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# **WHISTLEBLOWER PROTECTION ASSESSMENT LATVIA**

**Country Report - 3<sup>rd</sup> Draft  
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# Executive summary

## Political and cultural context

The current country context for whistleblowing is the unravelling deep economic, political and social crisis that hit Latvia in the second half of 2008.

The still evident heritage of the autocratic governance system during the times of the Soviet Union is deeply hindering the general appreciation of whistleblowing as a sound and ethical deed. Whistleblowers are frequently seen as 'informants' and often are treated as the betrayers of the community.

Rather autocratic and non-transparent style of management is still prevalent in many organizations and public administration. The employees are reluctant to undermine the legitimacy and the authority of their superiors and are often ready to keep quiet about their ineffective and sometimes illegitimate actions, disregarding the cost of such actions to the organizations and broader society.

Hence, it can be concluded that Latvia is still in the process of developing sound instruments of dealing with dissent and wrongdoings in organisations and in the country, and whistleblowing is one of such instruments.

## Legislation

There is no single and comprehensive legal provision defining the concept of whistleblowing and outlining the specific protection mechanisms for whistleblowing. At present, related protection mechanisms are derived from a number of different laws, namely Civil Law, Criminal Law, Criminal Procedure Law, Labour Law, Law on Civil Servants, Law on Prevention of Conflicts of Interest among Government Officials and Law on Free Access to Information.

Some legal provisions require the persons to report about the wrongdoing and also include sanctions and penalties for failing to do so. The Criminal Law states that there is a liability to disclose information on serious and especially serious crime (bribery, high volume money laundering activities, etc.). The Code of Administrative Offence provides a liability to disclose information on dangerous substances or any other noxious products and polluting emissions to environment protective and/or administrative institutions, etc.

The only law containing a clause directly related to whistleblowing protection is the Labour law. It stipulates that it is prohibited to punish employees for whistleblowing and that the employer carries the primary responsibility for ensuring compliance. However, neither the State Labour Inspectorate nor any other institution interviewed could name a case where this clause has been utilised in practice.

In September 2009, the Cabinet of Ministry approved a new concept for strengthening whistleblowing protection foreseeing the amendments in the current Law on Prevention of Conflicts of Interest among Government Officials, 1) agreeing to include a confidentiality clause - forbidding to disclose the identity of the whistleblower without the individual's consent and also protecting him/her against the reprisals, 2) foreseeing a duty for State officials to inform about the suspicion of conflict of interest and/or corruption to the controlling bodies/institutions.

## Current policies and practices

There are no clear, transparent and well functioning whistleblowing reporting channels and sound protection mechanisms in both the public and private sector. The norms related to the whistleblower concept and protections as covered in the Codes of Ethics of the five ministries (Defence, Justice, Internal affairs, Finance and Health), can be characterized as rather weak. There are no special provision for whistleblowing practice and no clear internal and external information disclosure mechanisms. The norms are aimed at the resolution of internal conflicts. With regard to the external information disclosure there is a discrepancy between the duties to report about illegal actions vs. the confidentiality obligations.

With regard to the private sector, it is in the subsidiaries of multinational companies where whistleblowing reporting channels are clearer and willingness to protect whistleblowers is more evident. Nevertheless, data obtained from Ernst&Young Latvia reveals that their consultancy and organisation development tools on whistleblowing in organisations, which are implemented internationally, had never been used in companies in Latvia. This indicates that implementation of sound whistleblower protection mechanisms have not been on the agenda of the company management and leadership so far.

State institutions that receive claims about wrongdoing in the workplace, including whistleblowing incidents in Latvia are the Corruption Prevention and Combating Bureau, the Ombudsman and the State Labour Inspectorate. Although all of them receive the claims from the general public, both anonymously and openly, none of them keeps statistical records specifically recording the incidence of whistleblowing. Their overall statistical record gives some evidence about the nature and amount of informing and claims, including whistleblowing.

Positive note should be given to the fact that all three institutions, mentioned above, have a duty to follow-up on any reports submitted unless they are anonymous.

### **Conclusions**

The overall conclusion reflecting the findings of the research is that the concept of whistleblowing is rather new and underdeveloped in Latvian society, both from the point of view of existing legal regulations and the practice of whistleblowing, i.e. a lack of it in the State and private institutions.

With regard to national legislation, it is evident that although slowly, it is gradually being improved to strengthen the protection mechanisms of whistleblowers especially in the public sector and state institutions. However, these amendments most often had been implemented as a reaction to the demands of international institutions (e.g. EU, GRECO, etc.) rather than internal political will and the demand of the general public.

### **Recommendations**

In order to promote whistleblowing, it is important to continue improving existing legal mechanisms, while at the same time educating society and even facilitating the 'culture' shift to accept and internalise the value added of the whistleblowing as a sound and needed instrument in a well functioning democracy. A free standing law dedicated to whistleblowing protection would be an ideal solution, however, the timing for it might not be right given the priorities in the situation of the severe economic and political crisis. Much effort should be invested in educating the general society, representatives of public and private sector to accept and appreciate to notion of whistleblowing. The work of the Labour State Inspection, CPCB and/or Ombudsman should be extended to address whistleblowing, including education, promotion and improved data collection on whistleblowing case, while differentiating the claims being received by the institutions.

# Introduction

'The biggest harm is when good people keep silence about wrongdoing of others' was the concluding remark of Latvian investigative media journalist Janis Domburs in his weekly political debate show<sup>1</sup>. Indeed active whistleblowing and reporting of fraud is one the pillars to successfully combat the corruption. Nevertheless Diana Kurpniece, the Head of the Corruption Prevention Division in CPCB, states that the protection of whistleblowers is still in 'babies nappies' in Latvia<sup>2</sup>, and that major socio-cultural shift with more positive attitude towards and demand of whistleblowing accompanied with stronger legal protection provisions are needed before whistleblowing will become more common and respected practice in Latvia.

This report is aimed to provide an overview of country's laws, policies and practice related to the whistleblowing<sup>3</sup> and whistleblower protection in the public and private sector, outlining legal provisions related to whistleblowing practice, depicting some publicly most known whistleblowing cases, and describing the socio-cultural context that has an effect on the understanding and practical implementation on developing sound whistleblowing regulations and practice in the country.

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<sup>1</sup> "Kas notiek Latvijā", TV show 2009/11/11, archives:: [www.knl.lv](http://www.knl.lv) Show was dedicated to the corruption scandal in "Children Clinical University Hospital" (Bernu kliniska unīversitātes slimnīca), after Corruption Prevention and Combating Bureau initiated a criminal procedure about suspected corruption in the public procurement of the hospital, arrested five persons and confiscating fraud money amounting to 1 000 000 euro (700 000 lats) on November 3, 2009, Press release; [www.knab.gov.lv](http://www.knab.gov.lv)

<sup>2</sup> [www.politika.lv](http://www.politika.lv), article "Pacuksti man"

<sup>3</sup> Definition used: 'the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action'.

## Legal Provisions in Latvian law

There is no freestanding comprehensive whistleblowers Protection Law in Latvia and current legal framework does not provide a comprehensive definition of wrongdoing and whistleblowing thereof. However, several whistleblowing related provisions are included in various Sectoral Laws.

### *Rights, obligations and restrictions to reporting*

There are several clauses in different laws stipulating rights and obligations to report. Liability to disclose information is stipulated in the Criminal Law and the Code of Administrative Offense of Latvia. The Criminal Law states the liability to disclose information on serious and especially serious crime<sup>4</sup> (bribery, high volume money laundering activities, etc.). The Code of Administrative Offense provides a liability to disclose information on dangerous substances or any other noxious products and polluting emissions to environment protective and/or administrative institutions; it provides penalties for failure to report cases on environmental contamination, or concealment of related information and serious accidents in any sector of the national economy<sup>5</sup>.

The Law on Conflict of Interest (Section 21) states the duty to inform about official's own conflict of interest, however, it does not state a duty to inform about the other state officials conflict of interest, and other 'softer' criminal offense related actions of other state officials' work and performance<sup>6</sup> Neither law define any comprehensive protection of whistleblower or informant.

With regard to restrictions on disclosures, according to Section 94 of the Criminal Law, the intentional leaking of classified information by officials who have acquired this information ex officio is subject to criminal punishment even where there is no indication of spying. Section 200 provides that the intentional leaking of classified information by an individual who is not a public official but is legally responsible for the keeping of classified information is likewise subject to criminal punishment. Section 28 of the CL, however, lists circumstances, which exclude criminal liability, even if acts committed in such circumstances correspond to the constituent elements of a criminal offence provided among these is extreme necessity. According to Section 32, an act of extreme necessity is an act which a person commits to prevent harm, which threatens the interests of the State or the public, the rights of the person or another person, if in the actual circumstances it has not been possible to prevent the relevant harm by other means and if the harm caused is less than that which was prevented.

To eliminate misreporting, Section 157 of the Criminal Law states that a person is liable if he or she knowingly commits intentional distribution of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly. Before prosecuting the person, the fact, that untrue information disclosure has been done on purpose, has to be proven.

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<sup>4</sup> 'Section 315 of Criminal Law applies sentence for a person who commits failing to inform, where it is known with certainty that preparation for or commission of a serious or especially serious crime is taking place. The applicable sentence is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage. This implies that all persons have criminal liability to disclose information about serious or especially serious crime, including bribery, however, not about the less serious crime and the suspicion of wrongdoing. Less serious crime according to the Criminal law Section 7. is bribe misappropriation (Criminal Law, Section 321), violation of ex officio restrictions on public servants (CL, Section 325), unlawful partaking in commercial transactions (CL, Section 326), facilitation (CL, Section 326.1), unlawful private enrichment (CL, Section 326.2) and misdemeanour

<sup>5</sup> Section 84 of Latvia's Administrative Offence Code (AOC) provides for administrative liability of public officials or other responsible individuals for failure to report cases of environmental contamination, or the covering up related information, or the misrepresentation thereof to agencies of environmental protection or local government. Section 84<sup>1</sup> of the AOC provides for administrative liability for failure to report an accident in industry, transportation, agriculture or any other sector of the economy, or the covering up of related information, if this may cause danger to humans or to the environment. Section 109 of the AOC provides for administrative liability for the failure to report information related to railroad accidents or to the safety of railway transportation in general.

<sup>6</sup> Section 21 of the Law on Conflict of Interests states that 'Public officials shall without delay provide information in writing to a higher public official or collegial authority regarding: their financial or other personal interest, as well as financial or other personal interest of their relatives or counter-parties regarding the performance of any action included in the duties of their office; commercial companies the shareholder, stockholder, partner, member of a supervisory, control or executive body of which the public official is or his or her relatives are...'

### ***Protection***

The strongest legal regulation stipulating whistleblower protection against retribution is Section 9 of the Labour Law, that extends legal protection to whistleblowers by outlawing any punishment of employees or causing of detrimental effects on them for reporting corruptive practices or suspicions of such. Whenever an employee presents facts indicating that he may have been punished or caused detrimental effects for reporting wrongdoing (or a suspicion thereof) – directly or indirectly –, the onus is on the employer to show that this was not the case.

There is no free standing law on witness protection in Latvian legal system. However, there are some pertinent provisions in the Criminal Procedure Law (CPL). According to the Article 300 of CPL a real threat to life, health or property of a person shall be the reasons for the special procedural protection of a witness. Basis for the determination of special procedural protection is a written submission of a threatened person or the representative of this person together with a proposal of a person directing the proceedings (e.g. public prosecutor or investigator). The law does not provide concrete protection measures and the person directing the proceedings himself shall indicate the concrete protection measures in the proposal requiring special procedural protection.

With regard to confidentiality, Section 9 of the Application Submission Act provides that information concerning the informant's identity can be disclosed after his/her consent only; with the exception of the cases when the institution has to disclose the informant's identity by other laws. Section 11 of the Freedom of Information Act provides that materials of correspondence between the institution and the informant as well as the identity of informant are confidential.

The Application Submission Act provides the formal requirements to comply with submitting any written report. The requirement of the Application Submission Act is to state the identity of the informant, which excludes prosecution of anonymous applications. Section 369 of the Criminal Law provides that criminal proceedings cannot be initiated based on anonymous information or information whose submitter refuses to disclose the source of the information. However, the key informants of jurisdiction institutions (CPCB, the Ombudsman) stated that anonymous reports are widely used in the preliminary data gathering and as additional information in the case.

### ***Offered remedies***

No special remedies to the whistleblowers are provided in any of the Normative Acts. The whistleblower can claim compensation on a general basis with Section 1635 of the Civil Law which states that every wrongful act *per se*, as a result of which harm has been caused (also moral injury), shall give the person who suffered the harm there from the right to claim compensation from the infringer, insofar as he or she may be held at fault for such act.

### ***Right to refuse***

The Criminal Law (Section 335) states criminal liability for a person who commits insubordination (this section applies to military service only) that is, overt refusal to carry out an order of a superior. Section 28 of the Criminal Law, however, lists circumstances which exclude criminal liability, even if acts committed in such circumstances correspond to the constituent elements of a criminal offence provided; among these is extreme necessity. According to Section 32 of the Criminal Law, person still has the right to refuse the obedience if the benefit to the State and society is greater in the case of such refusal than the compliance.

### ***Whistleblower participation***

The Application Submission Act, Section 5 stipulates that an applicant has to receive a formal reply on his/her written and signed form of information disclosure, and can monitor the further investigation. With regard to further follow-up, there is no certain legal provisions, but applies the general principles of good governance and transparency. However, there is a special case when

information cannot be made public: Section 375 of the Criminal Procedure Law states that during criminal proceedings, the materials located in the criminal case shall be a secret of the investigation, and that only the officials who perform the criminal proceedings, as well as the persons to whom the information refers, shall be permitted to familiarise themselves with such materials.

### *Time scale*

There are no limits on the time scale for investigating the information disclosed. However, Section 56 of the Criminal Law states that a person may not be held criminally liable if from the day when he or she committed the criminal offence, a certain time period has elapsed<sup>7</sup>. Section 37 of the Administrative Law states that the administrative penalty cannot be applied later than four months from the day of the administrative offence; in case of a lasting offence – no later than four months from the day the fraud investigation was started.

### *Initiatives to strengthen whistleblower protection mechanisms*

The deficiencies in the current regulations related to the protection of whistleblowers have been pointed out during GRECO's<sup>8</sup> 19<sup>th</sup> plenary session in Strasbourg, from 28 June – 2 July 2004. GRECO's 2<sup>nd</sup> Round Assessment of Latvia included a recommendation to oblige public officials to report any instances raising the suspicion of corruption, and to put in place an appropriate whistleblowers' protection system.

On 23 March 2009, the Corruption Prevention and Combating Bureau drafted and on September 8 the Cabinet of Ministers approved a conception (policy planning document) stipulating several legislative initiatives on “Putting in place of a legal framework to preclude public officials’ conflicts of interest”, which includes provisions introducing better regulations for the protection of whistleblowers. According to the chosen solution the amendments in the existing legislation will be done in the following areas:<sup>9</sup>

1. **Duty to inform** – an obligation binding to the ministries to include provisions to report about any corruption fraud or a suspicion of it in the Codes of Ethics will be introduced. In the meantime the document does not stipulate changing the Codes of Ethics under a unified standard.
2. **Stronger whistleblower protection mechanisms** – new legal provision ensuring confidentiality of state official that has reported about the conflict of interest or corruption should be ensured. It would also prohibit any kind of retribution and/or harassment including, but not limited to loss of status, loss of job, lowering the salary or bonuses etc.) . The law would also provide for Administrative liability of the Head of institution in case of retributions against the whistleblower and/or breach of confidentiality without whistleblowers own permission.
3. **Reporting mechanisms** –Internal and external reporting procedures should be specified more concretely and an obligation to inform the controlling institutions about the known conflicts of interest and other corruption cases stipulated.
4. **Training activities** – education and trainings activities of the state officials and the leadership of the public administration about their duties and rights with regard to the prevention and elimination of the corruption, including whistleblowing and their protection

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<sup>7</sup> 1) six months after the day of commission of such a criminal violation in regard to which a private prosecution criminal procedure may be initiated, 2) two years after the day of commission of such criminal violation as is not mentioned in point (1) , 3) five years after the day of commission of a less serious crime;4 ) ten years after the day of commission of a serious crime; or 5) fifteen years after the day of commission of an especially serious crime, except for a crime for which, in accordance with law, or life imprisonment may be adjudged.

<sup>8</sup> On 27 July 2000, Latvia joined the Council of Europe's Group of States against Corruption (GRECO). GRECO provides a platform for sharing best practice in the prevention and detection of corruption and helps to identify deficiencies in national anti-corruption policies, prompting the necessary legislative, institutional and practical reforms.

<sup>9</sup> Par koncepciju “Par normatīvo reglējumu interešu konflikta novēršanai valsts amatpersonu darbībā”, Cabinet of Ministers, 8<sup>th</sup> September, 2009. [www.mk.gov.lv](http://www.mk.gov.lv)

should be promoted and in certain cases made compulsory.

## **Disclosure procedures: policy and practice**

There is no unified standard elaborated in the national legislation with regard to internal and external information disclosure mechanisms about suspected wrongdoing in the workplace (except for serious crime reporting as stipulated under the Criminal Law). Codes of Ethics or similar normative acts in the public institutions foresee general principles for reporting the wrongdoing, however, there is no unified national standard legal regulations on what whistleblowing related provision should be included in the Codes of Ethics and the mechanisms how they should be implemented. Hence, each of the state institutions has different Codes of Ethics and different principles guiding the reporting and informing about the wrongdoing.

### ***Internal reporting***

All five of the researched ministries have drafted functioning Codes of Ethics (see Appendix 2 for overview of Codes of Ethics of ministries of Justice, Health, Internal Affairs, Defense and Finance), however, none of the Codes of Ethics have dedicated provisions for internal or external whistleblowing. Although all of them included some principles for information disclosure including the duty to inform to the Committee of Ethics, none of the codes specified clear mechanisms and the procedure for the disclosure. Four ministries with the exception of the Ministry of Health have functioning Ethics Committees, however, it was revealed, that none of them had investigated any precedents related to the internal or external whistleblowing. The protection mechanism of whistleblowers is not included in any of the Codes of Ethics.

Hence, the norms related to the whistleblowers and their protections as covered in the Codes of Ethics of the 5 ministries, can be characterized as rather weak. The existing norms are aimed more at the resolution of internal conflicts rather than facilitating whistleblowing. With regard to the external information disclosure there is a discrepancy between the duty to report about illegal actions vs. the confidentiality obligations. Furthermore, external disclosure is often seen as negative action, which can harm the institution's reputation except for cases of serious crime.

### ***External reporting***

There are several state institutions to which external information disclosure can be made: Corruption Prevention and Combating Bureau (CPCB), The State Labor Inspectorate, Ombudsmen and The State Police, General Prosecutor Office. CPCB and the State Labor Inspectorate are operating free hotlines for receiving the claims.

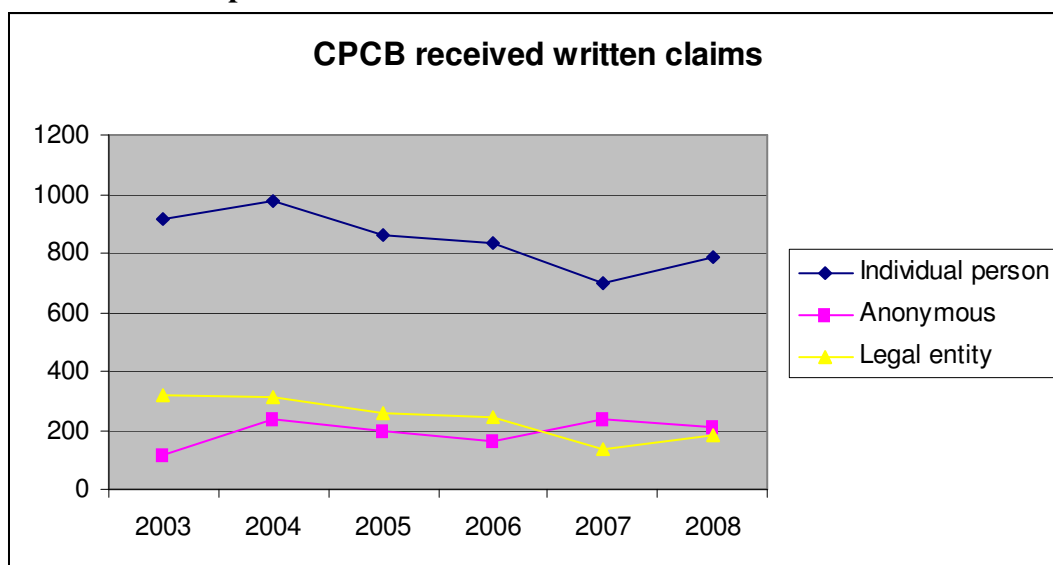
**1. Corruption Prevention and Combating Bureau (CPCB)** is a state institution under direct supervision of the Cabinet of Ministers and deals with preventing and combating corruption in public administration. The information about wrongdoing in the private sector is addressed to the police.

Whistleblowing cases are not tracked separately because the informant's relation towards the institution or individual of concern often cannot be identified and it is very hard to identify the true incentives of the informant. As claimed by the representatives of CPCB, often, when disclosing information, the reporters would have direct personal interest - to gain some tangible benefits and/or to avoid negative consequences for oneself, only sometimes the motives/incentives for reporting are identifiable as for the general interests of the society.

Even though CPCB does not track whistleblowing cases separately, the statistical data from CPCB annual reports can give valuable insight on general information disclosure tendency in the country.

The CPCB was established in October 2002. Statistics are available for the period of six years: from 2003 up to 2008 (See Table 1). All the applications are split into three groups, based on the subject by whom the concern has been raised: an individual person, a legal entity, or an anonymous claimer. The statistical data shows that individual persons were the most active informants throughout all six years. Legal entities come as the second most active source, submitting around 200 claims a year. In last years around 20% of all written claims are anonymous.

**Table 1. Cases reported to CPCB<sup>10</sup>**



	Individual person	Anonymous	Legal entity
2003	913	114	316
2004	978	236	310
2005	864	198	257
2006	834	162	244
2007	695	235	137
2008	787	209	180

Table 1. Written claims received by CPCB (source [www.knab.gov.lv](http://www.knab.gov.lv))

Moreover, CPCB is operating a free hotline and also runs client service office for receiving the claims. In 2008 1700 calls were received to the hotline and 190 reporters came to the client service office<sup>11</sup>. Out of all claims 18% were related to the bureau's competency.

Ombudsman is an independent institution and its objective is to promote human rights protection and to ensure that state authority is executed lawfully and according to the principle of good governance. The **Ombudsman** does not separate statistics on whistleblowing either. The tracking system is based on the type of information and the institution of concern. The source of contact and, most importantly, the true incentives of the informant (is he/she directly involved in the conflict or report about the wrongdoing of others) are not tracked. Apart from *de facto* discrimination cases at work place, where the informant's intention is to obtain compensation, the majority of disclosure is made anonymously.

3. **State Labor Inspectorate** is an institution under the supervision of the Ministry of Welfare and its objective is to monitor the compliance of the employees' rights and labor safety. The State Labor Inspectorate does not specifically separate the whistleblowing cases as well. The reason, as the experts stated, is that it is very difficult to identify the cases where the informant was not involved directly in the conflict and the information was disclosed with incentives of general good in mind. From the annual report of the Inspectorate, it tracks violations discovered during self planned and implemented inspections, applied sanctions, and general statistical data on the accidents at work. However, as the representatives pointed out during the interview, the disclosed information is taken into consideration and plays role when institutions are examined during self-planned inspections.

State Labor Inspectorate provides the Hotline service. In 2008, 189 voice messages were left using

<sup>10</sup> Source, CPCB annual report 2008

<sup>11</sup> CPCB annual report 2008. [www.kanb.gov.lv](http://www.kanb.gov.lv)

a free anonymous Hotline. In comparison, in 2007 200 anonymous voice messages were left. With respect to consultancy work, in 2008, 24 909 pieces of advice were made by phone, and 23 794 - in person. In 2007 the numbers were lower 22 607 and 16 190, correspondingly.

## Examples of whistleblowing cases

### ***Bribery during Mayor's election in Jurmala (2006)***

*Case Description* – The case of vote buying in Jurmala municipality in Latvia has been compared with well-known *Watergate* scandal, therefore the case has been often described as “Jurmagate” scandal. Jurmala is the resort city at the seaside, close to the Capital – Riga with one of the most expensive lands and concentrated business interests, especially in real estate realm. After the municipality elections in 2005, the elected deputies had to elect new mayor. The distribution of 15 city council seats was very fragmented – 11 parties got the representation in the local city council, 8 of them having just one seat. The votes for the two nominated candidates were split almost equally therefore every single vote were casting vote. In order to secure reelection of former mayor Mr Hlevickis (Latvian First Party), vote buying was organized. To one of the elected deputies – Mr Ančāns 20 000 EURO bribe was offered as well as the vice mayor's post and a domain on the coast of the Lielupe river. In the beginning, Mr Ančāns had agreed to the proposal made, however, two days before the elections, he disclosed information about the bribe offer to the Corruption Prevention and Combating Bureau (CPCB). State authorities ensured the security of Mr Ančāns and his family. In the evening of the day the bribe was given, CPCB arrested mediators of the bribery. The “Jurmagate” case is the biggest political corruption scandal in Latvia.

*Protection of WB* – Mr. Ancans and his family members were protected by state security.

*Resolution* – Two years later three of four intermediaries organizing vote buying were claimed guilty by the Court and two of them including the nominated candidate, former mayor Mr.Hlevickis have been sentenced. One of them still is a target of the manhunt (he disappeared shortly before the court decision)<sup>12</sup>. The transcripts of phone interception suggested that the bribery was organized by high rank political figures, such as the Head of the Ministry of Transport Ainars Šlesers and the founder of the 'Peoples' Party' Andris Skele, to whom the information on the bribery process was reported. There was no action brought against them because of the lack of the evidence<sup>13</sup>. However, because of the broad public criticism, the minister of Transport – Mr A.Šlesers had to resign from the office.

### ***Falsification of election results in Kubuli region (2005)***

*A WB* - Inese Kuzma. Mrs Kuzma is a cook in a school's dining room. During the municipality elections 2006 she participated in the work of the local Election Committee. Mrs Kuzma whistleblowed the violation made by the Local Election Committee to the Central Election Committee about the fraud by counterfeiting 45 ballot papers, that were falsified in favor of Juris Boldans (The political party 'For Freedom and Motherland').

*Case Description* - On the day of the elections the Election Committee members falsified the results of the elections. The results were falsified in order to help Mr. Boldans to be elected for Saeima (the Parliament) by ticking the box against Mr. Boldans on the ballot papers of the persons who did not attend or participated in the elections. Mr. Boldans personally instigated the committee members to 'vote' on behalf of the persons not attending the elections. The committee members falsified the

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<sup>12</sup> *In the bribery case of Jurmala`s mayor the final incriminations are being defined.* News agency LETA, 15<sup>th</sup> December 2005.

<sup>13</sup> *Jurmagate and Šķēle – will People`s Party evaluate?* Newspaper “Diena”, 5<sup>th</sup> April, 2006.

signatures of the non-participants of the elections and ticked in the box of Mr Boldans putting the ballots papers in the ballot box. In addition to that they had been ticking in 'Mr Boldnas's box' on the already signed ballot papers. Despite the fact that Mrs Kuzma had signed the election protocol herself, which approves fair procedure of the elections and honest behavior of the Election Committee members according to the rules of conduct, she reported the case to the Central Election committee the following night and actively started to cooperate with the prosecutor's office and the State Security Office.

*Resolution* – In the court, the Elective Committee members confessed themselves, however, Mr. Boldans did not plead himself guilty. In October 2007, the Regional Court of Latgale made a verdict of him being guilty. The former chairman of the Kubuli's rural municipality and the deputy of the 9<sup>th</sup> Parliament Mr Boldans was sentenced of deprivation of liberty for eight months. The extra sanction was to prohibit Mr Boldans to candidate for the election of the Parliament, European Parliament, City Council and Rural Municipality Council. The prosecution was carried out against four Election Committee members and the son of Mr Boldans. Prosecution was based on the fact of suspecting the formers in fraud collaboration. The Head of the Election Committee was fined for LVL 600, Mr Boldans's son was fined for LVL 840.

Additional interesting point, about this case that after blowing the whistle Mrs Kuzma experienced rather negative attitude towards her from the people of local community. Due to the fact that this case was not regarded as 'especially serious' did not have any special protective measures and afterwards she stated that she would not do similar deed again in the future.

### ***Collective whistleblowing at the Ombudsman Office (2009)***

*Case description* – the Trade Union of the Ombudsman's Office sent an open letter to the President of Latvia and Parliament asking to remove the Ombudsman from the position, pointing to the waste of the state budgetary funds in the Ombudsman's Office, lack of good governance, and failing to maintain neutrality. 26 from 54 Office employees signed the letter.

Facts that testify the possible violations in the operation of Ombudsman's Office were:

- the State Audit Office report about the financial statement of year 2007 comprising facts that testify violations in the Ombudsman's Office. State Audit Office in the report of year 2007 indicates that with an order of ombudsman employees of Ombudsman's Office received additional payment to the salary in relation to inflation percentage in the last three months of the year 2007, which is provided neither in the Labor Law, nor in the provisional regulations of the Ombudsman's Office No. 56. Also in the State Audit Office report of the year 2008 it is evident that financial resources have not been used efficiently.
- towards several employees of the Office unjustified official inspections have been initiated. Two employees of Ombudsman's Office have been temporarily dismissed from their positions for the time of procedural inspection, because they gave information about the amount of salaries of officials and employees of Ombudsman's Office to the Parliament's Human Rights and Public Affairs Committee.<sup>14</sup>
- several high level officials, including the Ombudsman himself has a doubtful reputation about their professional knowledge. Ombudsman himself has told to the mass media that he has obtained the lawyer's diploma in the 60-ties of the last century, when “in Soviet Union nobody spoke about human rights. In the office we face problems when discussing different interpretation of the application of human rights and the relevance of historical context”. Several political experts have pointed rightly that Ombudsman has been surprisingly quiet and non-visible organization in the time of crisis, when they should have provided more

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<sup>14</sup> *Inspection will last a month.* Newspaper “Latvijas Avīze”, 20<sup>th</sup> July, 2009.  
*Official inspection towards Ombudsman's Office employees they plan to finish until the mid-August.* News agency LETA, 19<sup>th</sup> July, 2009.

commentaries on the borderlines of breaching social rights. Besides Ombudsman have not submitted any cases to the Constitutional Court during their 2,5 year existence.<sup>15</sup> The adviser of the Ombudsman, who has demonstrated big influence on the Ombudsman is politicized and lacks professional insight, having a specialization in civil rights (not human rights and good governance issues).<sup>16</sup>

*The development of the case* – after the sending of the letter to the President of Latvia and the Parliament no reaction followed. This left without an evaluation the statement of the employees of Ombudsman's Office. *TI-Latvia* together with two other NGOs sent a public letter to the Parliament's Human Rights and Public Affairs Committee (furthermore – Committee) requesting to evaluate the work effectiveness and reputation issues of the Ombudsman's Office in the meeting of the Committee, by inviting the Ombudsman and the representatives of the Trade Union of the Ombudsman's Office to explain their positions.

The deputies of the Committee listened to the points of view of the Ombudsman and the representatives of the Trade Union of the Ombudsman's Office about the conflict arisen in the Office, however – without evaluating and going to the root of the matter. The Committee did not take any decision to continue to the investigation on the conflict and clearly demanded that the conflict should be resolved internally.<sup>17</sup>

This case clearly demonstrates the lack of concrete regulations and principles of 'acceptable' WB practice in public institutions. The negative attitude from the Parliamentary committee towards the Trade Union clearly illustrated favoring internal informing only, excluding the necessity and appreciation of external reporting in this and similar cases. As for the moment none of the members of the Trade Union have been dismissed from the office. However, one of the Trade Union leaders has left the office by own will. The proceedings of this case will be a test of the implementation of Article 9. of Labor Law i.e. the protection of employees who blew the whistle from dismissal and other detrimental effects.

## Socio-cultural context

A cultural heritage stemming from Soviet Union experience is one of the proposed rationales for society's conservative attitude towards whistleblowing. In most of all interviews a link or an example related to Soviet system 'blat network' (informal networking) or interpretation of whistleblower as a 'stukac' (informant to the KGB) was made, hence, a little insight in that will be given.

In soviet system the usage of 'private networks' – 'blat system' was a fundamental part of daily life. When the shortage of most goods and commodities was reality, people invested much effort to obtain the goods under deficit almost by any means. The 'blat' system had been one of the most powerful instruments for that. People built and used their networks of friends, family members, neighbors, colleagues and other social connections. It was openly admitted by the leadership of Communist party elite that informal networks foster a better functioning of Soviet system. Meanwhile, the economic achievements were more appreciated than the law obedience. Hence, unethical behavior was accepted as long as it contributed towards general common benefits (Rasma

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<sup>15</sup> *The grounds of conflict – the different comprehension of human rights*. Newspaper "Neatkarīgā Rīta Avīze", 17<sup>th</sup> July, 2009.

<sup>16</sup> *Application of Ombudsman's Office trade union*. News agency LETA, 3<sup>rd</sup> July, 2009, Latvian radio, Krustpunkti, 10.08.2009.

<sup>17</sup> *In Ombudsman's Office peace won't be*. Newspaper "Neatkarīgā Rīta Avīze", 15<sup>th</sup> July, 2009.

Karklins, 2006, Valters and Rapa). This might be one of the still prevalent reasons why people attempt to secure relatedness to each other and carries responsibility 'not to inform' about the misbehavior of the others.

Moreover, in the Soviet system there existed information disclosers known as 'stukac'. They were like secret agents among workers in most organizations. Their duty was to inform to the KGB about the persons that are or might be non-loyal to the Soviet governance system. The basic rationale of building 'stukaci' network was to secure the status quo and strengthen the existent power system through informal control and reporting system. The pivotal difference between whistleblower and 'stukaci' is the fact that the former one is informing according to his individual will and interpretation of the given situations, while 'stukaci' have been deliberately selected by ruling authority and positioned in various organizations specifically for doing the reporting to the interest of the communist government, often regarded as an oppressor by native Latvians rather than a legitimate power holder. Consequently, especially elderly part of the society might associate whistleblowers with 'stukach' and attribute negative and incorrect meaning of whistleblowing.

This became evident during most of the interviews with the representatives of both private and public sectors as interviewees were largely unaware of the whistleblowing terminology and could not see almost any differences between the terms 'whistleblower' and 'stukac'. The respondents state that all these rolls are the same and the persons mentioned above do the same sort of activity – informing. The difference they recognise is that the former have a positive connotation, the later – negative.

Rather autocratic and non-transparent style of management that is still prevalent in many organizations and seemed to be the case in 8 out of 10 interviewed organizations.

The explanation, why an employee, who did have some suspicion about illegitimacy of the senior manager's actions and even factual evidence for its justification, would hesitate to disclose information either internally nor externally, was clearly stated in the interview with the head of power engineering department of one Latvian company, who has evidence of illegal practice of the CEO of the company:

*'I do not think I have any right to suspect any illegal actions of my employer. My job is to give my opinion and suggestions, his job is to make a decision whatever it takes...'*

The employees often are reluctant to undermine the legitimacy and the authority of their managers and are often ready to keep quiet about their ineffective and sometimes illegitimate actions, disregarding the cost of such actions to the organizations and broader society.

There is also a lack of belief and understanding that whistleblowing will bring any value added to the organization:

*'Any practice of whistleblowing will only harm the organization's work. In the case of promoting whistleblowing practice, the employees will pay too much attention to reporting anything about the colleagues rather than their own work... there are other ways then this to foster organizations' performance'.*

Overall, the cultural setting within Latvian society can be viewed more as an obstacle to enhancing sound whistleblowing practice. Therefore, good protection regulations for whistleblowers are especially important.

## Whistleblowing in the Private Sector

Whistleblower protection as well as a broader promotion of transparency and systemic information disclosure does not seem to be a strategic priority for private sector leaders as instrument contributing to organization's development and sustainability. Data obtained from Ernst&Young Latvia reveals that their consultancy and organisation development tools on whistleblowing in organisations, which are implemented internationally, had never been used in companies in Latvia.

TI Latvia met rather unexpected resistance of companies to participate in this research as 9 out of 14 approached companies refused to meet up and give interviews about their internal information disclosure mechanisms (see Appendix 3 for full list of companies approached and interviewed).

During the conducted interviews only some evidence was gathered supporting the establishment of well functioning information disclosure mechanism and practice including whistleblowing. 'Statoil Latvia' stood out as a positive example, where transparency is declared to be one of the fundamental values and information disclosure is largely promoted.

In 2003, 'Statoil Latvia' introduced the award 'Environment. Health. Security', which is given to company's members and cooperation partners. Taking into consideration, that one of the declared fundamental principles of 'Statoil Latvia' is transparency, it is possible that under this award would go to a person contributing to the transparency and good governance of the company, including whistleblowing event, however, no such a reward had been given so far.

Out of five companies two has the Code of Ethics: "Statoil Latvia" and "Latvenergo", however, none of them disclosed it. According to the interviewee, the Code of Ethics of Latvenergo does not include provision for transparency and whistleblowing. Only 'Statoil Latvia' out of five has a free standing Ethics Committee and a functioning Code of Ethics. The Code of Ethics was adopted from the parent enterprise 'Statoil Hydro' and explicitly stated mechanism of internal disclosure. In the interview the Human Resource Manager (HRM) from 'Statoil Latvia' confirmed the Ethical Committee has investigated some whistleblowing cases, where information about a senior managers has been disclosed, claiming his incompetence and unacceptable management style.

4 companies admitted that they do not conduct any training to promote disclosure activities or even to explain the rights of the employees. However, 'Statoil Latvia' admitted that they provide training and educational activities, which promote braveness and openness in the organization.

Overall with regard to the private sector, it is in the subsidiaries of multinational companies where whistleblowing reporting channels are clearer and willingness to protect whistleblowers is more evident. Implementation of sound whistleblower protection mechanisms have not been on the agenda of the local SME management so far.

## Conclusion and recommendations

The overall conclusion reflecting the findings of the research is that the concept of whistleblowing is rather new and underdeveloped in Latvian society, both from the point of view of existing legal regulations and the practice of whistleblowing, i.e. a lack of it in the State and private institutions.

With regard to national legislation, it is evident that although slowly, it is gradually being improved to strengthen the protection mechanisms of whistleblowers especially in the public sector and state institutions. However, these amendments most often had been implemented as a reaction to the demands of international institutions (e.g. EU, GRECO, etc.) rather than internal political will and the demand of the general public.

There is no single and comprehensive legal provision defining the concept of whistleblowing as well as outlining the specific protection mechanism for whistleblowers. At the present situation whistleblowing concept and protection mechanisms are derived from a number of different laws, namely Civil Law, Criminal Law, Criminal Procedure Law, Labour Law, Law on Civil Servants, Law on Prevention of Conflicts of Interest among Government Officials, Law on Free Access to Information. The discussion of the three soundest whistleblowing cases shows the examples of application of legal provisions in practice and also highlights the discrepancies in the regulatory provisions.

In order to promote whistleblowing, it is important to continue improving existing legal mechanisms, while at the same time educating society and even facilitating the 'culture' shift to accept and internalise the value added of the whistleblowing as a sound and needed instrument in a well functioning democracy. A free standing law dedicated to whistleblowing protection would be an ideal solution, however, the timing for it might not be right given the priorities in the situation of the severe economic and political crisis. Much effort should be invested in educating the general society, representatives of public and private sector to accept and appreciate the notion of whistleblowing. The work of the Labour State Inspection, CPCB and/or Ombudsman should be extended to address whistleblowing, including education, promotion and improved data collection on whistleblowing cases, while differentiating the claims being received by the institutions.

## Appendix 1: Methodology

In order to reach the aim of the report, firstly, the academic papers on WB regulation standards and the best practice have been studied<sup>18</sup>. Secondly, extensive analyses of the legislative framework in Latvia as well as the investigation of institutional regulations (the Code of Ethics and the Codes of Conduct) have been carried out. Thirdly, 17 in-depths qualitative interviews with the representatives of the public and private sector have been carried out:

With the experts from the public institutions related to the regulations and practice of WB:

1. Corruption Prevention and Combating Bureau, Deputy director
2. Ombudsmen of the Republic of Latvia, Head of Human Rights department
3. State Labour Inspectorate, Director.

With the representatives of public sector:

1. Ministry of the Interior of the Republic of Latvia, Head of the Human Resource and Quality Management Department
2. Ministry of Health of the Republic of Latvia, Head of Human Resource Department
3. Ministry of Justice of the Republic of Latvia, Head of Human Resource Department
4. Ministry of Finance of the Republic of Latvia, Head of Internal Security Department and Head of Human Resource Department
5. Ministry of Defense of the Republic of Latvia: Head of Human Resource Department and Head of General Inspection Department

With the Human resource managers of private companies<sup>19</sup>:

1. "Statoil Latvia" Ltd (the 6<sup>th</sup> biggest company in Latvia according to the turnover figures for the year 2007)
2. 'Elko Group' Ltd (the first biggest company in Latvia according to the turnover figures for the year 2007)
3. 'Maxima Latvia' Ltd (the 4<sup>th</sup> biggest company in Latvia according to the turnover figures for the year 2007)
4. 'Staburadzes Konditoreja' Ltd (the representative form the small and medium enterprises)
5. "Latvenergo" joint stock company (the 2<sup>nd</sup> biggest company in Latvia according to the turnover figures for the year 2007)

With two WBss:

1. Mr Ancans from the public sector (mentioned in the case described below)
2. Anonymous potential WB from the private sector.

The total number of the companies contacted and invited to participate in the interviews was much higher:

1. 'Oil Logistics' Ltd. (the 5<sup>th</sup> biggest company in Latvia according to the turnover figures for the year 2007)
2. 'Grindeks' Joint stock company (JSC) (the representative form the small and medium enterprises)
3. "Roadeks" Ltd. (the representative form the small and medium enterprises)
4. "Baltikums" JSC (the representative form the small and medium enterprises)

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<sup>18</sup> Banisar (2009), Latimer and Brown (2008) et.al

<sup>19</sup> In total TI Latvia approached 16 companies (6 large and 10 medium-sized) by post, E-mail, telephone, but only 4 large and 1 medium sized company agreed to meet for the interview.

5. "Baltijas Apdrošināšanas Nams" JSC (the representative form the small and medium enterprises)
6. "Jelgavas Rajona Slimnīca" Ltd. (the representative form the small and medium enterprises)
7. "Celu Buve" Ltd. (the representative form the small and medium enterprises)
8. The State Revenue Service
9. 'Gailezers Osteoporozes centrs' Ltd. (the representative form the small and medium enterprises)

The selected companies and institutions were contacted via various means: firstly, the official letter was sent by post, after five days the phone calls were made, in case of not receiving the official letter, the invitation was sent via fax, the next day the phone calls were made in order to receive a formal reply. If the companies did not have fax facilities, the letter was sent via e-mail. Despite thoroughly followed procedure nine companies refused to participate in the interview. The reasons mentioned were: 'Insufficient time resources', 'Unwillingness to speak publicly about the internal problems', or complete ignorance and failure to keep the promises and reply.

The aim of the interviews was to gather qualitative and in-depths data to reveal whether the practice of whistle-blowing is present and promoted in the selected organizations as well as to discover the cultural context and attitude of the key personnel that reflects the prospects of developing sounder WB practice there (see Appendix 1).

Finally, the media analysis has been carried out to investigate the publicity scope of WB practice in the country.

## Appendix 2: Whistleblower related regulations in the Codes of Ethics

### **The Ministry of Interior Affairs**

#### Legal Setting:

Section 3.3.3. of the Code of Ethics stipulates, that the State official, in case of having suggestions or criticism, should propose suggestions and criticism directly - without mediation of the third party. Section 3.4.1. states that the State official is strongly advised that his/her professional work is open and transparent towards the society, at the same time the official should consider confidentiality in his/her communication.

Section 3.4.3. declares that the State official is fully responsible for his/her activity or inactivity as a result of which, confidential or classified information becomes known to the third party, including the other officials of the Ministry whose professional responsibilities does not require disclosure of this specific information. The information disclosure about the breach of the Code of Ethics or the Rules of Conduct must be disclosed to the Ethics Committee, which is responsible for the case investigation. Specific mechanism for information disclosure is not identified.

Comments: The Normative Acts mentioned above promote inter-relational resolution of the concern raised. The Acts directly do not support external disclosure mechanism to independent regulators, which, in case of necessity, can be invited as an experts to resolve the issue.

### **The Ministry of Defense**

#### Legal Setting:

Section 2.3.3 of the Code of Ethics of the Ministry of Defense states that the State official acts bravely and decisively to combat dishonest and venal behavior and to prevent the possibility of the conflict of interests.

Section 2.1.9. of the Code declares that the State official has a duty to avoid and/or divert the situations where the conflict of interests and corruption favorable conditions may arise.

Section 2.1. and 2.2 stipulate that the State official preserves reputation and prestige of the Ministry; refrains from the comments which could call into question the State official's loyalty and moral principles. Libel and critics of the politics of the Ministry and the administration of the Ministry is unacceptable. The Code of Ethics does not provide the protection mechanism for the WB.

#### Comments:

Ministry supports and promotes internal WB only and external WB is seen as unethical and inadmissible behavior.

### **The Ministry of Health**

#### Legal Setting:

The Ministry of Health does not have free standing Code of Ethics. However, separate section 'The General Questions on the Code of Ethics, the Principles and Ethical Behavior' is included as the Section VI in the Rules of Conduct of the Ministry. According to Section 41.3.1. and 42.3.2, the State official is open towards society, at the same time is loyal to the Ministry.

Section 41.4.3. states that the State official must avoid criticizing other colleagues. With regard to the corruptive offenses, Section 53.4. declares that the State official has a duty to inform his/her direct manager about suspicion of corruption and conflicts of interests.

The information disclosure about the breach of the Code of Ethics or the Rules of Conduct must be disclosed to the Ethics Committee, which is responsible for the case investigation. The specific mechanism of the way of information disclosure is not identified.

Comment: There is a special provision for duty to report to the direct manager about the corruptive offenses. However, there is no reference about how other information type of negative information should be disclosed and there is a prejudice that information might be regarded as the criticizing of colleagues, which is forbidden according to the Rules of Conduct.

### **Ministry of Finance**

*Legal Setting:* the sub point 6.1. of the Code of Ethics foresees that the employee must not hide the information about the illegal deeds nor support those. At the same time, the sub point 6.4 states that the employee is held responsible for the dissemination of in-correct information, which has a negative effect on the image of the ministry in the society. According to the sub point 7.1. the employee is not allowed to disseminate and use the information that he has acquired during performing this job duties, for the purposes not related to his direct job duties or the fulfillment of the assigned task, including using information against other person, institution or in other ways for the purpose of self interest.

The employee should respect the confidentiality and ensure the security of non-disposable information. In line with the point 19 of the Code of Ethics, an Ethical committee is established, consisting of 4 employees appointed by the State Secretary, whose duty is to investigate and evaluate the complaints and petitions submitted.

The code of ethics does not include particular provisions for the WB protection.

### **Ministry of Justice**

*Legal setting:* The sub point 2.1.2. of the Code of Ethics states, that employee must not hide or support any illegal actions. However, in the section about the conflict of interest, similarly like in the Law on the Conflict of Interest, requires that the employee inform about his or her own potential conflict of interest and not that of others, including the breach of norms by other colleagues or institutions. The sub point 2.5 in the Code of Ethics states that the employee should respect confidentiality - the employee should not disclose the information obtained during work to others (except in the cases stated in the law) and does not use it for personal interest. In the case of breaching ethical norms, the employee or other persons can submit complaint to the direct manager. If person, who has received the complaint, cannot solve the problem solely and objectively, then the person should revert to the State Secretary and ask for the resolution of the problem in the Ethical Committee.

There is no particular provision for the protection mechanism of WB.

### **Overview: The Codes of Ethics**

	The Code of Ethics has been introduced	WB is covered by the Code of Ethics	Disclosure is regulated by the Code of Ethics <sup>2</sup>	Disclosure mechanism is regulated by the Code of Ethics	The Code of Ethics states the establishment of the Ethics Committee	The Ethics Committee has been established in practice	Number of precedents investigated officially by the Ethics Committee
<b>The Ministry of Justice</b>	+	-	+	-	+	+	-
<b>The Ministry of Health</b>	- <sup>1</sup>	-	+	-	+	-	-
<b>The Ministry of Finance</b>	+	-	+	-	+	+	-
<b>The Ministry of Interior</b>	+	-	+	-	+	+	-
<b>The Ministry of Defence</b>	+	-	+	-	+	+	-

<sup>1</sup> The free standing the Code of Ethics has not been introduced. However, the Rules of Conduct explicitly cover ethics related questions and principles.

<sup>2</sup> *General principles of information disclosure is mentioned.*

## Appendix 3: List of Contacts

### Ministries

#### 1. Ministry of the Interior of the Republic of Latvia

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#### 4. Ministry of Justice of the Republic of Latvia

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#### 5. Ministry of Finance of the Republic of Latvia

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### **4. The Employers' Confederation of Latvia**

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**WB**

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**Potential WB**

Anonymous

**List of Law and political documents**

Civil Law

Criminal Law

Criminal Procedure Law

Labour Law

Law on Civil Servants

Law on Prevention of Conflicts of Interest among Government Officials

Law on Free Access to Information

Corruption Prevention and Combating Bureau Law

Ombudsman Law

Corruption Prevention and Combating Bureau paper on “Putting in place of a legal framework to preclude public officials’ conflicts of interest”

Guidelines for Policy Planning System Development

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## Appendix 4: Survey questions

### Scope of work

Please, name the main activities the organisation is entitled for?

What do you do in case of receiving information or concerns about public/private companies (which is outside the scope of your activities)? How often does it happen?

Do you consider 'a cursory/superficial work' a wrongdoing?

Is the organisation allowed to do consulting or only is allowed to receive complains/information about immoral, illegal, or illegitimate practices?

What are limitations on a time scale for further investigation of the concerns received?

### Personal Attitude/WB Concept's Formal Interpretation Within Organisation

Do you know who the 'WB' is?

What are the differences/similarities between 'stukač' and 'WB'? Is there any difference at all?

Does the organisation have *The Code of Ethics* or any other *Internal Behaviour rules*? Is the role of WB mentioned there?

What activities have been implemented in order to make WB more popular/known?

### Mechanism of WB

Is some data available on the number of concerns received? What is the dynamics of concerns? Whom it has been tracking by?

Are there any statistics on state funds which were saved as a result of WB activities?

Which are the most common source of blowing the whistle? (*Internet, phone helpline/hotline, post letters.*)

Are WBs more reluctant towards anonymous or open informing?

Do you have more concerns from internal employees of a particular institution or from the outsiders of an institution?

Are there any cases when the whistle is blown by a friend or a family member of an internal employee, either authorised or unauthorised?

How often does it happen when a WB is personally involved in wrongdoing him/herself?

What are the criteria for starting the investigation of a concern received? Are there any statistics how many per centum of concerns received are taken into consideration by your institution?

What are the most common outcome of investigation started by your institution (*Disciplinary, administrative, criminal sentence.*)

Have there been any cases when WB gives false or malicious reporting on purpose? Is there any

legal liability on such reporting?

Do you have any cases when WB reported some reprisals against him/her after the act of informing?

Do you recall any cases where WB was honoured due to his/her actions?

Are there any cases when attempts to prove the manager wrongdoing failed, however as a result of whistleblowing and followed investigation the WB suffered reprisals (*from an employer/colleges/society*)?

How many cases are based on proven fact or reasonable/unreasonable suspicion?

Are there cases when an employee tried to solve the problem internally first, and only after unsuccessful attempt turn to you for help?

How willing and open for further cooperation are the WB after reporting? To what extend is the WB able to participate in follow-up process to disclosure?

How cooperative are institutions under concern?

How often does it happen when a concern received from an internal employee is redirected to the manager of the institution under concern?

When a concern has been raised against the manager by the employee, do you follow up what happens to the WB?

Are you satisfied with media reflection and attitude from general public about your work?

Which activities should be implemented in order to make whistleblowing activities more accepted and popular in the society?