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Whistleblowing handbook points up some serious pitfalls

Who to tell, what to say crucial

By Elizabeth Wong

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The "single most important event" in cases where ordinary citizens step forward to reveal fraud and corruption, according to [Stephen Kohn \(/topics/stephen-kohn/\)](#), is "who you blow the whistle to and what you say."

[Mr. Kohn \(/topics/stephen-kohn/\)](#) is executive director of the D.C.-based [National Whistleblowers Center \(/topics/national-whistleblowers-center/\)](#), and his new book, "The Whistleblower's Handbook: A Step-By-Step Guide to Doing What's Right and Protecting Yourself," aims to offer a layman's guide on the right way to expose wrongdoing.

"I was tired of listening to the horror stories," he said, citing the many cases in which employees reported fraud in the workplace, but faced retaliation and lost their jobs because of inadequate knowledge about their legal protections as whistleblowers.

A simple mistake in reporting fraud or corruption can cause a person to lose his entire career, [Mr. Kohn \(/topics/stephen-kohn/\)](#) said in an interview. His book was being released Tuesday.

Missteps in a whistleblowing case have, in many instances, resulted in imprisonment for the whistleblower. International banker [Bradley Birkenfeld \(/topics/brad-birkenfeld/\)](#), currently serving a 40-month prison sentence, is one cautionary tale.

In 2005, [Mr. Birkenfeld \(/topics/brad-birkenfeld/\)](#) went public with details on secret offshore accounts at a [UBS \(/topics/ubs/\)](#) bank in [Switzerland \(/topics/switzerland/\)](#), as well as evidence that the bank was unethically managing client accounts. But because he was involved in some of the questionable transactions, he found himself charged by the [U.S. Justice Department \(/topics/us-justice-department/\)](#) when he shared his insider information with federal officials.

[Mr. Kohn \(/topics/stephen-kohn/\)](#), who is representing [Mr. Birkenfeld \(/topics/brad-birkenfeld/\)](#), said that the banker should have gone to the whistleblowing office within the IRS, which would have taken his information in confidence.

"It's very hard to listen to the horror stories where people were trying to do the right thing and made a mistake," said [Mr. Kohn \(/topics/stephen-kohn/\)](#).

One of the book's chapters focuses on viewing "hotlines" with discretion. Hotlines, which are internal whistleblowing programs, are used by nearly every major corporation and government agency. [Mr. Kohn \(/topics/stephen-kohn/\)](#) said that while some hotlines are good, many have resulted in retaliation against the

employees reporting problems.

He said that if an employee is wondering whether he should make a report to his corporation's hotline, there are two basic questions to consider: "Is it independent?" and "Are there conflicts of interest?" The first question targets how connected the corporation is to the hotline.

"Do they really have independent power to protect you?" asked [Mr. Kohn \(/topics/stephen-kohn/\)](#). If the operators of the hotline are too tightly connected with the company, the whistleblowing system might actually just be part of the larger cover-up.

The question of conflicts of interest focuses on the fact that those hearing the grievances should be in position to judge them objectively.

"They need to be free of conflict to report it in the most meaningful manner," said [Mr. Kohn \(/topics/stephen-kohn/\)](#). "These two questions can determine all your rights."

He said that if a person takes all the correct steps in whistleblowing, "ultimately the culture at work will change, where honesty becomes a reward."

The [National Whistleblowers Center \(/topics/national-whistleblowers-center/\)](#) was founded in 1988, and has since supported whistleblowers both in courts and before Congress.

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