

Employee Whistleblower Protection: An Analysis of Malaysian Law and Islamic Law

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Abstract : In Malaysia, the Whistle-blower Protection Act 2010 provides protection to a person in an organization who exposes misconduct, alleged dishonest or illegal activity that violates the existing laws, among others. For example, alleged fraud, health and safety violations, and corruption, to name but a few. Undeniable, most whistle-blowers are internal to an organisation who report misconduct of a fellow employee or superior within their company and they frequently face reprisal at the hands of the organisation which they have accused. In fact, many people do not consider blowing the whistle because of fear of retaliation and losing their relationships at workplace. Although whistle-blowers are protected under law from employer retaliation, there have been many cases where punishment for whistleblowing has occurred, such as suspension, demotion, termination, or harsh mistreatment by other employees. Hence, this paper will analyse the adequacy of the legal protection available to employees who whistle-blow on their employers with reference to the Whistle-blower Protection Act 2010. Reference will also be made to the approach taken in other selected jurisdiction with a view of highlighting the adequacy of the Malaysian legislation on this subject besides strengthen employee whistle-blower protection. Further, reference is also made to the Islamic approach on this subject with particular reference to the concept of amr-bil-Ma'roof (ordering for acknowledged virtues) and nahi anil munkar (forbidding from sin). Allah (SWT) says: "And there should be a group amongst you who invite towards good, order for acknowledged virtues, forbid from sin and these it is that are the successful ones" (Al Imran(Chp 3), verse 104).

Keywords : whistleblower protection, employee whistleblower, detrimental and reprisal, Malaysian law

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