

Awareness of whistle-blowing legislation alarmingly low

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Public awareness of the Protected Disclosures Act (PDA) is very low, according to research undertaken on behalf of the Ombudsman.

Research company UMR polled 1000 people in late March and early April. The research has a margin of error of $\pm 3\%$.

“Just 9% of respondents said they were aware of the PDA, also known as the Whistle-blowing Act, an alarmingly low number given the importance of the Act for all New Zealanders, yet 21% of all respondents said they have witnessed serious wrongdoing at their workplace or previous workplaces”, Chief Ombudsman Peter Boshier says.

Only 40% of all respondents currently in work felt their jobs would be safe if they reported the wrongdoing, 34% said their job wouldn't be safe and 27% were unsure. Lower paid workers were less convinced about their job security if they reported wrongdoing (31%).

Respondents who knew about the PDA were more likely to feel their job would be safe if they reported wrongdoing (62%).

Respondents who were aware of the PDA were substantially more likely to feel their confidentiality would be guaranteed if they reported wrongdoing (73%) compared to those unaware (33%).

“There is a clear difference here between those who know about the Act and those who don't, and that's concerning”, says Mr Boshier.

Everyone reporting serious wrongdoing should have total faith that they are protected under the Act. The fact that so many people seem unaware suggests this important law is not working as well as it should”.

In the 2017/18 year, the Office of the Ombudsman dealt with 79 enquiries and requests for advice and guidance about making a protected disclosure. In the 2018/19 year so far, the Office has already dealt with 76 enquiries and requests. This is a significant increase over previous years, and suggests that awareness, although still very low, has been rising over the past two years.

“Seventy-six percent of those aware knew that the Act covered government and private organisations – its important people understand the Act covers more than just the public service.

“My Office is one of the organisations listed as an ‘appropriate authority’ under the Act. These authorities are available for people to report serious wrongdoing. I can investigate a disclosure myself if it comes from someone who works for the public sector or refer a case to another authority.

“I will be making a big push over the next year to raise awareness of the Act, and highlight the safeguards it offers to whistle-blowers. We will be reviewing and publishing new guidance for both the public and private sectors”.

Late last year, the State Services Commission issued a discussion document on a review of the PDA and received public submissions on its proposals.

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