

The Law of Whistleblowing

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White Paper

for

Government Accountability Project
(GAP)

Whistleblowing

insider's
disclosure
of
alleged
wrongdoing
to
prevent harm
or
hold wrongdoers accountable

Whistleblowing Law

Compensate for retaliation

Whistleblowing Law

1. Require disclosure

Compensate for retaliation

Whistleblowing Law

1. Require disclosure
2. Prohibit retaliation

Compensate for retaliation

Whistleblowing Law

1. Require disclosure
2. Prohibit retaliation
3. Compensate for retaliation

Whistleblowing Law

1. Require disclosure
2. Prohibit retaliation
3. Compensate for retaliation
4. Require institutions to facilitate

Whistleblowing Law

1. Require disclosure
2. Prohibit retaliation
3. Compensate for retaliation
4. Require institutions to facilitate
5. Provide financial incentives

Compensation for Retaliation

Largely Ineffective

Financial Incentives

Effective

Financial Incentives

False Claims Act

Dodd Frank – SEC Whistleblower Program

IRS Whistleblower Program

Themes

Scope

- Public
- Private

Violations of:

- Specific:
 - Statutes
 - Regulations
- Contracts
- Criminal Law

Recipient

- internal
- external

Recipient

- internal
- external
 - law enforcement
 - NGO
 - media

Character

- Motivation
- Clean hands

Identity

- Confidential
- Anonymous

Control

- Whistleblower
- Agency

Accountability

Mechanism

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