

## Public consultation on whistleblower protection

Fields marked with \* are mandatory.

### Information on publication

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#### \* IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

Contributions received from this survey will be published on the European Commission's website.

Do you agree to the publication of your contribution?

For further information, please consult the privacy statement attached

- Yes, my contribution may be published under my name (or the name of my organisation)
- Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation)

### Identification

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\* In what capacity are you completing this questionnaire?

- In my own capacity
- On behalf of an organisation

\* What is the nature of your organisation?

- Business/professional association
- Trade union/trade union association
- Enterprise (legal entity with an economic activity)
- Academic/research institution
- Law firm/notary
- Hospital
- Media
- Non-governmental organisation (NGO)
- Public authority/administration
- Independent surveillance authority (e.g. independent body dealing with consumer protection, competition, regulation of the energy sector, central banks, auditing bodies etc.)
- Judicial authorities and law enforcement structures
- Other
- Non Applicable

\* What is the area of activity of your organisation?

- Manufacturing
- Retail
- Transport
- Health
- Education
- Energy
- Food safety
- Environment
- Security
- Bank/other financial services
- Financial or tax advice
- Legal advice
- Judiciary/law enforcement
- Consultancy
- Media
- Human rights
- Academic/research
- Other

\* Please specify

*50 character(s) maximum*

public services

\* Please specify

- Company trade union
- National trade union
- Trade union association

\* Is your organisation included in the EU Transparency Register?

It is not compulsory to register to reply to this consultation. We would however encourage you to register [here](#) as the Transparency Register provides citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities.

- Yes
- No

Please indicate your Register ID-number

04902121531-04

\* Please indicate the place of establishment of your organisation

Main headquarters in case of multinational organisations

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

From your **direct work experience**, do you have knowledge of whistleblower cases in the last ten years?

- Yes
- No

**Perceptions and opinions on whistleblower protection**

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Do you think that whistleblowing should be protected?

- Yes
- No
- Don't know

To your mind, how often are workers reporting their concerns about threats or harm to the public interest?

- Very often
- Often
- Rarely
- Very rarely
- Don't know

To your mind, which of the following are the most important reasons why a person might decide not to blow the whistle?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Do not know how/where to report	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Threat or harm to the public interest difficult to prove	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action will be taken to remedy the wrongdoing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of legal consequences	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of financial consequences	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It would be an act of disloyalty	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It would be a breach of professional privilege	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Negative attitudes towards whistleblowers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of bad reputation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify

500 character(s) maximum

Given that whistleblowing takes place in the context of a working relationship, most important barriers to would-be whistleblowers are:

- all forms of retaliation from management ( especially when the latter is involved in wrongdoing): demotion, social exclusion, relocation, reassigning of job responsibilities, loss of income, bullying ,harassment, dismissal.
- absence of trade union representation at the workplace and inadequate/lack of legal protection

To your mind, what are the BENEFITS of rules obliging public and private sector organisations to protect whistleblowers?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important.

	1	2	3	4	Don't know
Strengthen compliance with the law by public authorities and businesses	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen freedom of expression	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Help to improve companies' economic performance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foster a workplace culture of transparency and accountability	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase workers' motivation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance workers' wellbeing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefit (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

Across-the-board rules save lives, environment and money, contribute to a robust anti-corruption and anti- fraud system, to the fight against corpoptate tax avoidance, raise standards of professional ethics, help regulators build stronger investigation cases with a higher success rate in proceedings; rules that apply to both public and private sector establish a level playing field between both sectors and are more effective to fight corruption not the least via public procurement .

To your mind, in which areas are rules on whistleblower protection beneficial?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important.

	1	2	3	4	Don't know
Contribute to the fight against fraud and corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the proper management of public (national and EU) funds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve investors' trust	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the fight against tax evasion and tax avoidance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance protection of public health and safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance food safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhance the protection of the environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage fair competition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other benefit (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Please use the space below if you have further comments

*500 character(s) maximum*

Benefits will apply to society at large, citizens, employees, trade unionists, companies by reinforcing accountability, freedom of expression, right to know and good governance and by increasing social, labour, health, environmental and justice standards. EU minimum standards will also benefit cross-border mobility for companies & workers and administrative cooperation in all policy areas mentioned e.g. labour law, justice, anti-corruption/money laundering, health and safety, environment

To your mind, what are the DRAWBACKS of rules obliging public and private sector organisations to protect whistleblowers?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Encourage false reporting or over reporting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine the general public's confidence in public institutions if information considered secret or protected is divulged by civil servants (e.g. personal tax information)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine mutual trust in the workplace	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imply significant administrative burdens /costs for the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imply significant administrative burdens /costs for the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine trust between companies / business partners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine trust between clients and service-providers (e.g. legal advisors, tax advisors, accountants, consultants)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Damage business reputation/trust in public institutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage the leaking of confidential know-how and business information (trade secrets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other drawback (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

-Most of the above are important concerns that are best tackled and prevented by well-designed rules.

- the lack of trust in companies or public institutions is due to a lack or inadequacy of rules

-administrative/ implementation costs are unavoidable but these are likely of little significance and will be offset by longer term gains e.g. saving lives and money

- reputational damage to a company or know-how with illegal or unethical practices is not a drawback but a clear benefit

In your opinion, which of the following aspects that raise awareness of whistleblower rights and procedures are important for effective whistleblower protection?

Please rate importance, 1: very important, 2: important, 3: somewhat important, 4 not important .

	1	2	3	4	Don't know
Clear definition in law of the threats to the public interest covered by whistleblower protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear general information and awareness raising policies by the state (e.g. information campaigns) concerning rights of whistleblowers (including on advice and assistance) and applicable procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information by private or public sector organisations to their employees concerning rights of whistleblowers (including on advice and assistance) and relevant internal procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear information and awareness raising by trade unions concerning rights of whistleblowers (including on advice and assistance) and applicable procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

- definition of public interest should be clear but also broad enough as not all threats to public interest can be foreseen
- legal advice, psychological support, compensation for loss of income or future job prospects.
- regular training of all parties concerned and review, evaluation of rules
- information to employees should cover all employees regardless of employment status and include how WB cases have been concretely dealt with

In your opinion, which of the following aspects are important for effective whistleblower protection?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Channels in organisations/businesses for internal reporting of wrongdoings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting of wrongdoings to oversight institutions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection in case of disclosure to the public (e.g. media, web platforms, etc) where channels for internal reporting and for reporting to oversight institutions are not available, not functioning properly (or cannot reasonably be expected to function properly)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proper investigation of the whistleblower reports or disclosures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against retaliation at work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of whistleblowers in administrative proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exemption of whistleblowers from criminal liability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Immunity from civil action for damages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support covering the costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Psychological support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

- reversal of burden of proof on the employer
- final relief should incl reinstatement and lost pay, expenses from retaliation, compensation for suffering + interim relief
- training of all affected by or responsible for implementing the law
- clarity of rules and procedures for internal and external disclosure, with safeguards, right to anonymity.
- when disclosure to the media, usually a last resort, protection of journalists' sources.
- trade union representation

In your opinion, which of the following aspects of protection against retaliation at work are important for effective whistleblower protection?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Protection of confidentiality of whistleblower's data, including where latter is anonymous but identifiable	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against dismissal, e.g. interim relief to suspend dismissal, right to reinstatement in the work place, etc.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against suspension	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against demotion	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against loss of promotion opportunities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against punitive transfers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against reductions in or deductions of wages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against harassment by superiors and/or colleagues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reversing the burden of proof so that, in a prima facie case of retaliation, the employer carries the burden to demonstrate that any measure taken against a whistleblower is not related to a whistle-blower's disclosure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection against blacklisting	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial support to cover costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compensation for dismissal or financial loss	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

-Trade union representation at the workplace is central both to protect potential whistleblowers against all forms of retaliation and to help ensure that proper investigation as well as corrective action be taken where appropriate

-retaliation for those that seek to block or undermine a whistleblower

- possibility to seek an injunction to prevent dismissal

In your opinion, which of the following protection measures for third parties are important in the context of whistleblowing?

Please rate importance: 1: very important, 2: important, 3: somewhat important, 4 not important

	1	2	3	4	Don't know
Requirement that the whistleblowers reasonably believe the information they disclose to be true	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the whistleblowers act in a disinterested way	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the disclosure concerns a matter of public interest	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of the rights of the person/business affected by the report (e.g. rights of dignity, personal data, business secrets and respect of the rights of defence) including protection against abusive/malicious reports	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Rules aimed at balancing the interest of employers to manage their organisations and to protect their interests with the right of the public to know when their interests are at risk	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules aimed at balancing professional secrecy obligations with the right of the public to know when their interests are at risk	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Please use the space below if you have further comments

500 character(s) maximum

-whilst we agree that good rules must prevent malicious reporting, as a general rule the general interest must supersede state or corporate interests including trade secret  
-.Disclosures can concern wrongdoings that are damaging for the company, employees, shareholders but is not related to a public interest  
-In public interest disclosures, the definition of public interest should be broad enough and take due account of related European and International rights and legal provisions.

## Existing rules and their impacts

\*Do you know of rules in place in your country of residence (private citizens) or establishment (for organisations) on the protection of whistleblowers?

- Yes  
 No

Please use the space below if you have further comments

500 character(s) maximum

In Belgium, whistleblowers' protection is limited to federal state employees

Whistleblowers enjoy very different levels of protection across the various EU countries, and in some EU countries they enjoy limited or no protection at all. In your opinion, what are the negative impacts likely to result from the absence of - or the insufficient - whistleblower protection in some EU countries or other EU countries and the EU as a whole?

Please rate likelihood, 1: very likely, 2: likely, 3: somewhat likely; 4 unlikely.

	1	2	3	4	Don't know
Negative impact on the protection of the <u>public interest</u> also of those Member States providing stronger whistleblower protection or of the public interest <u>of the EU as a whole</u> (in areas such as the fight against fraud and corruption, tax evasion and tax avoidance, misuse of personal data and market abuse, protection of public health and safety, food safety and the environment, protection of fair competition)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Negative impact on the protection of the <u>financial interests of the EU</u> (both as regards EU expenditures, for example fraud to EU grants, as well as EU revenues, for example fraud to customs duties)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>well-being of workers</u> whose companies move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>cross-border mobility</u> of workers who would be reluctant to move from a Member State with a higher level of whistleblower protection to one with lower or no protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>freedom of establishment</u> of companies which would be reluctant to move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection (resulting in a weaker culture of integrity and accountability and lower investors' trust)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>freedom of establishment</u> of companies which would be reluctant to move to a Member State offering a higher level of protection of whistleblowers (e.g. where the introduction of relevant arrangements may imply significant administrative costs due to necessary changes in the business model)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>free movement of capital</u> , because investors would be reluctant to invest in companies established in a Member State with low or no protection	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on the <u>free movement of capital</u> , because investors would only invest in companies established in a Member State with low or no whistleblower protection (e.g. where the introduction of relevant arrangements may imply significant administrative costs)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

<u>Distortion of competition</u> at EU level resulting from the lower level of legal compliance with relevant rules, and of integrity and accountability in Member States where there is lower or no whistleblower protection	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other negative cross-border impact (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are no such negative impacts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

- the need for EU horizontal legislation is crucial to enhance detection and correction of wrongdoings
- lack of EU rules impact on human rights including workers' rights and consumers' rights, quality of the environment and of public services and on implementation of the EU acquis
- lack of EU rules also increases risks of litigation and reputational risks for cross-border cases

In your opinion, what are the positive impacts likely to result from the absence of whistleblower protection in some EU countries for other EU countries and the EU as a whole?

Please rate the likelihood: 1. very likely; 2. likely; 3. somewhat likely; 4. unlikely

	1	2	3	4	Don't know
Positive impact on the protection of the <u>public interest</u> also of those Member States providing weaker or no whistleblower protection or of the public interest <u>of the EU as a whole</u> (because of spill-over effects, .e.g. incentive for Member States to compete)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive impact on the <u>well-being of workers</u> whose companies move from a Member State offering a lower level of whistleblower protection to a Member State with higher level of protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive impact on the <u>cross-border mobility</u> of workers who would be incentivised to move from a Member State with a lower level of whistleblower protection to one with higher level of protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive impact on the <u>freedom of establishment</u> of companies which would be incentivised to move from a Member State offering a higher level of whistleblower protection to a Member State with lower or no protection (e.g. due to administrative burden and costs).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive impact on the <u>free movement of capital</u> , because investors would invest in companies established in a Member State with low or no protection (e.g. less administrative burden or costs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other positive cross-border impact (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are no such positive impacts	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

500 character(s) maximum

## Need for minimum standards

Considering what you have indicated as important aspects for effective whistleblower protection, in your opinion who should establish legally binding minimum standards on these aspects?

- No legal obligation needed
- Solely national legislation
- EU legislation (in conjunction with national legislation)
- No opinion

In which area should the EU offer (more) support to the Member States to provide whistleblower protection:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Protection of public health and safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of food safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of energy supply	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against tax evasion and tax avoidance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against anti-competitive practices (cartels etc.)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase of accountability and transparency in industry and business	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fight against fraud and corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Good management of public (national and EU) funds	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use the space below if you have further comments

*500 character(s) maximum*

EU legislation should not differentiate between sectors and activities as today EU policies impact all areas of life. EU horizontal whistleblower protection should be established through a directive firmly grounded on workers' rights, to provide a minimum level of protection across all member states and all public and private sectors of the economy

Please indicate, for which of the minimum standards within any potential **EU legislation** you would consider horizontal, generally applicable, whistleblower protection and/or sectorial legal provisions more effective. EU sectorial legal provisions refer to the areas in which the EU should offer support to the Member States, as indicated in the previous question.

	EU <u>horizontal</u> legal provisions	EU <u>sectorial</u> legal provisions	A combination of EU <u>horizontal</u> and <u>sectorial</u> provisions	A combination of <u>EU</u> and <u>national</u> legal provisions	No opinion
Channels in an organisation/business for reporting of wrongdoing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting to relevant public regulatory bodies (i.e. regulatory agencies in specific sector)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Channels for reporting to horizontal independent body (e. g. ombudsman)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>Channels for reporting to sectorial independent body (e. g. concerning financial services, energy, taxation, etc.)</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<p>Channels for reporting to law enforcement (e. g. police, prosecution)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Protection in case of disclosure to the public (media, web platforms, etc) where internal reporting and reporting to oversight institutions are not available, not functioning properly or cannot reasonably expected to function properly.</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Right of workers to be informed on the whistleblowing provisions and procedures applicable at the specific workplace</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Procedure that grants whistleblowers an official status (with rights of information)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procedure to inform whistleblowers on regular basis about the status of the follow-up to their report	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules for contact of whistleblowers with the investigation authority before, during and after an investigation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on whistleblowers' access to the file or to documents in the file	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proper investigation of the relevant reports and disclosures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of the confidentiality of the whistleblower's data	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of the rights and interests of third parties implicated	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection of whistleblowers against retaliation at work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection of whistleblowers in administrative proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Immunity from civil action for damages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Exemption of whistleblowers from criminal liability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Financial support covering the costs of legal proceedings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial or other types of rewards	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Psychological support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other minimum standard (please specify)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Please use the space below if you have further comments

*500 character(s) maximum*

- minimum standards on training on WB rules at the workplace  
-recognition of the role of trade unions to prevent retaliation and ensure that whistleblowers' cases are dealt with and the wrongdoing corrected where appropriate  
-EU horizontal whistleblower protection should be established through a directive, providing a minimum level of protection in all member states that can be further built upon and improved via national legislation & where appropriate collective agreements .

Please upload here any additional position paper or background information.

The optional document may serve only as additional background reading to better understand your position, so shall not replace the response to the questionnaire.

## **Background Documents**

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## Contact

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