Korea’s Whistleblower Protection Systems

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ACRC
Anti-Corruption & Civil Rights Commission
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ACRC Anti-Corruption & Civil Rights Commission
I. Overview

Progress of Korea’s whistleblowing legislation

- **2001**: Enactment of the Anti-Corruption Act
- **2002**: Enforcement of the Anti-Corruption Act & research on other countries’ legislation
- **2005**: Amendment of the Anti-Corruption Act
  - Enhancing the effectiveness of protection & reward for whistleblowers
  - Protection against financial/administrative disadvantages
  - Presumption of disadvantages
  - Application of "Act on Protection of Specific Crime Informants"
- **2008**: Whistleblower Bill submitted to the National Assembly
- **2009**: Included in National Policy Agenda
- **2011**: Enforcement of the Act on the Protection of Public Interest Whistleblowers
II. Korea’s whistleblower protection systems

Guarantee of confidentiality

Prohibition of disclosure of the whistleblower's identity without consent

Examination on disclosure of the whistleblower's identity & request for disciplinary action against those involved

Request for disciplinary action for breaching the confidentiality obligation & criminal punishment for violators

Personal protection

ACRC

Request for protective steps

Chief of the police agency

Proving a safe house for a certain period

Escort for attendance & return as a testifier or witness

Keeping guard for a certain period

Periodic patrolling of the neighborhood
II. Korea’s whistleblower protection systems

Guarantee of employment

- Prohibition of disadvantage in employment status including dismissal
- Prohibition of administrative disadvantage including cancellation of permit or license
- Prohibition of financial disadvantage including revocation of a contract

Mitigation of culpability

- Mitigation/remission of punishment
- Exemption from the obligation of confidentiality
- Prohibition of the whistleblower’s claiming damages caused by whistleblowing

Prohibition of disadvantageous action against whistleblowers & fine for negligence or criminal punishment for violators
## II. Korea’s whistleblower protection systems

### Rewards & awards

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<th>Reporting of corruption</th>
<th>Public interest whistleblowing</th>
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<td><strong>Rewards</strong></td>
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<td>Increasing or recovering revenues of a public organization</td>
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<td>* Up to <strong>KRW 3 billion</strong>, 4-30% of the assets to be recovered</td>
<td>* Up to <strong>KRW 2 billion</strong>, 4-20% of the assets to be recovered</td>
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<td><strong>Relief money</strong></td>
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<td>Damage caused due to whistleblowing</td>
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<td>• Expenses for physical or psychological treatment, moving caused by a job transfer, litigation procedures, etc.</td>
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<td><strong>Awards</strong></td>
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<td>Bringing financial benefits or preventing financial damage to a <strong>public organization</strong>, or serving the public interest</td>
<td>Bringing financial benefits or preventing financial damage to a <strong>national/local government agency</strong> or serving the public interest</td>
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The whistleblower requested guarantee of employment claiming that he suffered disciplinary action after reporting corruption of his predecessor related to waste disposal.

Reduction of salary for 1 month & penalty surcharge of KRW 100,000 for receiving prohibited entertainment and hampering institutional reputation

The ACRC demanded revocation of disciplinary action and imposed a penalty.

Head of agency nullified disciplinary action and paid the penalty.
The whistleblower was threatened to cancel his report on illegally raised purchasing price, and requested physical protection to the ACRC.

The ACRC demanded the police to provide emergency protection including regular patrol in whistleblower’s neighborhood.
The whistleblower requested the ACRC to check whether his identity was leaked claiming that in 8 hours from reporting overestimated construction expenses, he was threatened by the company to cancel his report.

Official A who received the report revealed the reporter’s identity to B of the company, B again to C. The ACRC demanded disciplinary action against them.

Warning and admonition were given respectively.
A & B disclosed negligence in inspecting traction motors of a KTX train, leading to an accident. The whistleblowers faced dismissal and suspension for 3 months as they provided the labor union with photos of the damaged parts.

The ACRC requested withdrawal of disciplinary measures and payment of unpaid salaries and interests. The whistleblowers have been reinstated and are currently working at the company.
III. Cases of Protection for Whistleblowers

Suspected malpractice involving phone bills related to 7Wonders

**Case detail**

Company A charged international call rates to customers who used its service to vote for Jeju Island to be selected as one of the New7Wonders of Nature. A whistleblower alleged that the company charged expensive international fees even though it was not an overseas calling service. The whistleblower faced suspension for 2 months and transfer, and was dismissed later for spreading false information.

**Result of investigation**

The ACRC requested the company to transfer the whistleblower to an office within a commutable distance. After the whistleblower was dismissed, the ACRC requested his reinstatement.
Further improvements

**Achievements**

- Amendment of the ACRC Act
  - Expanding guarantee of confidentiality and protection
  - Suspension of disadvantageous measures and time limit on the implementation of requested protection

- Amendment of the Act on the Protection of Public Interest Whistleblowers
  - Increasing the number of laws subject to reporting of public interest violations (from 180 to 279)
  - Introducing charges for compelling compliance and monetary awards

**Further improvements**

- Unification of laws on whistleblower protection
  - Integration of provisions on protection of persons reporting corruption and public interest violations

- Establishment of reporting systems
  - Separate reporting systems for administrative institutions, investigation agencies, private companies, lawmakers, etc.
  - Integrated information system
Thank You