



[Protection of the Whistleblower Act](#) - Chapter 527 of the Laws of Malta

The Protection of the Whistleblower Act entered into force in September 2013 and makes provision for procedures in which employees may disclose information regarding improper practices by their employers or other employees in the employ of their employers and protects employees who make said disclosures from detrimental action.

A "whistleblower" means *any employee who makes a disclosure to a whistleblowing reporting officer or a whistleblowing reports unit, as the case may be, whether it qualifies as a protected disclosure or not under this Act;*”.

A whistleblower should file a report ‘in good faith’, and he/she would be protected from any disciplinary actions against him/her. The whistleblowing can be exercised on facts which happened both before and after the law entered into force. This legislation gives full protection to all those who are honest and guarantees safety and reassurance against any retribution. At the same time, it also serves as an incentive to all those who did any wrongdoing to reveal their actions.

The Act obliges employers to nominate employee/s as Whistleblowing Reporting Officer/s (WRO) to receive and deal with internal disclosure reports of improper practices. The WRO for the Malta Statistics Authority and the National Statistics Office is Mr Duncan Brincat. An internal disclosure can be submitted to the WRO either by email, by post or in person to:

Mr Duncan Brincat
Whistleblowing Officer
Malta Statistics Authority/National Statistics Office
Lascaris
Valletta
Email: whistleblower.nso@gov.mt

The written disclosure should provide a brief description of the improper practice that is being reported and should include as much information as possible. The whistleblower may wish to fill in the form provided in Annex 1. It is important to note that concerns should be raised in **good faith**.

If a disclosure is made verbally, the WRO will ensure that it is noted down in writing and that its contents are approved by the person making the submission.

Prohibition of disclosure of whistleblower identity:

Article 6 of the Act prohibits the disclosure of the identity of the whistleblower, therefore no information that identifies the whistleblower shall ever be disclosed, *“unless the whistleblower expressly consents in writing to the disclosure of that information”*. However, Article 11 of the Protection of the Whistleblower Act states that *“disclosures made anonymously shall not be considered as protected disclosures in terms of this Act”*. Nevertheless, the WRO may still consider such disclosures, but if they are deemed as being defamatory or libelous, they will be discarded.

Incidents often reported by Whistleblowers can be theft, fraud and corruption, bullying, harassment, discrimination, environmental hazards, breaches of policy, misconduct, workplace safety and other unethical behavior.

In considering an internal disclosure the WRO, after discussion with the Chairman/Director General and any experts he/she may wish to consult on the matter, may suggest to the Authority to investigate the report internally or to refer the case to the Police.

Procedure to be followed:

1. Contact is made by the Whistleblower;
2. In case of a written submission, the WRO will issue an acknowledgment within a maximum of 2 working days;
3. A written report will be compiled by the WRO suggesting that an internal investigation by the Authority is launched. This report will be submitted to the Chairman and/or Director General within a reasonable timeframe from the date of the disclosure. The Whistleblower will be notified of the action;
4. When investigations are concluded a report with findings will be drawn up by the WRO, outlining the validity of the disclosure and recommendations for further action;
5. Chairman and/or Director General will review the report and decide on further action to be taken;

6. The Whistleblower is informed in writing of the outcome of the investigation and the proposed actions to be taken.

7. In the case where police investigation is deemed the appropriate course of action, the Chairman will contact the Police to initiate the Investigation and the whistleblower will be notified of the action.

It is to be noted that internal disclosures may also be made directly to the Chairman or the Director General, in the event that the complaint is against, or is in any way related to the actions of the WRO, or as otherwise outlined in the provisions of Article 14 of the Protection of the Whistleblower Act.

If no satisfaction is gained from the outcome of an internal disclosure, the whistleblower may direct his/her submission to the Whistleblowing Officer with the Ministry for Finance and Employment:

Whistleblowing Officer

Ministry for Finance and Employment,

Maison Demandols,

South Street,

Valletta

Tel: 2599 8456

E-mail: whistleblower.mfe@gov.mt

Annex 1

Submitting an Internal Disclosure

To be submitted to the Whistleblowing Reporting Officer, Malta Statistics Authority/National Statistics Office

For use by any employee wishing to submit an internal disclosure. Please read the whistleblowing internal procedures prior to filling in this form. If you require assistance in completing the fields hereunder, please contact the Whistleblowing Reporting Officer who will guide you with further details.

Full Name _____

Position/Grade _____

Please describe the nature of your concern

(Please provide descriptions of your concerns including detailed information such as dates of events, names of those involved, meetings or correspondence that have taken place, reference to relevant documents or policies.)

Signature _____ Date of Submission _____

Signature of WRO _____

Date of Receipt _____