

Protection of the Whistleblower Act (Cap 527)

- [LEĠIŻLAZZJONI MALTA \(legislation.mt\)](https://legislation.mt)
- [Whistleblower - Data Information \(gov.mt\)](https://gov.mt)

The Protection of the Whistleblower Act in Malta, established in 2013, provides a framework for the safe reporting of improper practices and wrongdoings in the workplace, applicable to both the private sector and public administration. This act was further strengthened by the EU Directive (EU) 2019/1937, which came into force in December 2019 and led to amendments in Malta's whistleblower legislation effective from December 2021.

The act ensures that individuals who report corruption or other illegal activities are protected by law. It outlines procedures for internal reporting, where wrongdoings can be reported to an appointed officer who maintains the confidentiality of a whistleblower's identity. If internal channels are ineffective or absent, external reporting routes to competent authorities, such as the MTCA, the FIAU the CVO and the Permanent Commission against Corruption and the Ombudsman, are available. Public Sector employees may approach a dedicated Officer within the Cabinet Office.

Public disclosures, made to public domains, are also possible under certain conditions, such as, where the procedure of external disclosure through official routes implies a risk of retaliation, or immediate danger to the public interest.

A whistleblowing Reporting Officer (WRO) is also present in every Government ministry.

Whistleblower status can be achieved by individuals in a work-related context who have information about a breach of law and are not protected from retaliation by other mechanisms. This includes all employees, self-employed individuals, shareholders, volunteers, trainees, and those working under contractors or suppliers.

Facilitators, who assist whistleblowers or are connected to them, are also protected from retaliation.

The WRO, or Unit, plays a crucial role in receiving and addressing reports of alleged wrongdoings. They are responsible for ensuring impartial follow-up on the reports made by whistleblowers. The official is also empowered to seek legal advice, while keeping the whistleblower's identity secret.

The WRO plays a crucial role in the whistleblowing process, as indicated by the following a summary of the internal reporting process:

1. **Reception and Communication:** The WRO receives reports, maintains communication with the whistleblower, and may request additional information.
2. **Acknowledgement:** The WRO acknowledges receipt of the report within seven days.
3. **Feedback:** The WRO provides feedback to the whistleblower within three months.

4. **Decision Making:** The WRO decides on the next steps regarding the reported breaches.
5. **Internal Reporting Channels:** Entities under the EU Directive should establish secure channels for internal reporting, managed by the WRO.
6. **Encouragement of Internal Disclosure:** Disclosures are encouraged through internal channels to address breaches without fear of retaliation.
7. **Confirmation and Follow-ups:** Reports can be verbal or written but must be acknowledged with appropriate follow-ups.
8. **Confidentiality:** Procedures ensure the confidentiality of the whistleblower's identity.
9. **Alternative Reporting:** If the WRO is deemed biased or involved, alternative reporting to higher authorities within the organization is available.
10. **External Reporting:** Internal procedures should allow for external reporting if necessary.
11. **Publication of Procedures:** The WRO ensures that procedures are widely published within the organization.
12. **Email Reporting:** Reports via email must be through a dedicated account accessed only by the WRO.
13. **Investigation:** The WRO is not responsible for conducting investigations but must secure the whistleblower's protection and report to a higher authority without revealing the whistleblower's identity. The WRO's role is to facilitate the reporting process, protect the whistleblower, and ensure good governance without leading investigations. If the wrongdoing involves higher authority, external disclosure is the next step.

A disclosure must be detailed and specific to the nature of the wrongdoing. It must outline timelines of events, identify both alleged perpetrator/s and other parties that may be involved. It must also describe how the act was committed and why the whistleblower – or the WRO believes the act to be improper, or illegal. Supporting documents should be included, if available.