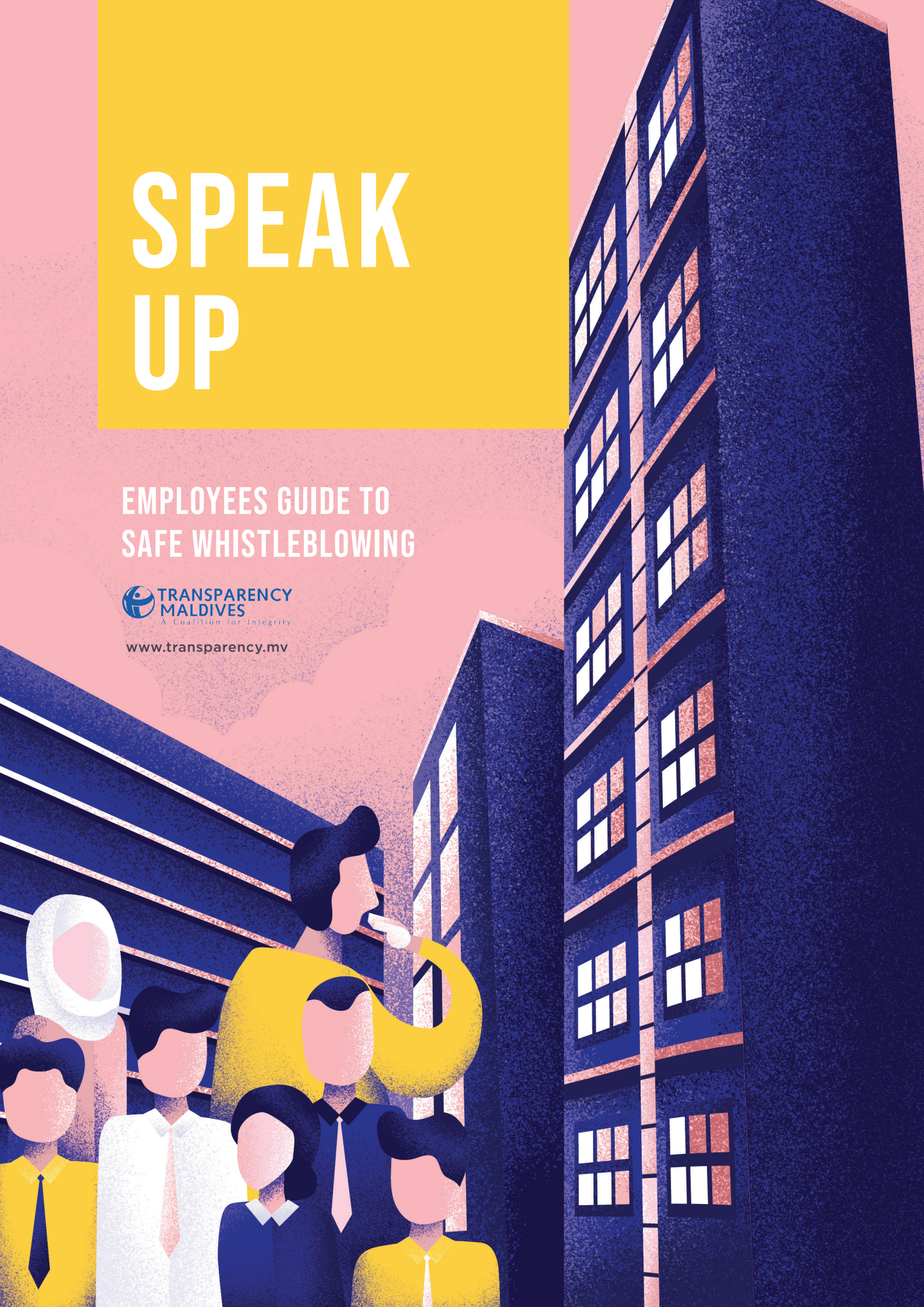


# SPEAK UP

## EMPLOYEES GUIDE TO SAFE WHISTLEBLOWING



[www.transparency.mv](http://www.transparency.mv)



## WHAT IS THE PURPOSE OF THIS GUIDE?

Whistleblowing is an effective tool employees can use to disclose a wrongdoing in the workplace. By speaking up about a wrongdoing, employees can bring about an impactful change not just in the workplace but sometimes in the society at large.

The decision to make a disclosure or “blow the whistle” is not an easy one. Whistleblowers are often labeled as disloyal by their employers and even colleagues. They sometimes lose their jobs and are put in harm’s way too.

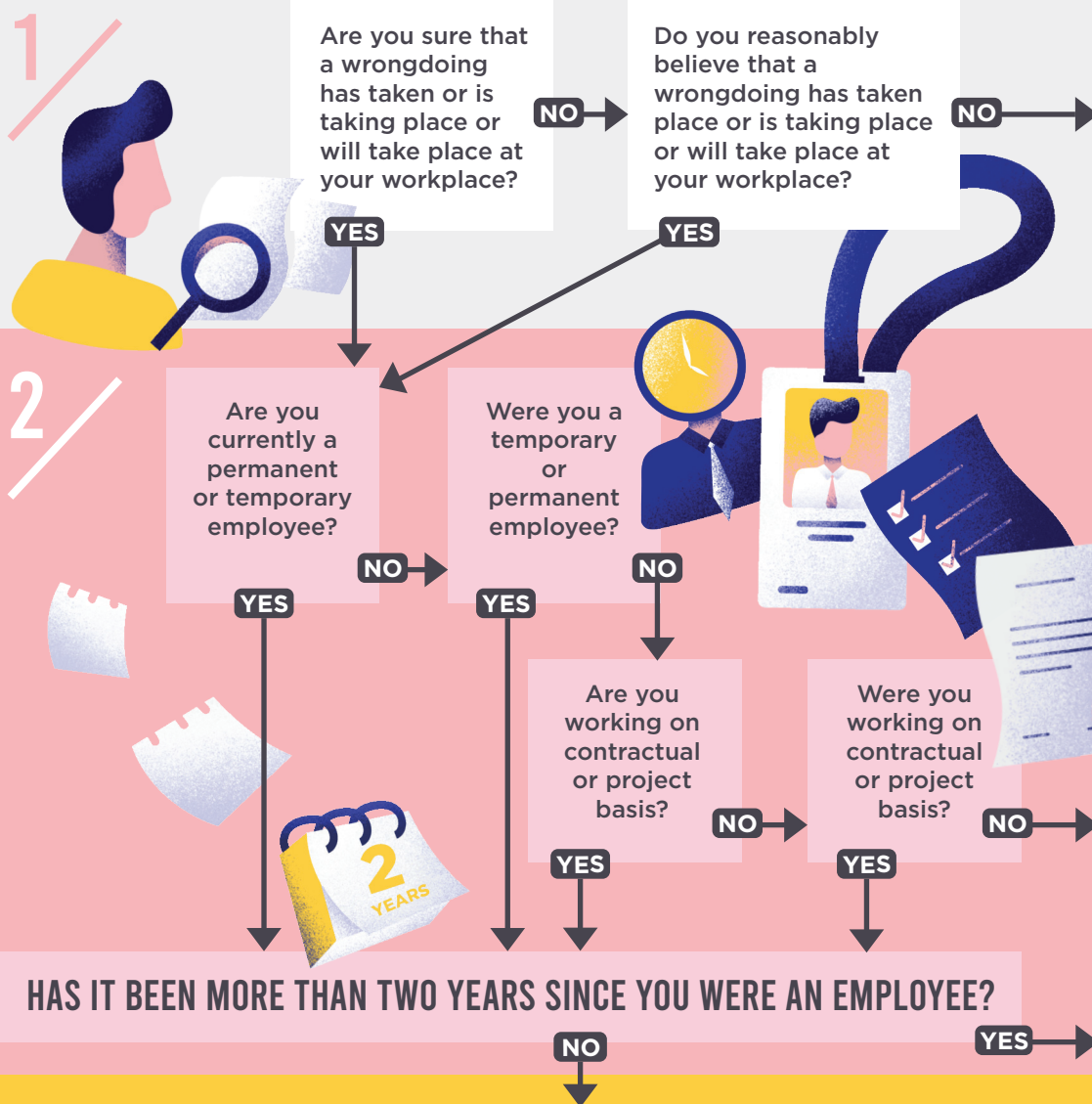
**This guide is intended to assist employees who are thinking of blowing the whistle to make an informed decision by providing an overview of the Whistleblower Protection Act and avenues to safety and protection.**

## WHAT IS WHISTLEBLOWING?

The Whistleblower Protection Act (Act No: 16/2019) defines whistleblowing as making a disclosure regarding a public or private party’s wrongdoing. This disclosure of information is related to corrupt, illegal, fraudulent or hazardous activities which concern or threaten the public interest.



# AM I COVERED BY THE WHISTLEBLOWER PROTECTION LAW?



**YOU MAY NOT RECEIVE PROTECTIONS OF A WHISTLEBLOWER UPON MAKING A DISCLOSURE**



**YOU CAN MAKE A DISCLOSURE AND RECEIVE PROTECTIONS OF A WHISTLEBLOWER!**

# HOW CAN I WHISTLEBLOW

A DISCLOSURE CAN BE MADE THROUGH THE FOLLOWING CHANNELS;



STEP 1

## INTERNAL MECHANISM FOR WHISTLEBLOWING WITHIN THE WORKPLACE

Every workplace must have a Whistleblower Protection Committee. Upon confirming that the criteria for whistleblowing is met (See page 2 of this guide), a disclosure can be made to this Committee for investigation.



STEP 2

## HEAD OF THE ORGANIZATION OR THE PERSON NOMINATED FOR THE PURPOSE OF WHISTLEBLOWING

If the workplace does not have a Whistleblower Protection Committee or if the employee is dissatisfied with the Committee's decision, a disclosure may be made to the head of the organization or the person nominated for the purpose of whistleblowing.



STEP 3

## WHISTLEBLOWER PROTECTION UNIT

If an employee believes that the internal mechanism for whistleblowing is unable to fairly and effectively conduct an investigation, or if there may be attempts to destroy or attempts to tamper with evidence, or influence or place witnesses under duress, or cause danger to the whistleblower or any third party, then the employee can bypass Step 1 and Step 2 and make the disclosure directly to the Whistleblower Protection Unit.

## A DISCLOSURE TO THE WHISTLEBLOWER PROTECTION UNIT CAN BE MADE THROUGH;

### 1. Complaint form:

<https://hrcm.org.mv/dhivehi/whistleblowerprotection/WBPU-ComplaintsForm10.03.2020.PDF>

### 2. Online submission form:

[https://hrcm.org.mv/whistleblowerprotection/wbp\\_v19.aspx](https://hrcm.org.mv/whistleblowerprotection/wbp_v19.aspx)

**In cases of urgent or grave public or personal danger, or persistently unaddressed wrongdoing that could affect the public interest, employees can make disclosures to the media, civil society organizations, legal associations, trade unions, or business or professional organizations.**

**A disclosure can be made to in any of the following manners**



Letters



Phone Call



Internet Communication



SMS



Electronic Mail or Messages



Audio File



Video Clips

**The disclosure must be made within two years from the date of the material incident.**



# WHAT PROTECTIONS ARE GUARANTEED FOR WHISTLEBLOWERS?



## PROTECTION FOR A DISCLOSURE MADE WITH A REASONABLE BELIEF

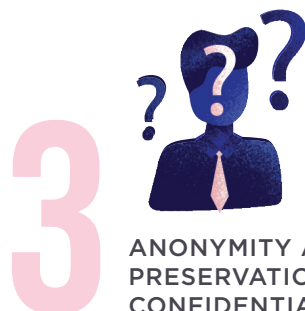
An employee who mistakenly makes a false disclosure is also considered as a whistleblower and afforded protections provided that the employee made the disclosure with a reasonable belief that the information is true at the time it is disclosed.



## PROTECTION FROM RETRIBUTION

Whistleblowers are protected from any and all forms of retaliation, disadvantage, or discrimination at the workplace linked to or resulting from whistleblowing. This includes;

1. Dismissal
2. Removal from duties
3. Reduction of working hours
4. Probation
5. Withholding allowances or decision on such allowances as a punishment
6. Ban or restriction on promotion or training opportunities
7. Demotion or restriction on allowances
8. Issuing threats and warnings and causing loss and damage
9. Such other activities carried out against the whistleblower.



## ANONYMITY AND PRESERVATION OF CONFIDENTIALITY

Whistleblowers are protected from disclosure of their identity. The investigative authorities are required to protect the following information of the whistleblower;

1. Full name and common name
2. Permanent or resident address
3. Age
4. Family information of the whistleblower
5. Place of employment or office or branch and job title/ position
6. Contact numbers and email address
7. Any other information which may reveal the identity of the whistleblower

Full protection is granted to whistleblowers whose identity has been revealed without their explicit consent.



## RIGHT TO REFUSE PARTICIPATION IN WRONGDOING

Employees have a right to refuse to participate in corrupt, fraudulent or illegal acts. This refusal to comply, whether in the form of act or omission, will not be considered as a breach of a civil agreement or basis of any criminal, civil or administrative action.



## WAIVER OF LIABILITY

Employees who make a disclosure which is within the scope of the whistleblower legislation is immune from disciplinary proceedings and liability under criminal, civil, and administrative laws. This includes slander, libel, and copyright protection.



## BURDEN OF PROOF ON THE EMPLOYER

The burden of proof to demonstrate that any measures taken against an employee were in no way connected to or motivated by a whistleblower's disclosure is on the employer. It is also the employer's duty to prove any intent of the whistleblower to violate the law.



## PRESERVATION OF RIGHTS

Any rule or agreement which obstructs whistleblower's protections and rights are invalid. This includes confidentiality and non-disclosure agreement that the whistleblower has entered into with their employer.



## PERSONAL PROTECTION

Whistleblowers whose lives or safety are in jeopardy, and their family members are entitled to receive personal protection measures.



## COMPENSATION

Whistleblowers are entitled to receive compensation for damage suffered due to a retaliatory action.

# CHECKLIST TO SPEAKING UP SAFELY

## ✓ MEET THE CRITERIA FOR WHISTLEBLOWING.

Refer to the Flow Chart on Page 2

## ✓ KNOW RIGHTS AND PROTECTIONS.

Seek legal advice prior to making a disclosure. Reach out to Transparency Maldives' Advocacy and Legal Advice Centre for free legal advice and assistance.

<https://transparency.mv/v16/alac/contact-us/>

## ✓ REPORT TO THE RELEVANT AUTHORITY.

Refer to the Flow Chart on Page 3

## ✓ AVOID GATHERING EVIDENCE.

Employer has the burden of proof. Employee only has to prove reasonable belief.

## ✓ SEEK SUPPORT.

Mental health is of utmost importance. Confide in family and friends for support. Seek medical assistance where necessary.

## REFERENCES

Transparency International, 2003, International Principles for Whistleblower Legislation

Whistleblower Protection Act (2019)  
Transparency International, Ireland, 2019, Guide to Whistleblowing and Making a Protected Disclosure