first step for governments looking to promote reporting will be to introduce harmonised, watertight legal protections for whistleblowers. The international standards are taking shape, and these now need to be adapted and implemented to national contexts. The OECD, through its **Working Group on Bribery** and **Public Governance Committee**, is working to ensure these standards are reviewed and implemented among OECD countries and beyond. The second, much more difficult, step will be to instill trust and confidence in their enforcement. Even with the most watertight of legal protections, whistleblowers still have to overcome significant fear and threat to their careers, or indeed to their lives, to report.