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'EXPAND WHISTLEBLOWER PROTECTION'

CIVIL servants hesitate to report corruption because they are not confident of being shielded from reprisal, or believe their complaints will not result in meaningful action, say watchdog groups. Amendments to the Whistleblower Protection Act, which are to be tabled this year, must address their fears.

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CORRUPTION AND MISCONDUCT

'BOOST PROTECTION FOR WHISTLEBLOWERS'

Flaw in law, fear are reasons why most choose to keep quiet

IYLIA MARSYA ISKANDAR
KUALA LUMPUR
news@nst.com.my

THE Whistleblower Protection Act should offer more defences against retaliation to encourage civil servants to come forward and report misconduct, say anti-corruption watchdogs.

Malaysia Corruption Watch president Jais Abdul Karim said although there were laws to protect whistleblowers, many were not confident that they would be fully protected and had chosen to remain silent.

"Civil servants often worry about the possibility of retaliation, including demotion, dismissal or workplace harassment. The fear of losing their job is a major deterrent.

"Although there are laws to protect whistleblowers, many are not confident that they will be fully protected if they report corruption.

"The perception of weaknesses in the enforcement of these laws causes many to remain silent.

"In some organisations, a 'couldn't-care-less' culture and a lackadaisical attitude towards corruption make civil servants feel that reporting misconduct is futile because no action will be taken," he said.

Jais was responding to a call by Enforcement Agency Integrity Commission (EAIC) chairman Tan Sri Dr Ismail Bakar for all Malaysians to embody the spirit of independence on the 67th National Day by courageously opposing misconduct and corruption (See accompanying story).

Ismail had said fighting corruption and misconduct was everyone's responsibility, whether they were department heads,

politicians or members from all branches of government.

Jais said it was important to create awareness among civil servants about their rights and the protections available for whistleblowers, including through a awareness programmes, continuous education and simulation training.

Among other methods, he suggested for the government to provide whistleblowers with legal and psychological support, besides an anonymous platform for tip-offs.

"MCW suggests strengthening whistleblower protection laws by expanding the scope of protection and ensuring more rigorous enforcement. This includes providing guarantees that whistleblowers will not face any form of retaliation.

"Providing an up-to-date platform to report corruption anonymously would surely reduce the fear of retaliation.

"This system should be monitored by an independent body to ensure confidentiality of information and fair responses.

"Whistleblowers should also be provided with psychological and legal support throughout the reporting and investigation process. This will help them cope with the pressure and maintain the courage to report misconduct," he said.

He added that providing recognition and incentives for whistleblowers who help uncover corruption could encourage more of them to come forward.

Transparency International Malaysia president Dr Muhammad Mohan said the lack of reports from civil servants could be attributed to a flaw in the Whistleblower Protection Act, which could backfire on them for leaking government secrets.

"Civil servants are afraid because of the flawed Whistleblower Protection Act.

Under Section 6 of the act, it says protection will be given provided it is not prohibited by other written laws.

"Civil servants, when they join the service, are subject to the Official Secrets Act. So how will they come and report? They can be accused of leaking government secrets," he said.

He added that the act must be amended so that whistleblowers were given the assurance that when they report wrongdoings, there would be no retaliation.

"The amendments are ready... only waiting for the government to table in Parliament," he said.

Deputy Minister in the Prime Minister's Department (Law and Institutional Reform) M. Kulasegaran had told Parliament on March 4 that the proposed amendments to the Whistleblower Protection Act 2010 were scheduled to be tabled this year.



Jais Abdul Karim



Dr Muhammad Mohan

DISEDIAKAN
OLEH

NOR SURIANI BINTI MOHD ZIN (S44), BPM
UNIT PERPUSTAKAAN, BPM