

New Whistleblower Protection Laws for Japan

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I. INTRODUCTION

The Whistleblower Protection Act (Law No. 122 of 2004) was passed by the House of Representatives on 25 May 2004 and, less than one month later, by the House of Councillors on 14 June. It was promulgated on 18 June. The new Act protects those who expose corporate or government misconduct from unfair treatment, such as dismissal, demotion or salary cuts.

By passing such legislation, Japan has joined a number of other countries which offer similar statutory protection to whistleblowers. The United Kingdom safeguards “protected disclosures” in the Public Interest Disclosure Act 1998. The United States provides anti-retaliation relief in the generic Whistleblower Protection Act 1989, supplemented by industry-specific statutes such as the Aviation Investment and Reform Act for the 21st Century 2000 and the Corporate and Criminal Fraud Accountability Act (Sarbanes-Oxley Act) 2002. Australia promotes public-interest whistleblowing with differential state-based legislation.¹ Israel’s Workers’ Protection Act 1997 guarantees protection of whistleblowers against retaliation and/or termination at the workplace; South Africa’s Protected Disclosures Act 2000 prohibits an employer subjecting an employee to disciplinary action, suspensions, dismissal, demotion or harassment for raising concerns about unlawful or irregular conduct; and Ghana’s Whistleblower Protection Act 2001 offers rewards and protections to those who volunteer information

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1 Whistleblowers Protection Act 1993 (SA); Protected Disclosures Act 1994 (NSW); Whistleblowers Protection Act 1994 (Qld); Public Interest Disclosure Act (ACT); and Public Interest Disclosure Act 2002 (Tas). Due to constitutional constraints, there is no federal legislation on point. Cf. generally ELLETTA SANGREY CALLAHAN, TERRY MOREHEAD DWORKIN & DAVID LEWIS generally “Whistleblowing: Australian, U.K., and U.S. approaches to disclosure in the public interest”, *Virginia Journal of International Law* (2004) 44(3) 879-912.