

WhistleB

WHISTLEBLOWING CENTRE



Basics about the EU Whistleblower Protection Directive

What is the EU Whistleblower Protection Directive?

The EU Whistleblower Protection Directive aims at protecting and encouraging whistleblowers throughout the EU who report on a range of misconduct that they become aware of through their workplace.

“Parliament has come together to send a strong signal that it has heard the concerns of its citizens and pushed for robust rules guaranteeing their safety and that of those persons who choose to speak out”. Virginie Rozière, EU parliamentarian and rapporteur of the law.

Which organisations are affected?

The EU Whistleblower Protection Directive states that all private legal entities with 50 or more employees will need to establish secure reporting channels. Additionally,

companies operating in specific areas such as financial services, products and markets and companies that are vulnerable to money laundering or terrorist financing will also need to comply. All public legal entities will also need to comply, with some potential exceptions for smaller municipalities and public entities.

What kind of internal channel needs to be implemented?

Internal channels for whistleblowing are more important than ever. According to the Directive, employees are to be encouraged to report internally first to their employer if a functioning internal channel is available to them. However, whistleblowers will be able to select the most appropriate channels for the circumstances of their case, without losing the protection granted by the EU Whistleblowing Directive, this includes reporting to competent national or EU authorities or to the media.

The EU Whistleblower Protection Directive places specific requirements on the nature of the whistleblowing channel to be provided. It details requirements regarding:

1. Confidentiality of the identity of the whistleblower
2. Response times
3. Contact persons
4. Follow-up
5. Communication
6. GDPR compliance
7. Record keeping

Find out more about each requirement below, along with our top tips for EU Whistleblower Protection Directive readiness.

What can whistleblowers report on?

Whistleblowers will be able to sound the alarm on a range of issues and remain protected from recrimination when they do so. Issues include anti-money laundering and corporate taxation, data protection, protection of the Union's financial interests, food and product safety and environmental protection and nuclear safety.

Who can report?

Everybody who works in the private or public sector. The EU Whistleblower Protection Directive applies to employees, self-employed people, freelancers, consultants, contractors, suppliers, volunteers, unpaid trainees and job

applicants, who acquire information on illegal activities in a work-related context. It also covers those who support whistleblowers such as family members and colleagues.

What if my organisation fails to comply?

The EU Whistleblower Protection Directive requires penalties against those who attempt to hinder reporting, retaliate against whistleblowers, attempt to bring proceedings or who reveal the identity of the whistleblower. Any threats or attempts to retaliate against whistleblowers are also prohibited.

Count-down to the EU Whistleblower Protection Directive:

16th April 2019

Approval of the EU Whistleblower Protection Directive by the European Parliament, after which the new law is to be approved by EU ministers.

Second half of 2021

(or two years after adoption) The new law must be embedded into national law by the Member States. Organisations with 250 employees or more must be ready to comply with the new law.

Second half of 2023

(or two years after the law comes into force) Legal entities with 50–249 employees must be ready to comply with the new law.

WhistleB is a global whistleblowing service provider and business ethics & compliance expert. We help customers to foster a safe and more transparent work environment. The WhistleB system is currently used in more than 150 countries.



For more information about this study, or if you have further questions concerning corporate whistleblowing, please contact:

Karin Henriksson
Founding Partner
karin.henriksson@whistleb.com
+46 70 444 32 16

WhistleB
WHISTLEBLOWING CENTRE