



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Finland

Introduction

Though perennially ranked as one of the least corrupt countries in the world, Finland has no specific protections for employees who report crime and corruption. Finland has no designated agency to investigate whistleblower disclosures and no specific remedies for victimized whistleblowers. According to political leaders, the country depends on the principles of openness, transparency and accountability to combat corruption.

For these reasons, and due to the low number of public whistleblower cases, the issue is not widely discussed in political circles or by the general public. A recent study by the Ministry of Justice did not lead to the development of a whistleblower protection law.

Laws, Institutions and Procedures

Finland has no specific agency to handle employee disclosures and retaliation complaints. While the tenets of transparency and accountability are rooted in Finnish legislation, there are no measures to support whistleblowers in retaliation cases. Government officials are obliged to report well-substantiated cases of misconduct to the police, but they enjoy no specific protections from retaliation.

Unjustly dismissed employees must rely on the courts to seek reinstatement and compensation. Because of the small number of cases, no firm conclusions can be drawn on the approach of judges in ruling on whistleblower complaints. Disputes in the workplace typically are settled internally with the intervention of labor unions.

Many companies have established internal reporting systems on their own initiative. The Finnish police maintain an online reporting channel.

Recent or Ongoing Initiatives and Trends

The OECD has urged Finland to enact whistleblower protections at least since 2009. In 2012 the government pledged to implement all anti-corruption measures required by international agreements, including whistleblower protection.

In 2015 the Justice Ministry formed a working group to assess the potential need for a whistleblower law. Concluding in June 2016 that the current system is “fairly good” at shielding whistleblowers from retaliation, the working group recommended against pursuing a whistleblower law.



The group reached this conclusion despite acknowledging that Finland's laws are "to some extent fragmented and often indiscernible," that it is unclear how protections are implemented in practice and by whom, and that in some instances the only way to protect a whistleblower is to suspend the investigation of a case.

The working group's recommendation came four months after the OECD highlighted Finland's "continued failure" to comply with the OECD's Anti-Bribery Convention, including by not introducing "genuine whistleblower protections."

Whistleblower Cases

Finland has not seen many public cases of whistleblowing. One of the few cases is that of Jussi Aho, who blew the whistle on his own construction company, Fira. After becoming aware of procurement irregularities, Aho, who had founded Fira and still serves as its CEO, contacted the police. The case was in court as of mid-2016.

In 2014 psychologist Aku Kopakkala was dismissed by a private health care provider after saying on television that anti-depressant drugs may cause long-term harm. His case received widespread attention, though he did not return to his position. Kopakkala established a blog on depression and became a public speaker and author.

Data and Statistics

Because Finland has no government agency that tracks whistleblower cases, the number of cases filed each year and their outcomes are not known.

Public Perception of Whistleblowing

Since the country lacks a tradition of whistleblowing, and due to the small number of high-profile cases, awareness of the issue remains limited. Following the growing international recognition of whistleblowers, however, independent media organizations, researchers and NGOs are taking a greater interest in the issue.

One example was "Lex Snowden," a legislative proposal to protect free speech and privacy launched by the NGO Electronic Frontier Finland (Effi) in July 2013. The initiative aimed to criminalize excessive surveillance of citizens and strengthen whistleblower rights. It failed to obtain the minimum number of signatures needed to enter a parliamentary debate. However, the effort drew public attention to regarding data collection and whistleblower protection.

Capacities and Knowledge Centers

The Electronic Frontier Finland focuses on issues including freedom of speech, internet and privacy rights, and whistleblower protection. Various human rights NGOs work on free speech and related issues.