




The essence of the protection of whistleblowers

The Ombudsman is permitted to make any order he deems fit and just to protect the rights of the whistleblower. In general, the appropriate relief is the enforcement of work relations existing prior to the employee's complaint, on condition that the proper functioning of the body in which the complainant works is maintained.

The protection order may therefore instruct the following:

-  The revocation of the whistleblower's dismissal.
-  The granting of special compensation to the whistleblower.
-  The transferral of the whistleblower to another position in his employer's service.

Alternatively, the Ombudsman encourages the parties to reach an agreement, whether by means of mediation or negotiation, in order to enable the continuation of proper work relations, or in appropriate cases, the termination of work relations on terms agreed by the parties.

A protection order is binding and its breach may be a criminal or disciplinary offence.

Examples of protection orders:

2017

The Ombudsman prevented the dismissal of a deputy municipal engineer who assisted the Police in the investigation of suspicions of the perpetration of criminal offences by employees of the municipality.

2016

The Ombudsman gave a protection order to a prosecutor who worked in a municipality, who warned about the giving of political bribes and the involvement of the political echelon in the professional considerations of the municipal prosecution.

2016

The Ombudsman granted a protection order to the managing-director of a municipal company whom the company wished to dismiss following his refusal to employ political activists who had worked on behalf of the company's chairman, who was also the head of the local authority.





2015

The Ombudsman granted protection orders to three employees in a local council whom the council sought to dismiss following their exposure of irregularities in the council's finances.

Broadening the protection of whistleblowers

The whistleblower frequently pays the price, both professionally and socially, for "going against the current". He is forced to cope with many pitfalls, arising from the unequal relationship between himself and his employer. These difficulties deter many employees from exposing corruption. The Ombudsman therefore considers the protection of whistleblowers a national concern.

In light of the above, the Ombudsman acts to strengthen the protection of whistleblowers and to broaden it in different ways, as follows:

-  The Ombudsman has developed a holistic approach for dealing with whistleblowers. Accordingly, he has appointed a psychologist to give support to whistleblowers and to assist them and their families on a one-to-one level in coping with the anguish, the mental stress and the social and financial pressures which they often suffer as a result of the exposure.
-  The Ombudsman has initiated the involvement of bodies in the civil service to assist in finding alternative employment for the whistleblowers.
-  The Ombudsman has initiated an amendment to the Legal Aid Law, enabling whistleblowers to receive legal aid without the requirement of establishing financial need (which is generally a condition for receiving aid).
-  Whistleblowers who are the victims of threats or actual harm are referred to the Israel Witness Protection Authority.



Further information about the protection of whistleblowers by the Office of the Ombudsman can be found on the website below.

Office of the State Comptroller and Ombudsman of Israel
Int_relations@mevaker.gov.il | www.mevaker.gov.il




PROTECTION OF WHISTLEBLOWERS IN ISRAEL






The making of a protection order and its content

The Ombudsman has the authority to make two types of protection order:

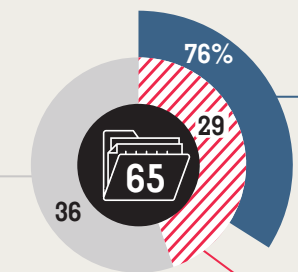
 A provisional order, made upon receipt of the complaint and valid until the conclusion of the investigation.

 A final protection order, made upon conclusion of the investigation.

In recent years, the number of provisional and final orders made by the Ombudsman has increased.

Since 2013, 51 orders have been made, 2016 being the peak year with regards to the number of orders made (19 provisional orders; 6 final orders). In 2016 the handling of 65 complaints was completed.

Complaints which could not be investigated for lack of authority - the complainant did not work in an audited body; there were legal proceedings concerning the complaint, etc.



Relief was granted - either by making a final order or by reaching an agreed solution.

Complaints investigated.

*The graph gives a general representation of the complaint-handling data for 2016.


Israel is the only country in the world in which the State Comptroller also acts as Ombudsman. The combining of the two functions is of great benefit, since it enables the State Comptroller and Ombudsman to check the proper functioning of the public authorities both as ombudsman, through the eyes of the individual, and from an overall perspective, as state comptroller.


These combined functions of the State Comptroller and Ombudsman are especially beneficial in the war against corruption. As State Comptroller, he established a department for special functions designed to investigate claims of corruption in the audited bodies; he also appointed a senior advisor whose special tasks include examining the results of audit from the criminal aspect. When the audit raises suspicion of a criminal act, the State Comptroller brings the matter to the notice of the Attorney General and he is permitted to do so if the audit has raised suspicion of a disciplinary offence.


As Ombudsman, he has been empowered by law to protect the rights of employees in audited bodies who have warned of acts of corruption or improper activity in the body in which they are employed, thus encouraging civil servants, who have encountered improper activities in their place of work, to expose the acts without fear of retribution. For this purpose, he designated a special department in the Office of the Ombudsman to handle complaints of whistleblowers.


The authority of the Ombudsman to make protection orders for whistleblowers

The State Comptroller Law granted the Ombudsman operative powers for the protection of whistleblowers - the power to make a protection order for an employee in need of such relief. According to the law, the protection is given to the employee under the following conditions:

 The employee is employed in an audited body.

 His superior has harmed him (his rights as an employee, his status, his function, his work environment etc.).

 He exposed, in good faith and in accordance with proper procedures, corruption, a serious breach of law or a serious violation of proper administration in his workplace.

 He was harmed in reaction to the exposure.

Facts & Figures

Office of the State Comptroller and Ombudsman of Israel

Ombudsman

The State Comptroller also fulfills the function of Ombudsman. Any person with a complaint or grievance against a government official or agency is entitled to appeal to the Ombudsman

1949

The office was established and it was one of the first institutions established in the fledgling State of Israel

1958
The State Comptroller Act, 1958 (Consolidated Version)

1971

1988

Basic Law: The State Comptroller



~100 million \$ in 2016
Budgetary resources

The budget of the Office is set forth according to the Comptroller's proposal and approved, separately from the State budget, by the Israeli parliament (the Knesset).



The Basic Law and the Act establish a strong basis for SAI of Israel independent

7 years

The office is led by the State Comptroller and Ombudsman, who is elected by the Israeli Parliament (the Knesset) for one term of seven years. Only the Knesset can impeach the State Comptroller and Ombudsman by a three-quarters majority of its members.



the state comptroller shall be accountable only to the Israeli parliament (the Knesset) and shall not be dependent upon the government.

The State Comptroller examines:

- LEGALITY
- MORAL INTEGRITY
- ORDERLY MANAGEMENT
- EFFICIENCY
- ECONOMY
- EFFECTIVENESS

In addition to the audit functions, the law also requires the State Comptroller and Ombudsman:

- To audit the management of the financial affairs of the State's numerous political parties
- To enforce the Rules for Prevention of Conflict of Interests - Ministers and Deputy Ministers
- To protect whistleblowers



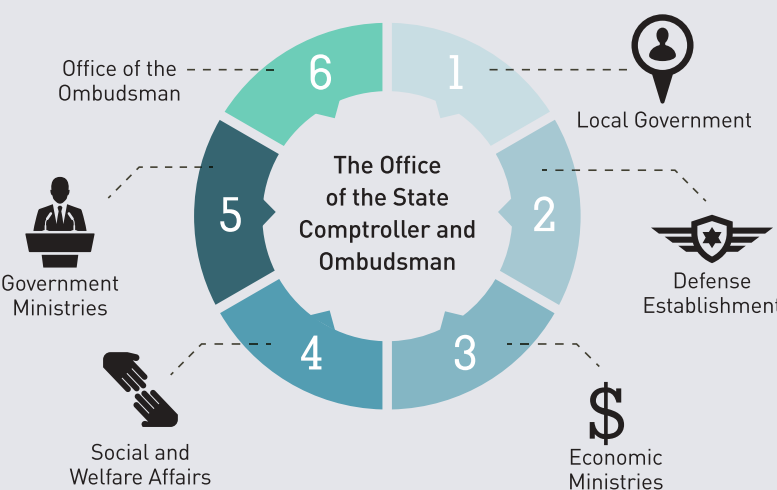
Headquarters located in Jerusalem

Employees of the State Comptroller's Office are subject, as to their service terms, to the State Comptroller only.

524 employees



43% 57%
In the audit ranking
85% - have a Master's degree
1% - have a doctorate



The office of the Ombudsman receives ~15,000 complaints annually

120

The State Comptroller issues about 120 audit reports annually

~1,500 audited bodies

The Office of the State Comptroller and Ombudsman comprises 5 divisions responsible for auditing various fields of public administration and a special unit known as the Office of the Ombudsman

The scope of auditing in Israel is among the most extensive in the world. State audit extends to the operations of government ministries, State institutions, including all branches of the defense establishment (the Ministry of Defense, the Israel Defense Forces, military industries and even the most clandestine units), local authorities, governmental corporations, public universities, public transportation cooperatives, health insurance funds and even the general labor union.