



Perchè whistleblowing?

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*“Ancora troppo poche le denunce da parte di dipendenti pubblici: in Italia il whistleblowing stenta a decollare, è concepito come **delazione**”*

SARBANES-OXLEY'S WHISTLEBLOWER PROVISIONS:
TEN YEARS LATER

Richard Moberly*

Whistleblower advocates and academics greeted the enactment of the Sarbanes-Oxley Act's whistleblower provisions in 2002 with great acclaim. The Act appeared to provide the strongest encouragement and broadest protections then available for private-sector whistleblowers. It influenced whistleblower law by unleashing a decade of expansive legal protection and formal encouragement for whistleblowers, perhaps indicating societal acceptance of whistleblowers as part of a broader law enforcement strategy. Despite these successes, however, Sarbanes-Oxley's greatest lesson derives from its two most prominent failings. First, over the last decade, the Act did not sufficiently protect whistleblowers who suffered retaliation. Second, despite the massive increase in legal protection available to them, whistleblowers did not play a significant role in uncovering the financial crisis that led to the Great Recession at the end of the decade. These related failures indicate that

stronger and more prevalent protection than ever. I don't believe such protection works. This Article evaluates whistleblower law during the last decade and concludes that the most important lesson is that the usual approach is insufficient. Encouragingly, this Article also evaluates the law in light of Sarbanes-Oxley's successes and failures. Finally, policymakers may have learned from the Sarbanes-Oxley Act that the last two years, regulators and legislators have taken steps that may encourage employees to blow the whistle

2012]

SARBANES-OXLEY: TEN YEARS LATER

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similarly demonstrated that companies with a strong ethics program had less wrongdoing, more reporting, and less retaliation.³⁰⁶ Importantly, the study found that individuals—specifically senior executives and supervisors—drove and influenced the culture more than anything else.³⁰⁷

Thus, the experience with Sarbanes-Oxley over the last decade teaches that individual players in the system, such as organizational supervisors, government administrators, and adjudicatory decision makers, impact whistleblowers as much as, if not more than, any formal legal provisions. This impact can undermine the protections the formal provisions appear to provide. In other words, formal whistleblower mechanisms, while necessary, do not sufficiently protect and encourage whistleblowers by themselves. People interpret and enforce them, indicating that perhaps we ought to spend as much effort determining who is involved in whistleblower protection as we do deciding what those protections should formally entail.

Impegno e fiducia

- TLC (**vertici** delle organizzazioni)
- Responsabile anticorruzione/OdV 23 I
- Internal Audit/Compliance officer
- RSPP
- Altre funzioni di controllo



FAI SENTIRE LA TUA VOCE
SEGNALA UN CASO DI CORRUZIONE

SEGNALA >

Curiamo la CORRUZIONE
PROJECT SUPPORTED BY SIEMENS AS PART OF THE SIEMENS INTEGRITY INITIATIVE



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Whistleblowing in sanità

Che il settore sanitario fosse uno di quelli più esposti al rischio di corruzione e agli appetiti di chi vuole arricchirsi indebitamente, è risaputo. La spesa sanitaria ammonta infatti a circa 110 miliardi di euro l'anno, di cui circa 35 miliardi per il personale e 23 miliardi per gli appalti, e lo strettissimo rapporto tra politica e amministrazione complica ulteriormente le cose. Questa percezione ha trovato conferma nel rapporto 2016 Cu ...





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WHY LEAK?

SECURITY

LEAK DOCUMENTS

TEAM

HELP US

CATCH THE BAD GUYS

YOU LEAK // WE INVESTIGATE // WE REPORT

LEAK DOCUMENTS



leakdirectory.org/index.php/Leak_Site_Directory

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- Permanent link

page discussion view source history

Leak Site Directory

Welcome! This is a directory of official and community based sites that actively support [whistleblowing](#). You can edit the wiki (without having your IP address displayed) by logging with the following

Username: Anonymous
Password: anon

In addition to maintaining this index, please help create profiles of leak sites and services. You can find more information on the [Leak Site Wiki](#).

This directory is community-edited. Use your own judgment in evaluating these sites and services.

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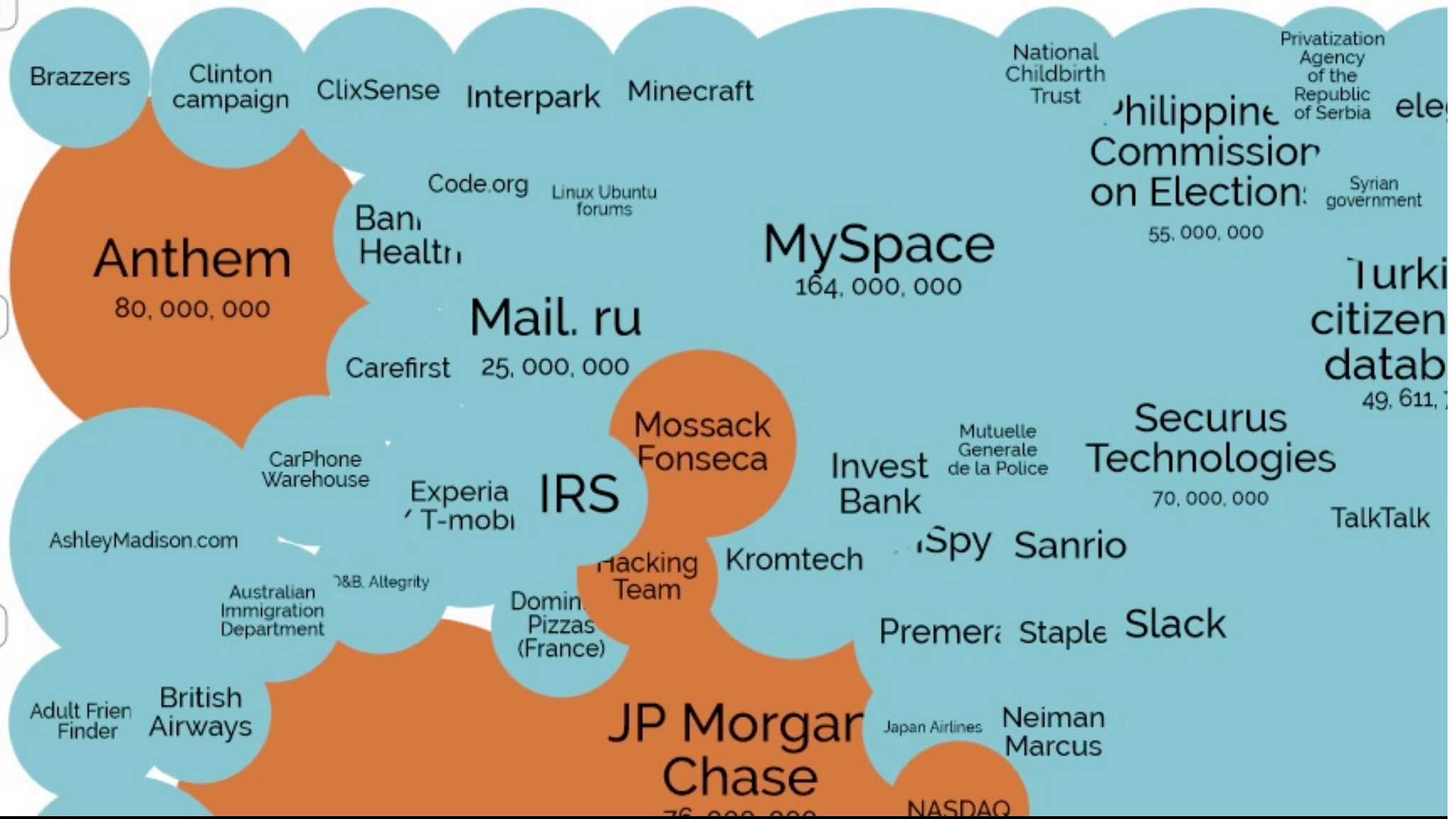
- 1 WikiLeaks-Like Whistleblowing Sites
- 2 New Concept Leak Sites
- 3 Political Denunciation / Tip Off websites
- 4 Established Leak Sites
- 5 Mainstream Media Whistle blowing Sites
- 6 Environmental Protection Whistle blowing sites
- 7 National Security or Serious Crime anonymous tip off / whistleblower sites
- 8 Privacy Commissioners etc.
- 9 Tax Whistleblowing
- 10 Financial Whistle Blowing
- 11 Whistle Blowing for Censorship and Net Neutrality
- 12 Leak friendly websites
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- 14 Leak Site ideas
- 15 Misc
- 16 Sites about whistleblowing and leaking
 - 16.1 Leak Support Sites

Leaking



- Il leaking è una “*falla in un sistema di comunicazione che fa **fuoriuscire** informazioni riservate che non dovrebbero circolare*” (Ziccardi)

2015



www.informationisbeautiful.net

Perchè vincono?

- Forte **motivazione**, credibilità e fiducia
- Riduzione di **barriere** all'ingresso
- Gestione dei **campi** di segnalazione
- Garanzia di **anonimato** tecnologico e **sicurezza** nelle comunicazioni
- Tecnologia come fattore **abilitante**

“Online Disinhibition Effect”

- “Through **anonymity** of cyberspace, users can exhibit extraordinary acts of kindness or charity that they may have felt inhibited from expressing in RL” (Suler)

Whistleblowing

- Scoperta illeciti legati al posto di lavoro
- Interesse pubblico
- Utilizzo di **canali** e/o **persone** designate
- Buona fede
- Esistenza di motivi ragionevoli

Incontro personale



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Hotline telefoniche



Suggestion box

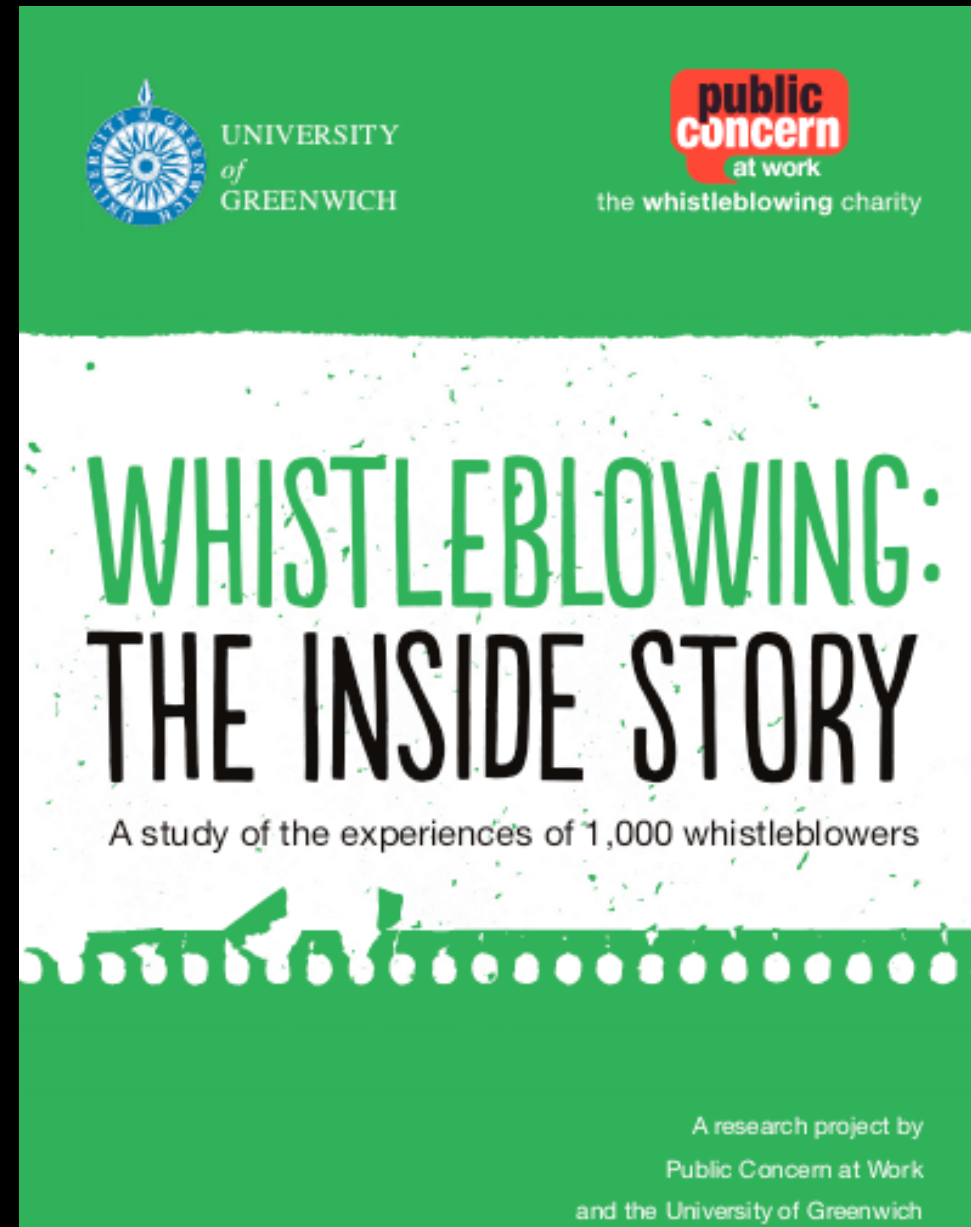


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X-Complaints-To: abuse@cmail5.com
List-Unsubscribe: <http://unsub.cmail5.com/t/i-u-tldkulk-idtiiimu/>
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1. Recipient Email
2. Recipient IP Address (location)
3. Sender IP Address (location)
4. Recipient Email
5. Date and Time

- **83% segnala almeno due volte, di solito internamente**
- 74% dice che a seguito della segnalazione non si fa nulla
- 60% non riceve alcuna risposta (sia negativa che positiva)
- La risposta più probabile (19%) è un'azione formale ai danni del whistleblower
- 15% è respinto





**LINEE GUIDA PER
LA PREDISPOSIZIONE
DI PROCEDURE IN MATERIA
DI WHISTLEBLOWING**

con la collaborazione di:



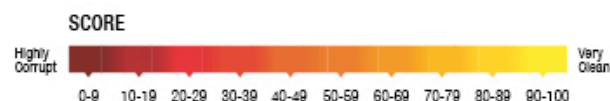
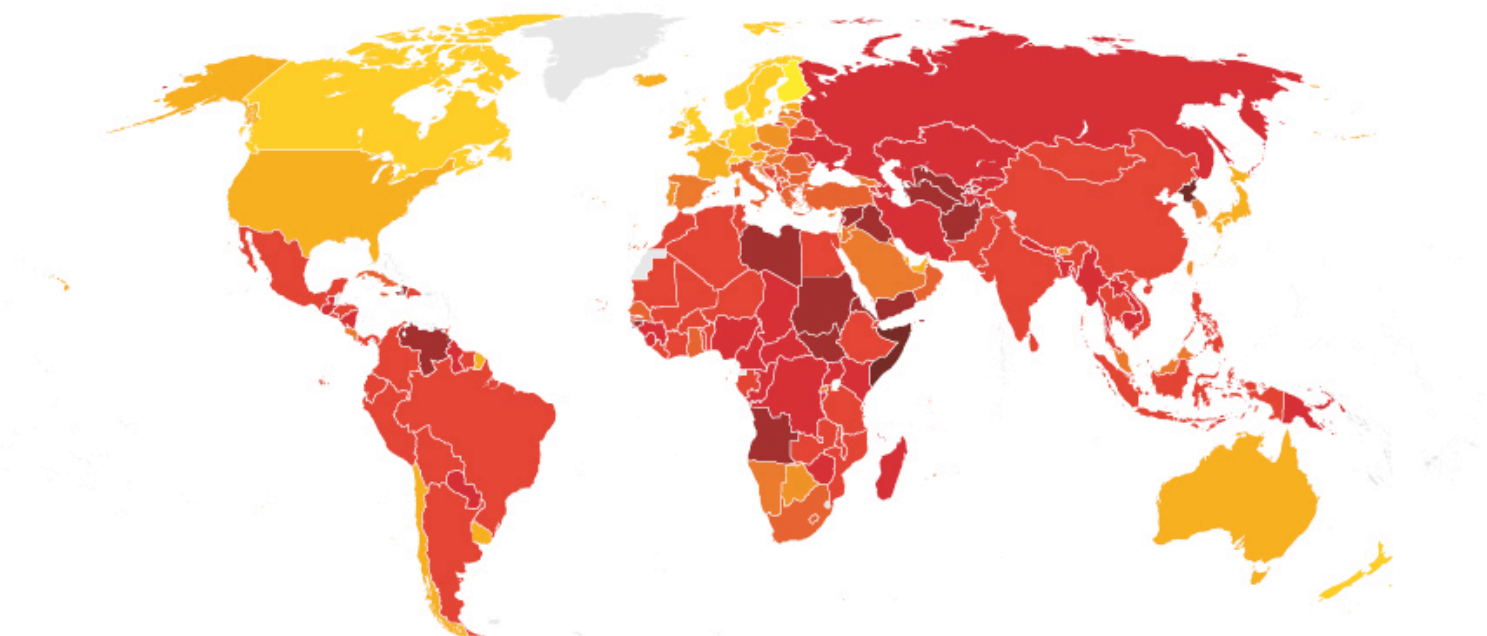
ISO 37001



ISO 37001
**Anti-bribery management
systems**

CORRUPTION PERCEPTIONS INDEX 2015

The perceived levels of public sector corruption in 168 countries/territories around the world.



#cpi2015

www.transparency.org/cpi

“L’Italia si classifica al 61° posto nel mondo, in fondo alla classifica europea, seguita solamente dalla Bulgaria e dietro altri Paesi generalmente considerati molto corrotti come Romania e Grecia, entrambi in 58° posizione”



<https://www.hermescenter.org/>