



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Sweden

Introduction

In 2016 Sweden became the first Scandinavian country to pass a dedicated whistleblower protection law. The legislation contains many European and international standards, including protection for all public and private sector employees, and the right to disclose information to the public.

The law seeks to standardize whistleblowing and free speech rights granted in other policies. Though a significant improvement, the new law lacks many best practices and omits some recommendations put forth during an official inquiry.

Even before the whistleblower law was passed, Sweden had the distinction of having the world's oldest freedom of information law. Proclaimed in 1766, it gives to all people the right to disclose information to the media, excluding certain sensitive information.

Laws, Institutions and Procedures

The full title of Sweden's new whistleblower law is the "Act on Special Protection Against Victimization of Workers who Sound the Alarm on Serious Wrongdoing." It contains several but not all basic elements of a comprehensive whistleblower law, including retaliation protection for all employees, the right to report a wide range of crimes and offenses, and compensation for unfair dismissal and other personnel actions.

Whistleblowers must have a reasonable belief – not proof – that their disclosures are accurate. The burden of proof is on the employer to show any actions taken against an employee were not connected with the person having made a disclosure.

The law requires employees first to make reports internally or to a labor union. If the employer does not take "reasonable measures" the employee can disclose the information to authorities, the media or the public.

Even before the law was passed, the *Freedom of the Press Act of 1766 gave the right to all people to send information to the media, except for official secrets and national security information. The law goes to the point of blocking the government from trying to learn the identity of anonymous sources.*

In January 2011 the government criminalized acts of retaliation against employees who legally expose wrongdoing.

As of early 2017, Sweden had no specialized agency to receive and investigate whistleblower reports and retaliation complaints, or deal with whistleblower issues in general.



Recent or Ongoing Initiatives and Trends

The effort to develop a whistleblower law began in 2014 when the government launched a formal inquiry into potential improvements to current laws and policies. The new law was passed in 2016 and took effect on 1 January 2017.

Whistleblower Cases

In early 2017 two police officers exposed what they called a cover-up of crimes committed by immigrants. They cited “Code 291,” a procedure that reportedly directed officers to withhold information on such incidents from the public.

In 2013 four doctors at the Karolinska Institutet in Stockholm began questioning the work of Paolo Macchiarini, a celebrated surgeon who pioneered the transplantation of artificial windpipes. The doctors told hospital directors that several of Macchiarini’s patients had died or fell ill. The directors initially sided with Macchiarini and threatened to fire the doctors. Macchiarini accused one of them, *Karl-Henrik Grinnemo*, of *misconduct in connection with a grant application*. More allegations against Macchiarini came to light, including falsifying research findings, conducting experimental surgeries without approval and providing false information to patients. He was dismissed in March 2016, one month after the hospital’s vice chancellor resigned. *Grinnemo was cleared of the false allegations against him in March 2017.*

One of Sweden’s most notable whistleblowers has a law named after her: Sarah Maria Wågner. In 1997 she called attention to poor care in some Swedish nursing homes, sparking a nationwide debate. The government introduced “Lex Sarah,” which requires nursing staff to inform authorities about irregularities.

Data and Statistics

Because Sweden does not have a specialized agency that focuses on whistleblowing, the number of reports and retaliation complaints, and their outcome, is not publicly known.

According to a media report in July 2016, corruption reports were on pace to increase by 50 percent over 2015, which would mark a doubling since 2012.

Public Perception of Whistleblowing

Despite the deeply rooted right to information and free speech, few cases of whistleblowing have been reported publicly. One factor could be a cultural tendency to avoid openly criticizing one’s peers. Still, due to the political recognition of the issue, whistleblowing is viewed as an important tool to detect crime and corruption, and heroic whistleblowers have been treated accordingly.

No public opinion surveys have been conducted in recent years. A 2011 study found whistleblowers in Swedish human service organisations caused “negative reactions” internally but generally were supported by citizens and the media.

Capacities and Knowledge Centers

Sweden has no dedicated government agency that deals with whistleblower issues. The Sweden chapter of Transparency International is among the small number of NGOs that focuses on the issue. In April 2016 the organization bestowed the four doctors who helped expose Macchiarini with the Whistleblower of the Year (“Årets Visselpipa”) award.

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