

Public Concern at Work

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Charity offers cautious welcome for new Employment Tribunal whistleblower measure

Britain's whistleblowing charity, Public Concern at Work (PCaW) has welcomed measures to alert regulators to serious matters of public concern, such as risks to public health and safety, but has cautioned that a technical requirement might undermine its effectiveness.

New regulations will give the Employment Tribunal Service powers to refer claims made by whistleblowers to an appropriate regulator.

"The aim of this measure is to ensure that serious public concerns are brought to the attention of someone with the power to do something about them. At present, more than two-thirds of claims are settled privately, meaning the public concern which gave rise to the dispute can be buried, leaving the risk unaddressed," said PCaW's Director, Catherine Wolthuizen.

"While stopping short of the open justice approach applied in other courts and tribunals, this measure does at least ensure that information vital to protecting the public - whether from injury, negligence, malpractice or fraud - can be forwarded to an appropriate regulator.

"However, this is subject to an important caveat - that the claimant consents to the information being forwarded.

"While we very much hope that genuine whistleblowers will provide their consent to information being passed to a regulator, our fear is that they will find themselves under pressure to withhold approval, or will use their consent as a bargaining chip in settlement negotiations. In the event of consent being withheld, the Government has not said who would scrutinise the underlying matter of concern, or whether anyone would look at it at all.

"It would be deeply regrettable if this measure continues the current situation of allowing parties to a dispute to hold the public interest to ransom, for private gain. As such, we will monitor implementation of this measure closely, to examine the rate of referral, and the response from regulators," concluded Ms Wolthuizen.

For comment, contact Catherine Wolthuizen or Francesca West on 020 7404 6609
The regulations may be viewed at <http://www.berr.gov.uk/files/file54221.pdf>

NOTE TO EDITORS

Public Concern at Work is an independent, self-funding whistleblowing charity. 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.

Making whistleblowing work