

Compensation, Rewards & Incentives

The Crucial Difference

By Eileen Chubb©

Introduction

This document is our official response to the WBUK report,
“Compensating Whistleblowers”

It is very important to note the information in the access to justice section.

Due to some organisations and individuals deliberately misleading by blurring the terms, compensation, rewards, and incentives, we need to clarify the following,

What these terms mean both generally, and specifically in relation to whistleblowing.

What our policy on these issues is and why.

Why some whistleblowing organisations have consistently sought to mislead on crucial issues.

(Oxford concise dictionary)

Incentive; 1 *“(often followed by to) a motive or incitement, esp. to action* 2 *a payment or concession to stimulate greater output by workers. Serving to motivate or incite”*

Reward; “ 1 return or recompense for service or merit; requital for good or evil; retribution. 2 a sum offered for the detection of a criminal, the restoration of lost property , etc.

Compensation; “1 The act of compensating. The process of being compensated. Something esp money given as a recompense”

Bounty Hunter; “ A person who pursues a criminal or seeks an achievement for the sake of the reward.

We have always been in favour of whistleblowers being justly compensated for all detriment they have suffered and long-term future detriment.

But we are completely against The US Bounty system, which pays big money to a couple hundred individuals (some of whom are whistleblowers) each year in the US, whilst tens of thousands of genuine whistleblowers are completely failed.

Are organisations such as WBUK and Parrhesia overly preoccupied with the financial sector and pushing for special protection for whistleblowers in this sector? The answer is a matter of public record, their proposals would breach the rule of law. All genuine whistleblowers should be equally protected.

Access to Justice

WBUK Report “*Compensating Whistleblowers*” Page One Paragraph Three,

“ *In the period 2015 –2021 of the 682,000 cases that went to at least one preliminary hearing in an employment tribunal only 12%*

of cases that combined discrimination and whistleblowing claims succeeded. Cases brought solely on whistleblowing fared less well with 4% succeeding”

My Response, please note, We often talk about percentages from our helpline data and of course we always make clear the overall figure the percentages relate to.

We contacted the Civil and Administrative justice statistics Ministry of Justice, who said “ *We do not hold data on the number of preliminary hearing employment tribunal cases are involved in, so we are unfortunately not able to answer your query”*

As such a high number implies a high number of whistleblowers were able to access the law, we deducted 12% from the 682,000 cases cited by WBUK, which amounted to 81840 cases succeeding for that time period.

We looked at the available Tribunal data on cases received



Whilst we did not have the data for 2015, the above confirms the numbers increased year on year.

The above cases numbers in total 12. 242 which means that the number implied by WBUK is 69.598 higher than the true number.

Other important points to note.

Our last report challenged Baroness Kramer's assertion that

"Most whistleblowers end up in Employment Tribunals"

.Our helpline data has consistently shown that most whistleblowers are unable to access the law at all.

. Some cases that make it to a full hearing are not whistleblowing cases at all and we refer you to the Introhive case championed by WBUK [Blackmail Greed and Revenge v Genuine Whistleblowing](#)

[The Introhive Judgement](#)

. Being unable to access the protection of the law is a major cause of injustice to whistleblowers.

When WBUK imply huge numbers of whistleblowers were at least able to lodge a case, get at least some form of hearing, it is treating the injustice suffered by so many with absolute contempt.

We often talk about percentages regarding our helpline work, and we work very hard to ensure that the % of the overall number we are referring to is clear.

It is a real concern as the organisation WBUK is the secretariate of the APPG on whistleblowing, who have endorsed the *"Compensating Whistleblowers"* report and whose name appears

above the title. WBUK describe themselves as leading experts and advisors to global governments on the issue of whistleblowing.

We have consistently challenged the information produced by the APPG on whistleblowing and WBUK. We have been the only whistleblowing organisation to present the true facts and question the false narrative. Please see our website for all our previous work.

Whistleblowers Support Bounty?

Before you are half way through page one of “ *Compensating Whistleblowers*, the focus is on the financial sector and fraud.

It is implied a substantial number of whistleblowers are in favour of bounty, which is a reward or incentive to disclose information.

Our Response, Whistleblowers do not support a Bounty system, WBUK know this but repeatedly refer to this fact by using the term “*Contentious*” when talking about compensation and rewards, which are two completely different things. This stance has been adopted by WBUK from the outset in order to conceal their agenda whilst dealing with the majority of whistleblowers opposition to bounty.

Insulting Language

WBUK report “ *Compensating Whistleblowers*” Page One paragraph seven

“ *A generation of disgruntled whistleblowers*”

This language is particularly offensive and insulting to genuine whistleblowers who have suffered and continue to suffer as a direct result of the injustice they have endured,

The term “*Disgruntled*” is all too familiar to whistleblowers who have suffered the common smearing tactic of the worst employers describing them as “*disgruntled employees whose concerns should be ignored*”

No one who had any genuine experience of whistleblowing would use such language.

Case Examples Used

WBUK Report “*Compensating Whistleblowers*” pages 2 and 3

Two case examples.

Our Response. WBUK rely on just **two** cases for their assertion that whistleblowers support a pro bounty law, these two cases are referred to as examples in support of pro bounty law but there is no mention in the report of how many cases overall these two examples are taken from.

We have supported ten thousand whistleblowers and have never encountered a single person who thought they should be paid for reporting abuse or other wrong doing.

WBUK report “*Compensating Whistleblowers*” page two, case one Jayne Senior.

Our Response Firstly, if you need an incentive to report child abuse then something is very wrong.

Getting Wrongdoing Acted On

As we stated in our first book, *Beyond the Façade*, it's one thing to report abuse, but quite another to have that abuse acted on. Paying or incentivising someone to report will not change that; it will have the very opposite effect.

All genuine whistleblowers report the abuse and keep fighting to ensure the abuse is stopped.

From our helpline data

From a total of **10,056** Whistleblowers from all sectors, just **27** Whistleblowers reported wrongdoing on a single occasion.

The majority of whistleblowers make multiple reports and continue to fight for action to be taken on their concerns long after making the first whistleblowing report. This is the most important part of whistleblowing because it is the best chance, we have of the abuse or other wrongdoing being stopped; this is what would be wiped out overnight by those advocating the US bounty system.

If for example an individual knew the going rate for a piece of information and disclosed that information under the US bounty system and got their reward anonymously, when the next incident of abuse or wrongdoing occurred and the next and so on, would that be reported? If so, would it become fragmented individual pieces of information as in winterbourne view, where whistleblowing incidents were reported for many years prior to the Panorama programme, but as is often the case, no one joined up all the dots in relation to each separate report.

Whistleblowing is not an event; it is a series of events over a long period of time. Wrongdoing is rarely a single event it is an ingrained culture.

How long would it take before genuine whistleblowers were smeared with the accusation “*You only did it for the money*” How long before those reporting the second or third or fourth disclosure were discredited or deterred from reporting further for fear of being called greedy? We have knowledge of the issues involved so we know it would not take long because there are many bad employers who have routinely accused whistleblowers of only doing it for the money, how much worse it will be if bounty is involved, it will only serve to distract from the really important issues.

In short everything that WBUK, Parrhesia and their supporters are advocating would result in more unreported abuse.

The WBUK “*Compensating Whistleblowers*” report consists of 3 pages.

Page One contains two whole paragraphs about money and fraud.

Page Two, contains two paragraphs two whole paragraphs about the US bounty system in relation to fraud

Page three contains information on the US bounty system in its entirety in relation to fraud.

Putting whistleblowers at risk

The WBUK report “*Compensating Whistleblowers*” page 3

“ Anonymous SEC whistleblowers.

In 2021 The SEC along with another unidentified US agency opened an investigation into a publicly traded company in the US, this action was started by a whistleblower providing extensive analysis of publicly available information and a potential witness list and proceeded to give extensive subsequent aid to the investigation, for their actions both whistleblowers were rewarded. The initial whistleblower received \$110 million and continued to aid the investigation with the second whistleblower receiving \$4 million both remained anonymous”

My Response SEC stands for the Securities and Exchange Commission. Please note the informant in this case published their information on line prior to going to SEC, they were fortunate as anyone reading the information on line could have taken the information to SEC themselves and claimed the reward for themselves. The genuine are caught up in the bun fight that is the bounty system.

This is the danger to genuine whistleblowers of SEC, those who are not motivated by bounty but who want to get the wrongdoing stopped and who have sought legal advice or tried to disclose the information but have found themselves torn to pieces and exploited for the information they hold, by both lawyers and other organisations who support whistleblowers.

In the above case cited by WBUK the whistleblower came very close to having their information taken by anyone who just came across it online by chance.

SEC leads to a situation where the genuine whistleblower is at risk of their information being treated by their legal representatives and other chancers as a winning lottery ticket up for grabs.

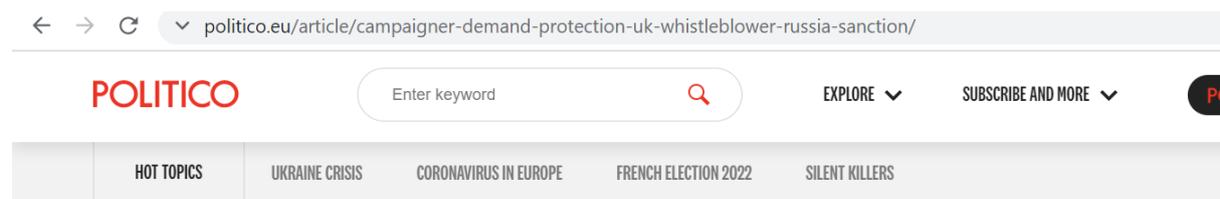
Many thousands of genuine whistleblowers are failed in the US every year, from this massive number just **two Hundred** or so individuals each year are paid massive sums of money in exchange for information, no matter how they obtained that information. Information which makes law firms like Constantine Cannon millions in profits as they are paid a percentage of the Bounty. This situation is a disgraceful parody of justice.

WBUK see the dollar signs, the amounts paid out, the billions involved, they do not see the harm done to the genuine by this system, it puts genuine whistleblowers at risk.

We have seen whistleblowers who have risked everything to disclose the information and then seen that information taken by unscrupulous individuals who made SEC claims and as a result been called the whistleblower.

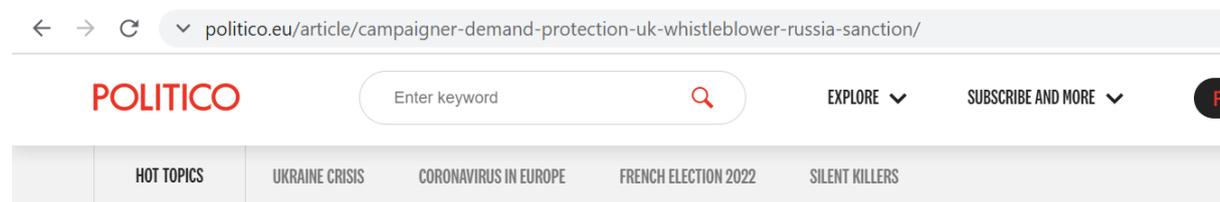
WBUK allege the system their advocating is unlikely to encourage bounty hunters, the system their advocating rewards bounty hunters **regardless** of how they obtained the information. How can a system which only deals with a tiny percentage of whistleblowing cases overall and which puts even those whistleblowers at risk of exploitation because many of those making claims are not whistleblowers at all and may have harvested that information from someone who was the genuine whistleblower, the person who took all the risks and who is then left exposed and destitute.

WBUK have no idea of the reality of genuine whistleblowing, they constantly change their cover story, consistently lie as our work has shown and display dangerous ignorance of the consequences.



months.

Conservative MP Kevin Hollinrake, who sits on the Treasury Committee, is joining up with other lawmakers to propose an amendment establishing an "office of the whistleblower" — with powers to reward those who come forward with evidence of crimes such as money laundering, bank fraud and sanctions-busting.



He suddenly died while jogging in 2012. He was judged to have died of natural causes in an inquest, despite protests from campaigners for a broader investigation into alleged poisoning.

NGOs and charities who work with whistleblowers in the U.K. also point to challenges beyond personal safety, such as the mental health issues that can surface after denouncing one's employer publicly. Furthermore, most whistleblowers have difficulties finding work at their level of qualification after speaking out.

"Because of the absence of robust and effective whistleblower legislation, [whistleblowers] are forced to make a choice between their family and the public interest," said Georgina Halford-Hall, chief executive at the nonprofit WhistleblowersUK and supporter of Hollinrake's measure.

Yet WBUK mislead Forbes magazine with a completely contradictory quote,

forbes.com/sites/daviddawkins/2020/05/01/whistleblower-laws-take-shape-as-trillion-dollar-global-cost-of-coronavirus-crisis-forces-rethink/

Forbes

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is the best way to nudge firms toward embracing a different approach to those looking to speak out.

Halford-Hall says forcefully that once the whistle is blown there should be no “personal sacrifice” and describes the accusation often leveled at whistleblowers—“You know what you are getting yourself into”—as “total nonsense.”

For Halford-Hall, “every whistleblower is the sign of institutional failure.” In an ideal world, they wouldn’t exist. But today, as the coronavirus pandemic enters its truth and reconciliation period, we need them more than ever.

Should they be paid, or incentivised? For Halford-Hall, “Paying is not the correct route; it encourages people to make a career of seeking out or even manufacturing whistleblowing.” Although unscrupulous characters often surface, genuine whistleblowers that she meets certainly don’t “do it for money.”

She puts it simply: “[Whistleblowers] should be recognized and celebrated” and when earnings have been lost “[they] must be compensated.”

Cookies on Forbes

No one who truly cares about whistleblowers can reconcile the US system as protecting whistleblowers, it is outrageous that any single sector should be rewarded whilst other sectors are considered of no importance. The whole concept of rewards is a dangerous hazard to genuine whistleblowers.

Most genuine whistleblowers carry identifiable information, the fact they make multiple reports means each time they report, their more likely they are to be identified by a simple process of elimination i.e., who could of have been aware of each particular incident or piece of information?

Those who are genuine, who have the courage to make multiple whistleblowing reports, whose employer knows their identity, those who risk the most will be those who are failed the most by WBUK and their supporters.

We have repeatedly challenged WBUK and all those who have endorsed them, we have published clear evidence of blatant lies but all those involved have ignored this insurmountable evidence. We have stood alone in repeatedly and consistently pointing out

the clear contradictions and blatant lies these individuals and organisations have and continue to perpetrate.

Just as in whistleblowing we have been relentlessly targeted with malicious tactics for calling out the evidenced lies, far too many in parliament have known about this, but failed to do anything other than protect those responsible.

Just some of the blatant lies we have exposed,

Most whistleblowers do NOT end up in employment Tribunals as alleged by WBUK

Most whistleblowers are NOT from senior management positions as alleged by WBUK

WBUK do NOT support whistleblowers, they cherry pick and charge £100 an hour and a substantial percentage of compensation of those cases more likely to be profitable and ignore those not likely to bring in big returns.

The human cost that is the consequence of WBUK agenda

This is just a small sample of our published work

Summery

Calling out blatant lies that will harm the public interest is not only the right thing to do, given all the insurmountable evidence it's the **only** thing to do, it's not a choice, it's something we are forced to do in order to protect people from the very real harm that is being caused by WBUK.

Eileen Chubb

