

Whistleblower Protection Practices in Republic of Korea

: Cases and Challenges



Contents

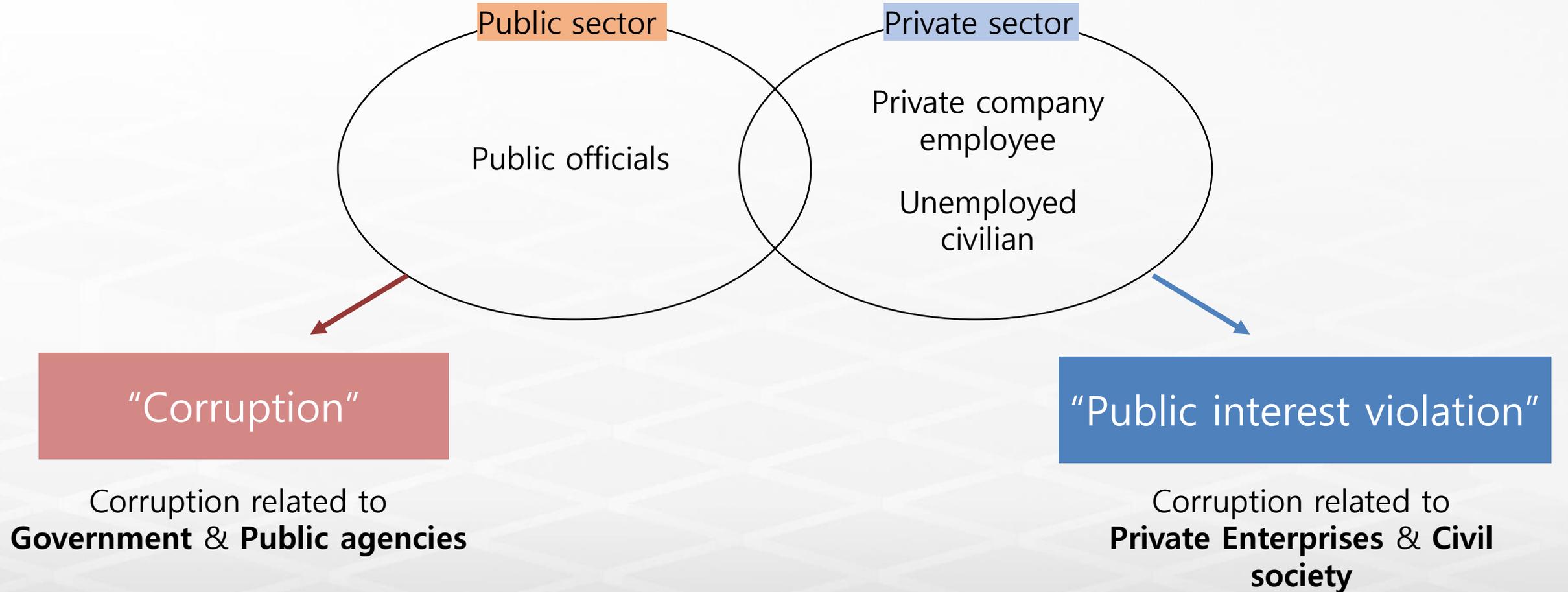
- I. Korea's Corruption Reporting Systems
- II. Korea's Whistleblower Protection Systems
- III. Korea's Whistleblower Rewards & Awards Systems
- IV. Case of Protection & Rewards for Whistleblowers
- V. Challenges for Further Improvements

I

Korea's Corruption Reporting Systems

I . Korea's Corruption Reporting Systems

- ✓ 2 types of Corruption



I . Korea's Corruption Reporting Systems

☑ Reporting Corruption vs. Public interest violation

	Corruption	Public interest violation
Laws	Act on Anti-Corruption and the Establishment & Operation of ACRC (Enforcement on 2002)	Act on the Protection of Public Interest Whistleblowers (Enforcement on 2011)
Subjects	<ul style="list-style-type: none"> ▪ Corruption related to public officials' performance of duties ▪ Corruption related to contracts budget & properties of public agencies ▪ Forcing, recommending or suggesting the above acts 	<p>Violation of public interest : public health, safety, the environment, consumer interests & fair competition</p> <p>→ Breaches of 471 laws</p>
Reporting agencies	ACRC, investigative authorities, Board of Audit & Inspection, etc.	ACRC, investigative Companies, competent public agencies, National Assembly members, etc. authorities, BAI,
Informant	Anyone including foreigners	Anyone including foreigners
Disclosure	Report with real name	Report with real name

II

Korea's Whistleblower Protection Systems

II. Korea's Whistleblower Protection Systems

✓ Guarantee of Confidentiality



The First Step in Protecting Whistleblower

Prohibition of **disclosure** of the whistleblower's identity **without consent**

Disciplinary action & **Criminal punishment** for violators



ACRC requesting **disciplinary action** against those involved

II. Korea's Whistleblower Protection Systems

✓ Personal Protection



Protecting whistleblower and his/her housemate from **personal threat**

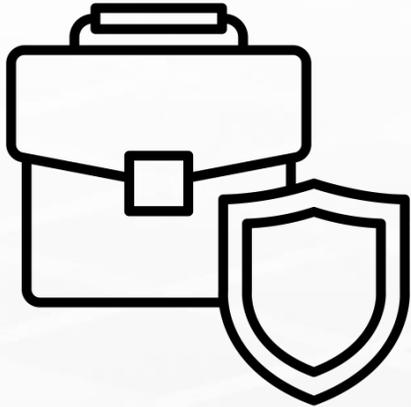
ACRC



ACRC requesting police to execute **protective steps**
: safe house, escort, keeping guard, patrolling, etc.

II. Korea's Whistleblower Protection Systems

☑ Guarantee of Employment



Prohibition of

- disadvantage in employment status
- administrative disadvantage
- financial disadvantage

Disciplinary action & Criminal punishment for violators

ACRC



ACRC commanding **restoration** to his/her original state

ACRC imposing **enforcement fine** on those who do not comply with the ACRC's restoration order

II. Korea's Whistleblower Protection Systems

✓ Mitigation of Culpability



Mitigation/Remission of punishment

Exemption from **the obligation of confidentiality**



ACRC requesting **mitigation/remission** of punishment

ACRC **submitting the opinion** to the court

III

Korea's Whistleblower Rewards & Awards Systems

III. Korea's Whistleblower Rewards & Awards Systems

✓ Rewards, Relief money & Awards



	Corruption	Public interest violation
Rewards	Up to KRW 3 billion , 4-30% of the assets to be recovered	Up to KRW 3 billion , 4-20% of the assets to be recovered
Relief money	Damage caused due to whistleblowing	Damage caused due to whistleblowing
Awards	Up to KRW 500 million Bringing financial benefits or preventing financial damage, or serving the public interest	Up to KRW 200 million Bringing financial benefits or preventing financial damage, or serving the public interest

IV

Case of Protection & Rewards for Whistleblowers

IV. Case of Protection & Rewards for Whistleblowers

- ✓ Protection : "reporting bribery in the construction industry"



Case detail

The whistleblower was **threatened** by the CEO of Company A after reporting that Company A accepted a **bribery** from Company B in exchange for a construction contract, and **requested physical protection to ACRC**.

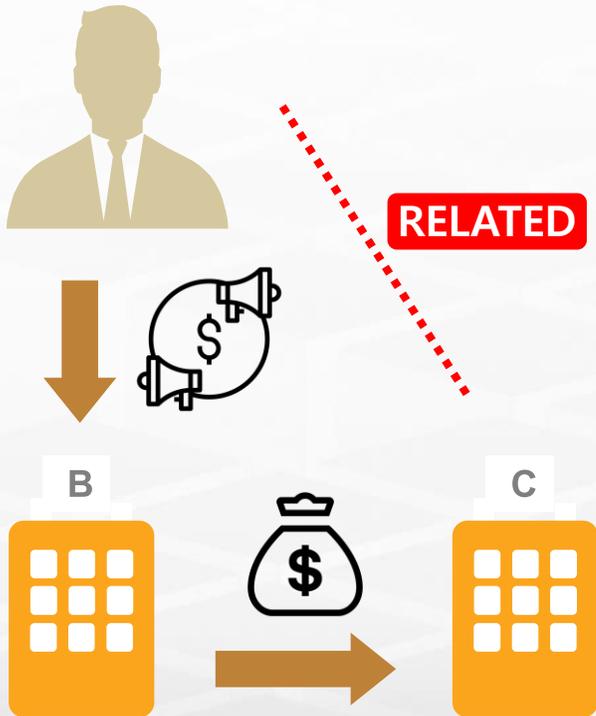
Result of investigation

ACRC **demanded police** to provide the whistleblower **with protective steps**. The police **registered** the whistleblower as a person subject to the safety measures, gave him/her a **smartwatch**, and **patrolled** around his/her house.

IV. Case of Protection & Rewards for Whistleblowers

- ✓ Rewards : “reporting bribery between a public official and a private enterprise”

public official A



Case detail

The whistleblower reported that public official A requested Company B to provide a **bribery** with Company C.

The public official A was sentenced to **prison** and **fined** for taking a bribery.

Result of investigation

ACRC gave an **award KRW 70 million** to the whistleblower for his/her contribution to **detecting corruption** and **promoting the public interest**.

V

Challenges for Further Improvements

V. Challenges for Further Improvements

✓ Unification of Laws of Whistleblower Protections & Rewards

Integration of provisions on protections rewards of persons reporting corruption and public interest violation

✓ Ensuring Anonymity VS. Detection and Punishment of Corruption

The need to contact with the reporter to secure additional evidence and statements and impeach the accused's argument

✓ Guarantee of Employment VS. Personnel Authority

The need to move the reporter to another department as an ordinary employee

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Thank you!

