

National Transposition of the EU Whistleblower Protection Directive:

How is Europe Progressing on Protecting Whistleblowers?

blueprint for
FREE SPEECH

Blueprint for Free Speech

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Executive Summary

In 2018, Blueprint published our first *Gaps in the System*¹ report, mapping whistleblowing laws and policies across the European Union against nine key European and international standards. We found that, despite fine aspirations and international obligations, the situation for whistleblowers in the EU was variable and, overall, far from secure.

A few individual countries scored well against our criteria, most of whom had passed new, standalone whistleblower protection laws in the past five years. Four countries – France, Ireland, Malta and the UK (then still part of the EU) - scored more than 50% against a potential maximum score of 27. But the gaps were significant. Only a minority of EU countries (13 of the then EU28) scored more than 25%. In six countries – the Czech Republic, Denmark, Estonia, Lithuania, Poland and Spain – whistleblowers were left entirely unprotected, resulting in a score of 0.

Today the situation is improving, but not as quickly as it should be.

History of the EU Whistleblower Directive

A community of civil society groups, academic experts, unions and other civic-minded people worked tirelessly to win an EU Directive protecting whistleblowers. For many, the campaign had started in 2016, or even earlier, but a key milestone was the campaign platform launch in April of that year by Eurocadres, a union for managers with more than 5 million members which is associated with the European Trade Union Confederation (ETUC). Eurocadres is an umbrella organisation, with 47 national member organisations, representing workers in the public and private sectors. Blueprint, along with other civil society groups and organisations such as the European Federation of Journalists (EFJ) and the Whistleblowing International Network (WIN) soon joined the platform. This became the online hub for coordination the advocacy actions that would lead to the EU Directive.

A Directive proposal was presented by the European Commission in April 2018.² Over the following 12 months, the community that had formed on the online platform expended considerable resources to educate the broader community about the importance and value of whistleblower protection, along with the best ways to embed the protections in law and policy. On April 15, the European Parliament passed an improved version of the Directive on the protection of persons who report breaches of Union law, otherwise more commonly called the 'EU Whistleblower Directive'. The Directive was presented by Vera Jourová, then Commissioner for Justice, Consumers and Gender Equality.

On November 26, 2019 the Official Journal of the European Union published "Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law" and the Directive came into force. EU member states were then given two years to develop and pass their own national whistleblower protection legislation, consistent with the Directive.

How the European Landscape Has Changed for Whistleblower Protection in Law

Since our first report, the EU has passed a Whistleblower Directive that encompasses many of the standards we assessed for in 2018.³ The Directive allows EU countries a degree of discretion in implementation and has some shortcomings, particularly in the area of immunity against prosecution.⁴ Nevertheless, regardless of the possible variations in implementation, a country in compliance with the Directive should be scoring over 60% against our criteria. While our standards set out in this report more precisely set out best international practices than the EU Directive protecting whistleblowers, there is significant overlap, and the remaining areas reflect emerging thought from experts in the industry around what should be covered in future legislation.

EU member states have until 17 December 2021 to transpose the provisions of the Whistleblower Directive into national law. Unfortunately, not all members of the EU27 look set to meet this deadline. In part, delays may be due to the demands of the COVID-19 pandemic. In some countries, the election cycle has also interrupted the process. In others, the reasons for delay are less clear.

As of September 2021, only one EU member state (Denmark) has fully implemented the Directive, with a new Whistleblower Protection Act that will come into force on 17 December 2021. Recent standalone whistleblower protection laws that may not fulfil the Directive's requirements in all respects have been passed in Croatia, Latvia, Lithuania and Slovakia. Several other countries, including Belgium, Ireland, Sweden and The Netherlands, look on course to complete the transposition process by the December deadline.

This means there has been some improvement in the state of whistleblower protection laws in Europe since our last assessment in 2018. Back then, we found an average score across the EU of 22.9% (173 out of a maximum 756 points). As of September 2021, that score is 30.5%. (222 out of a maximum 729 points for the EU27 after Brexit).

The Remaining Gaps in the System

Implementing the Directive requires larger legislative changes in some countries than in others: when it comes to whistleblower protection, some are effectively starting from scratch.

Unfortunately, some of the countries that performed most poorly when we looked at this in 2018 have yet to rise to the challenge. Ahead of the transposition deadline, there still major gaps in protection for Europe's whistleblowers.

11 countries scored 5% or lower in our last report. Of those 11 countries, three (Croatia, Denmark and Lithuania) have since passed standalone whistleblower protection laws that rank alongside the best in the EU.

The EU Whistleblowing Monitor⁵, a WIN/Transparency International project tracking progress towards transposition across the EU27, assesses that the process is underway in a further seven countries. The Monitor considers a country to be "in progress" if any steps towards transposition have been taken, with that status only changing to "Transposed" when a law has come into force.⁶

As such "in progress" is a broad category that encompasses countries like the Czech Republic, where a draft law that was the product of significant consultation failed at the final parliamentary hurdle and will have to be reintroduced after elections in October 2021⁷, and Finland, where a consultation process has been completed and a draft law is expected to be published shortly. Progress has been significantly more difficult in some of the other countries in this category, most notably Germany and Spain.

A first draft of whistleblower protection law was published by Germany's SPD-run Ministry of Justice at the end of 2020 but failed to make progress due to opposition from the other part of the governing coalition. The CDU/CSU were reportedly reluctant to countenance any measures to expand on the scope of the Directive, despite this being the recommendation of the European Commission. As the EU is not empowered to legislate on matters reserved to member states, this would create the absurd situation of whistleblower protections being introduced for breaches of EU law, but not of German law in areas where the EU has not legislated.

Germany's approach to transposition of the Directive is still an open question as the September 2021 federal elections approach. In a survey conducted by the regional NGO Whistleblower Netzwerk, all parties that can likely be expected to constitute the next government have expressed a preference for agreeing on the elements of a national transposition law as part of a new coalition contract. The same survey reveals that save for Merkel's Conservatives, all democratic parties advocate for a broad, horizontal law that includes national as well as European law within its scope. While this in itself is encouraging, negotiations on the matter in the context of a coalition contract will still result in an abbreviated, if not non-existent, public and parliamentary debate.⁸

In Spain, a draft law was introduced by the Ciudadanos party in early 2020. Unfortunately, this proposal failed to meet many of the basic requirements of the Directive⁹ and it was voted down by the country's Congress in June 2020. Following the fall of the Ciudadanos bill, Spain's Ministry of Justice announced that a working group would be convened in order to prepare a new proposal, but whistleblowers and civil society were not invited to join those discussions.

In July Blueprint and more than 15 other civil society organisations called on Spain's Ministry of Justice to adopt an inclusive approach to this work.¹⁰ The ABRE coalition went on to meet with the Ministry of Justice in October that year.¹¹ Unfortunately, progress seems to have stalled since the end of a public consultation in January 2021.

Alongside the EU countries where progress has been difficult, two countries that scored poorly in 2018 have yet to make meaningful progress towards implementing the Directive. The failure of Austria, whose transposition process only started in mid-September 2021, and Cyprus to take meaningful steps towards introducing whistleblower protections notwithstanding their obligation to do so is particularly disappointing. Theirs are perhaps the most glaring gaps in the system.

Table 1: Progress of EU Countries with low standards of whistleblower protection in 2018

Country	2018 Score (% of 27 points)	Note	2018 Score (% of 27 points)
Austria	3.7%	Transposition underway	3.7%
Croatia	3.7%	New Law passed 2019	66.7%
Cyprus	3.7%	Transposition not started	3.7%
Czech Republic	0%	Transposition underway	0%
Denmark	0%	New Law passed 2021	66.7%
Estonia	0%	Transposition underway	0%
Finland	0%	Transposition underway	0%
Germany	3.7%	Transposition underway	3.7%
Lithuania	0%	New Law passed 2018	66.7%
Poland	0%	Transposition underway	0%
Spain	0%	Transposition underway	0%

What Needs to Happen Now

While the COVID-19 pandemic may be partially to blame for details in drafting and passing national laws reflecting what is the EU Whistleblower Directive, it is necessary for those remaining member states to at the very least identify when they will pass their required national legislation. Further, that legislation should be 100% in compliance with the EU Directive at a minimum.

There is of course opportunity to make legislation of a higher standard than the Directive in terms of protections. In either case we recommend governments take the chance to meet the required deadline for passage before the end of 2021, which is still achievable. We also recommend these governments reach out to consult in an open, if brief window with civil society in their country.

Whistleblower Protection Across the EU

This report evaluates EU member countries against a matrix of international standards regarding laws that protect whistleblowers. These standards were developed from a range of sources (see Annex 2). The list of standards are set out in more detail in Annex 1, but the key criteria are:

- 1) Specific whistleblower protection provisions for employees in public and private sectors
- 2) A full range of disclosure channels: internal, regulatory, public
- 3) Protection from all types of retaliation
- 4) A full range of retaliation protection mechanisms
- 5) A full range of relief types and mechanisms
- 6) Immunity from prosecution for disclosing sensitive information
- 7) Penalties for whistleblower retaliation and other mistreatment
- 8) Appointment of a designated whistleblower agency
- 9) Transparent administration and statistics

The Table 'Table 2: How does the EU Perform as a Community Compared against Nine Whistleblower Protection Legal Standards?' (see below) provides a meta-analysis of the data.

- Whistleblower protections across the EU community of countries have improved in every category of standard. The improvement has been particularly marked in three, where the EU wide average score has improved by more than 10%. (Standards One, Two and Six)
- Every category of standard appears in some fashion in the laws of 8 or more EU countries. (5 or more in 2018)
- Even the standard with the lowest prevalence appears in some form in 30% of EU countries, as compared to 18% in 2018. (Standard 9 – Countries with scores above zero)
- the two standards with the strongest presence are achieved, at least in part, in 18 countries, or two thirds of the EU (Standards 1 and 2 – Countries with scores above zero)
- the next most prevalent standard across the EU – protection from retaliation- is present in some form in 63% of EU countries. Seven EU countries – a quarter of the total – now score a full three marks on this standard, which is critical for creating the right ecosystem for whistleblowers to start making disclosures. (Standard 3)

However, there is still much work to be done:

- 63% of EU countries score a zero on providing immunity from prosecution for disclosing sensitive information, although this is a real improvement on the 79% in our previous report. (Standard 6)
- 67% of EU countries still score a zero on penalties for whistleblower retaliation and other mistreatment. The figure in 2018 was 75%. (Standard 7)
- 52% of EU countries merit a zero on providing relief mechanisms for whistleblowers. This is one of two standards where no EU countries have a perfect score. (Standard 5)

Table 2: How does the EU Perform as a Community Compared Against Nine Whistleblower Protection Legal Standards?

	Standard 1 (max 4)	Standard 2 (max 3)	Standard 3 (max 3)	Standard 4 (max 3)	Standard 5 (max 3)	Standard 6 (max 3)	Standard 7 (max 3)	Standard 8 (max 2)	Standard 9 (max 2)
EU wide average score	2.15 (1.71)	1.52 (1.18)	1.15 (0.86)	0.78 (0.61)	0.63 (0.50)	0.74 (0.39)	0.37 (0.25)	0.52 (0.36)	0.52 (0.36)
	54% (43%)	51% (39%)	38% (29%)	26% (21%)	21% (17%)	25% (13%)	12% (8%)	26% (18%)	17% (11%)
Countries scoring above 0	18 (16)	18 (16)	17 (15)	16 (13)	13 (12)	10 (6)	9 (7)	12 (9)	8 (5)
	67% (57%)	67% (57%)	63% (54%)	59% (46%)	48% (43%)	37% (21%)	33% (25%)	44% (32%)	30% (18%)
Countries with zero score	9 (12)	9 (12)	10 (13)	11 (15)	14 (16)	17 (22)	18 (21)	15 (19)	19 (23)
	33% (43%)	33% (43%)	37% (46%)	41% (54%)	52% (59%)	63% (79%)	67% (75%)	55% (68%)	70% (82%)
Countries with perfect score	11 (8)	8 (5)	5 (3)	1 (1)	0 (0)	3 (2)	0 (0)	2 (1)	2 (2)
	41% (29%)	30% (18%)	19% (11%)	4% (4%)	0% (0%)	11% (7%)	0% (0%)	7% (4%)	7% (7%)

(Figures in brackets are for EU28, including the United Kingdom)

Standard One

Specific whistleblower protection provisions for employees in the public and private sectors

11 of 27 EU countries fully meet this standard

Overall score for EU countries: 2.15 out of 4

We think the Whistleblower Directive scores 3. 10 countries meet this standard. For this standard, each EU country was scored on a scale of 0-4 points, depending on the type of law and its range of coverage. The composite score for all 27 countries for this standard is 2.15 out of a maximum possible score of 4, with the number of countries fully meeting the standard increasing from 8 in 2018 to 11. This reflects the growing number of EU countries that have passed their own standalone whistleblower laws that protect employees in the public and private sectors (see Appendix X).

The EU Whistleblower Directive itself does not completely fulfil this standard, as its scope does not cover legislative areas where powers are reserved to member states. A coherent national law should be more comprehensive than this to avoid the nonsense of separate whistleblowing procedures for EU and national laws, something which is encouraged in the Directive itself. Unfortunately, not all transposition processes have taken this on board: the Netherlands' draft law in particular sets up a parallel system for disclosures about breaches of EU legislation, as opposed to national legislation, which is likely to prove confusing to potential whistleblowers.

Standard Two

A full range of disclosure channels: internal, regulatory, public.

8 of 27 EU countries fully meet this standard

Overall score for EU countries: 1.52 out of 3

Once an employee decides to report a crime or an act of corruption, their next consideration is to identify a safe and reliable recipient for the information. Whistleblowers should be able to choose whether to report internally, to a public authority or to the public via the media, an NGO, political representatives or directly to the public.

The EU Whistleblowing Directive requires that reporting persons have a free choice about whether to make their initial report within an organisation or to an outside regulatory body. They should also have protection for making a public disclosure, in certain circumstances. A country in compliance with the EU Directive will score full marks against this standard.

Eight EU countries have passed laws which provide for all three disclosure channels:

Romania
Sweden

France
Denmark

Ireland
Croatia

Latvia
Lithuania

Standard Three

Protection from all types of retaliation

5 of 27 EU countries fully meet this standard, up from 3 in 2018.

Overall score for EU countries: 1.15 out of 3.

Protection is at the very heart of any sound whistleblower framework. Simply put, there can be no whistleblower protection system without strong protections from retaliation and persecution.

These rights have become more critical than ever, given that employers and co-workers have grown more creative in how they go about punishing employees who expose misconduct.

Retaliation is often conceptualised as action in the workplace, including but not limited to dismissal, the loss of a promotion, or being moved to a different role or office. But workplace retaliation is broader than this and whistleblowers too often recount the harms done by reputational damage, social ostracism and harassment on social media or elsewhere. Moreover, in some cases the threat of prosecution is also very real.

A good anti-retaliation clause should protect whistleblowers against all of these threats. The EU Directive offers comprehensive protection from workplace retaliation, with some gaps in protection from criminal prosecution. Some existing laws in the EU go further than this. Ireland, Malta and Italy have whistleblower protection laws with comprehensive immunities from prosecution.

For this standard, each EU country was scored on a scale of 0-3 points, depending on the adequacy of protection from workplace retaliation and criminal prosecution. The composite score for all 27 countries is 1.15 out of a maximum possible score of 3. This is an improvement on the 0.86 we observed in 2018.

Standard Four

A full range of retaliation protection mechanisms

1 of 27 EU countries fully meet this standard.

Overall score for EU countries: 0.78 out of 3.

Prohibitions against retaliation are only as good as the means available to enforce them. Whistleblowers should be able to seek remedy for retaliation they experience in the courts. However, given the difficulties of court proceedings, which can often be drawn out and expensive, establishing an administrative process to protect and compensate whistleblowers is increasingly being seen as an necessary companion or backup to judicial remedies. Executive branch agencies can typically act quicker and more effectively than court proceedings, and they may have the authority to order workplace hazards to cease without needing to obtain a court order.

For this standard, each EU country was scored on a scale of 0-3 points, depending on whether and the ease by which whistleblowers can obtain protection from a court, an administrative agency or both. The composite score for all 27 EU countries is 0.78 out of a maximum possible score of three, an improvement on the score observed in 2018.

Administrative remedies are still comparatively rare within the EU and the EU Directive does not require that they be introduced. Slovakia's new independent Whistleblower Office has the power to order employers to desist or reverse administrative action against someone who has made a report. Uniquely, those not granted the protection of the Whistleblower Office have the statutory right to appeal that decision. Weaker administrative remedies have also been legislated for in Slovenia and Italy.

Standard Five

A full range of relief types and mechanisms

0 of 27 EU countries fully meet this standard

Overall score for EU countries: 0.63 out of 3.

Employees who report crime, corruption or public health threats are acting in the public interest. There is a corresponding public interest in ensuring that they do not suffer for assuming the personal responsibility to expose wrongdoing, warn of danger and hold guilty parties to account.

The costs of whistleblowing can be enormous. An ESRC research project on Post Disclosure Survival Strategies found that the average costs faced by an individual who blows the whistle amount to some £216,987 (\$284,585) per person. The intangible costs on mental health and well being can also be significant.

Standards developed by Blueprint for Free Speech call for remedies that cover all direct, indirect and future consequences, including:

1. interim relief
2. lost past and future wages
3. transfer without diminished salary and status
4. pain and suffering damages
5. attorney and mediation fees
6. education, training, relocation and other occupational support
7. physical protection if needed, including for family members

The EU Directive suggests a wide range of measures that could be adopted, including medical and psychological assistance and financial compensation, but ultimately leaves it to member states to determine what the right package of support to whistleblowers should be. Most fall short

For this standard, each EU country was scored on a scale of 0-3 points, depending on the types and range of remedies and relief available. The composite score for all 27 countries on this standard is 0.63 out of a maximum possible score of 3.

As in our previous report, this is one of the two standards that are not fully met by any EU countries (along with Standard 7)

Of the nine countries with standalone whistleblower laws that cover the public and private sectors, Hungary and the Netherlands have no specific access to remedies. 11 countries in total scored a 1 in this category

France, Croatia and Lithuania score two out of three against this standard. The laws in these countries offer whistleblowers recourse to court, sometimes with modified court procedures – in France, whistleblowers have recourse to a fast-track system and in Croatia, they can bring in third parties from civil society to testify to the benefit of their disclosures in court proceedings.

Standard Six

Immunity from prosecution for disclosing sensitive information

3 of 27 EU countries fully meet this standard

Overall score for EU countries: 0.74 out of 3.

Prosecution and imprisonment are chilling effects on whistleblowing and, more generally, on the free flow of information that the public has a right to know. Criminal cases punish whistleblowers who arguably are exercising their right to freedom of expression. Threats of prosecution deter employees and citizens from coming forward with critical information that could assist regulators and law enforcement.

Prosecution has become a more frequent response by authorities as more whistleblower cases have emerged from the political, financial, banking, national security and intelligence spheres.

European and international standards recommend that whistleblowers not face criminal proceedings if they report sensitive information in a responsible manner, such as military and official secrets, proprietary information and personal data. The OECD suggests “waiver of liability/protection from criminal... liability, particularly against.. breach of confidentiality or official secrets laws.”

National security falls outside the scope of the EU Directive, which also does not outlaw criminal prosecution of those who make a report. It is, however, clear on immunities for breach of confidentiality, so EU countries should, at the very least, be scoring 1 against this standard.

Some EU countries go significantly further than this and three (Croatia, Malta and Ireland) fully meet this standard. Ireland's law provides protection from "any offence prohibiting or restricting the disclosure of information." Malta's law provides protection from criminal proceedings including "calumnious accusations."

Standard Seven

Penalties for whistleblower retaliation and other mistreatment

0 of 27 EU countries fully meet this standard

Overall score for EU countries: 0.37 out of 3.

Legal consequences can be effective in deterring managers from abusing workers and allowing hazardous conditions to persist. From factories and construction sites to hospitals and restaurants, public authorities routinely penalise workplaces that maintain unhealthy or unsafe conditions. Many countries also have sanctions for harassing, bullying or discriminating against employees.

European and international standards recommend various types of penalties for retaliation, interference, exposing a whistleblower's identity and failing to follow up on whistleblower disclosures. The EU Directive requires that penalties are introduced for attempting to hinder reporting, retaliating against a whistleblower, bringing vexatious legal proceedings against a whistleblower and breaching confidentiality but leaves it up to member states how to implement this.

For this standard, each EU country was scored on a scale of 0-3 points, depending on the range of penalties for mistreating a whistleblower. The composite score for all 28 countries on this standard is 0.41 out of a maximum possible score of 3.

This is the lowest composite score among the nine standards and one of only two standards that is not fully met by any EU countries (the other is Standard 5). Seven countries have penalties for one type of violation.

Malta has fines and potential prison sentences for preventing a whistleblower from making a report, or for threatening or stalking a whistleblower or his/her family. Slovakia has a 2000 Euro fine for retaliating against a whistleblower or breaching their confidentiality. These countries score a 2 against this standard.

Standard Eight

Appointment of a designated whistleblower agency

2 of 27 EU countries fully meet this standard

Overall score for EU countries: 0.52 out of 2

Whistleblower support organisations report that many whistleblowers come to them with stories of being serially referred from one public agency to the next, none of which are able to provide advice and support. Imperilled employees need a unique set of resources – legal, investigative, financial, career and sometimes physical protection – that rarely if ever can be found within traditional public agencies.

Anecdotal evidence suggests that simply adding whistleblower protection to the portfolio of an existing agency rarely is effective. In many countries, whistleblowing has become a ‘hot potato’ that officials seek to avoid due to its sensitive and sometimes politically delicate nature.

Most European and international standards therefore recommend that countries establish an independent public agency that specialises in whistleblower cases and issues. The EU Directive suggests support for whistleblowers is provided by an information centre or independent national authority.

The Netherlands was the first country to establish a dedicated whistleblower agency, and Slovakia appointed the first director of its new Whistleblower Protection Agency in January 2021. Both countries score 2 against this standard. A further nine countries have given existing agencies the responsibility to receive whistleblower reports and/or oversee whistleblower rules and policies.

Standard Nine

Transparent administration and statistics

2 of 27 EU countries fully meet this standard

Overall score for EU countries: 0.52 out of 3.

It is said that a public accountability system cannot be fully accountable unless details of its operations are made known to the public. In the case of a whistleblower

protection system, these details would be the number and type of disclosures and retaliation complaints filed with the public authorities each year, and the outcomes of these reports.

Democracy depends not just on integrity and efficiency but also the transparency of all its functions. European and international standards call for whistleblower protection systems to operate in a transparent manner, including by releasing statistics on reports and cases. The EU Directive requires member states to report to the Commission on the operation of whistleblower protections annually, together with details of the number of reports received by external channels, any investigations that resulted and the estimated financial implications of reports and any monies recovered, if this is available at a central level.

For this standard, each EU country was scored on a scale of 0-3 points, depending on the amount of information made available to the public and how transparently whistleblower laws and programs are administered. The composite score for all 27 countries is 0.52 out of a maximum possible score of three.

Of the EU countries, only 2 release comprehensive information to the public: Ireland and the Netherlands, which score a full three points against this standard. Latvia and Slovakia's recent standalone whistleblower laws provide for public authorities to provide annual reports to parliaments, with more frequent updates and special reports where appropriate.

Annex 1: Methodology

The whistleblower protection laws for all 27 EU countries were identified and assessed against nine European and international standards. The standards are based on those presented in Annex 2 (see p. 22), and on research and experience of the authors. Relevant national laws are also listed in Annex 2.

For each of the nine standards, countries were given points based on the following system. The maximum score for each country is 27; the total maximum score for all 27 EU countries is 729.

1) Specific whistleblower protection provisions for employees in public and private sectors

0: none

1: public or private sector – part of other law

2: public and private sectors – part of other law

3: public or private sector – standalone law

4: public and private sectors – standalone law

2) A full range of disclosure channels: internal, regulatory, public

0: none

1: 1 of 3

2: 2 of 3

3: all 3

3) Protection from all types of retaliation

0: none

1: basic protection from workplace retaliation or prosecution

2: comprehensive protection from workplace retaliation or prosecution

3: comprehensive protection from workplace retaliation and prosecution

4) A full range of retaliation protection mechanisms

0: none

1: judicial or weak administrative protections

2: judicial or strong administrative protections

3: judicial and strong administrative protections

5) A full range of relief types and mechanisms

0: none

1: few

2: intermediate

3: comprehensive

Annex 1: Methodology

6) Immunity from prosecution for disclosing sensitive information

0: none (official/military secrets, trade secrets, data privacy)

1: 1 of 3

2: 2 of 3

3: all 3

7) Penalties for whistleblower retaliation and other mistreatment

0: none

1: few

2: intermediate

3: comprehensive

8) Appointment of a designated whistleblower agency

0: none

1: part of existing agency

2: independent agency

9) Transparent administration and statistics

0: none

1: basic

2: intermediate

3: comprehensive

Annex 2: National Laws with Whistleblower Protection Provisions

Belgium

Law on the Reporting of a Suspected Violation of Integrity in a Federal Administrative Authority by a Staff Member (2013)

France

Law on Transparency, the Fight against Corruption and Modernization of the Economy (2016)

Croatia

Law on the Protection of Persons reporting Irregularities (2019)

Denmark

Whistleblower Protection Act (2021)

Greece

Law No. 4254: Measures to Support and Develop the Greek Economy (2014)

Hungary

Act on Complaints and Public Interest Disclosures (2013)

Ireland

Protected Disclosures Act (2014)

Italy

Provisions for the protection of whistleblowers who report offences or irregularities which have come to their attention in the context of a public or private employment relationship (2017)

Bill of Law S. 2156-B (2012) Administrative liability rules for legal persons, companies and associations, including those without legal personality. Legislative Decree no. 231/2001 ("Decree no. 231")

Latvia

Whistleblowing Law (2020)

Lithuania

Law on the Protection of Whistleblowers (2017)

Luxembourg

Law Strengthening the Means of Combating Corruption (2011)

Malta

Protection of the Whistleblower Act (2013)

Netherlands

Whistleblowers Authority Act (2016)

Portugal

Law 19/2008 (2008)

Romania

Law on the Protection of Public Officials Complaining about Violations of the Law (2004)

Slovakia

Act on the Protection of Whistleblowers (2019)

Slovenia

Integrity and Prevention of Corruption Act (2011)

Sweden

A Special Protection against Reprisals for Workers who Report Alarms about Serious Misconduct (2016)

Standards for Whistleblower Protection

International Organizations

European Union

Directive 2019/1937 on the protection of persons who report breaches of Union law

Council of Europe

Recommendation on the Protection of Whistleblowers

OECD

Study on Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation

Organization of American States

Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses

Civil Society

Blueprint for Free Speech

Blueprint Principles for Whistleblower Protection

Government Accountability Project

International Best Practices for Whistleblower Policies

Transparency International

International Principles for Whistleblower Legislation

Endnotes

1. Blueprint for Free Speech. (2018). *Gaps in the System: Whistleblower Laws in the EU*. <https://blueprintforfreespeech.net/s/BLEUPRINT-Gaps-in-the-System-Whistleblowers-Laws-in-the-EU.pdf>
2. Vandekerckhove, W. (2021). Is It freedom? The coming about of the EU directive on whistleblower protection. *Journal of Business Ethics*, 1-11.
3. Abazi, V. (2021). Whistleblowing in the European Union. *Common Market Law Review*, 58(3).<https://kluwerlawonline.com/JournalArticle/Common+Market+Law+Review/58.3/COLA2021051>
4. For a fuller discussion of the Directive and issues EU member states should consider during the transposition process, see our report 'Getting Whistleblower Protection Right: A Practical Guide to Transposing the EU Directive'
5. <https://whistleblowingmonitor.eu/>
6. <https://whistleblowingmonitor.eu/methodology.php>
7. An interim report published by Win and TI in March 2021 found that the Czech Republic was the only country in the EU27 to have made "significant progress" towards transposition at that point – Are EU Countries Taking Whistleblower Protection Seriously? <https://whistleblowingnetwork.org/News-Events/News/News-Archive/Are-EU-Countries-taking-whistleblower-protection-s>
8. https://www.whistleblower-net.de/online-magazin/2021/09/15/wahlpruefsteine-zur-bundestagswahl-2021/?fbclid=IwAR0UmqtAbGWD_3NSvxWCBMGvQ5IFszx6R1k5YaINYu_E4lkyqXGqmxtASyl
9. <https://www.blueprintforfreespeech.net/en/news/spain-to-debate-whistleblower-protection-proposal>
10. <https://www.blueprintforfreespeech.net/en/news/abre-coalition-open-letter-calling-for-a-participatory-transposition-for-the-protection-of-whistleblowers-in-spain>
11. <https://www.blueprintforfreespeech.net/en/news/civil-society-organisations-present-the-keys-to-the-future-whistleblower-law-to-the-spanish-ministry-of-justice>