

## WHISTLEBLOWING: UPDATE ON EUROPE

The Council of Europe Recommendation on the Protection of Whistleblowers provides member states with guiding principles for the creation of a comprehensive national framework for protecting public interest whistleblowers. It is envisaged more Council of Europe member states will develop and implement dedicated laws and procedures to ensure public interest information about wrongdoing or serious risk of harm is acted on and that workplace whistleblowers (in all sectors) are properly protected. It should also be recognised that human rights principles, particularly with regard to access to information and freedom of expression, are important sources of protection for whistleblowers and that some member states are working to strengthen institutional accountability for whistleblowing in key areas.

This section\* highlights current activities, legislative programmes, and initiatives in Europe to promote and protect whistleblowing.

### Initiatives at the regional/international level:

- International Whistleblowing Research Network: Conference 2015, Hotel Europa Sarajevo, Bosnia and Herzegovina, 18-19 June 2015  
*An international network of academics and other interested people comes together every two years to discuss research and related issues arising in the field of whistleblowing. This year's conference will be held at the Hotel Europa in Sarajevo. The conference is open to all; fees and booking details will be posted shortly but for further information please contact Professor David Lewis: D.B.Lewis@mdx.ac.uk.*

### Initiatives at the national level:

#### Czech Republic

- The Ministry of Finance and the Office of the Government are working with the Council of Europe<sup>1</sup> on a technical project to strengthen anti-corruption and money-laundering systems. The project includes strengthening whistleblower protection and a seminar was held in Prague in December 2014 including Czech and European experts and non-governmental organisations to discuss whistleblowing. Whistleblower protection is also one of the priorities of the new anticorruption strategy of the government for 2015-2017. A joint-working committee will be working on a draft law later in 2015.
- [About Us, With Us: Protection of whistleblowers in the Czech context and in comparison with other countries](#), Oživení (2014)

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<sup>1</sup> Economic Crime and Co-operation Unit (Mr Mustafa Ferati)

## Ireland

- Protected Disclosure Act 2014  
*The Irish law to protect whistleblowers in all sectors was adopted and came into force in July 2014. While it is based on the UK's Public Interest Disclosure Act, it includes additional protections such as allowing for a separate action in tort for anyone who suffers in relation to a disclosure (ie. not only the whistleblower), makes it potentially one of the strongest laws of its type in Europe.*
- [Speak Up Safely Guide](#) (2014) Transparency International Ireland

## France

- Whistleblower protection legal provisions are included in five separate laws adopted between 2007 and 2014 covering employees in the public and private sectors for specific types of disclosures relating to grave risks to health, the environment and matters of corruption:
  - Loi du 13 novembre 2007 n° 1598 relative à la lutte contre la corruption (créant l'article L1161-1 du Code du travail (CT) ;
  - Loi du 29 décembre 2011 n° 2011-2012 relative au renforcement de la sécurité du médicament et des produits de santé (loi Bertrand) (créant l'article L 5312-4-2 du Code de la santé publique (CSP) ;
  - Loi du 16 avril 2013 n°2013-316 relative à l'indépendance de l'expertise en matière de santé et d'environnement et à la protection des lanceurs d'alerte (loi Blandin) (créant l'article L 1351-1 du CSP ;
  - Loi du 11 octobre 2013 n°2013-907 relative à la transparence de la vie publique, article 25 ;
  - Loi n° 2013-1117 du 6 décembre 2013 relative à la lutte contre la fraude fiscale et la grande délinquance économique et financière (créant l'article L 1132-3-3 du CT et l'article 6 ter A (Fonction publique).
- The Deputy Yann Galut has asked Transparency International France to draft a proposal for a comprehensive whistleblower protection law for France, which he will introduce in September 2015.
- Seminar Series 2015: Four seminars organised by Fondation Sciences Citoyennes and Transparency International France will explore whistleblower protection in France. The first seminar was held at the National Assembly on the 4<sup>th</sup> February 2015, the second will be held on 2<sup>nd</sup> April 2015. Further information can be found [here](#).
- [Guide pratique à l'usage de lanceur d'alerte français](#) (2014) Transparency International France

## Slovak Republic

- Act on Measures relating to the Reporting of Anti-social Activities and on Amendments of Certain Laws (whistleblowing regulation), 2014.  
*The new law came into force on the 1 January 2015. The law strengthens protections in two key areas - whistleblower protection and protection of witnesses in criminal proceedings. The latter protects those who report externally, to the appropriate authorities, with respect to information relating to criminal offences. The former relates to workplace protections for those who report information to their employer about matters falling within a broader category of "anti-social" behaviour. All employers (public bodies and private enterprises) with more than 50 employees must set up internal systems in compliance with the new law by July 2015.*

## Serbia

- Law on the Protection of Whistleblowers, 2014  
*The new law will come into force in June 2015. It covers workers in the public and private sectors when they disclose information about a wide range of public interest wrongdoing or risks. A disclosure can be made internally to the employer, to the appropriate authorities, or more widely in the public domain where appropriate. The law was developed in two-stages: the first stage being led by the Information Commissioner, the Ombudsman and the Anti-Corruption Agency; the second stage led by the Ministry of Justice who set up a working group including members of the judiciary and prosecutors, individual whistleblowers, and representatives from civil society (NGOs), media, business and labour.*
- [Whistleblower Protection](#) (Serbian language only), 2013. Serbian Commissioner for Information of Public Importance and Personal Data Protection published a series of expert papers on key themes discussed at an international conference on whistleblowing held in Belgrade in 2012. English versions of three of the papers can be found [here](#).

## United Kingdom

- Amendment to the Prescribed Persons Order (attached to the Public Interest Disclosure Act), 2014  
*Members of the UK Parliament are now included in the list of “prescribed persons” under the Public Interest Disclosure Act making it easier for workers to be protected for raising a public interest concern directly with an MP. Prior to this amendment, a disclosure to an MP was considered a “wider” disclosure subject to additional tests for protection.*
- Enterprise and Regulatory Reform Act, 2013.  
*This law introduced a series of changes to the Public Interest Disclosure Act 1998. The changes included inter alia removing the requirement that a worker or employee must make a protected disclosure ‘in good faith’ and adding a reasonable belief test that a disclosure is “in the public interest.” See [Guide to PIDA](#) for further details.*
- [Report on the effectiveness of existing arrangements for workplace](#), (2013) Whistleblowing Commission, Public Concern at Work  
*The Commission’s key recommendation is the creation of a statutory [Code of Practice](#) which can be taken into account by courts and tribunals considering whistleblowing issues.*

\* This Spotlight on Europe has been developed by Anna Myers, legal expert on whistleblowing and coordinator of the Whistleblowing International Network. Please visit their [website](#) for more information on whistleblower protection around the world.