

Public consultation on whistleblower protection

Fields marked with * are mandatory.

Information on publication

* 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

* 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

- Business association
- Professional 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

4227861124-34

* 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

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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
It would be a breach of professional privilege	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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

There may also be cases where people are unable to determine if what they are witnessing would qualify as wrongdoing. Differentiation of whistleblowing and internal speak-up is not always clear. Research (attached) shows that whistleblowers often raise concerns internally in the first instance, and often continue to do so. Law makers need to be aware that instances of internal speak-up may be difficult to be captured and consider implications on developing effective whistleblower 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 checked="" type="radio"/>	<input 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

Motivation for raising concerns can be to help organisations to deliver their objectives, not only to stop misconduct. Given a positive environment, it can be a constructive process that improves culture and risk management. While there may be legitimate circumstances where internal speaking-up fails and individuals resort to blow a whistle externally, a policy intervention should not encourage individuals turn away from effective internal channels for the sake of personal financial gain.

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 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

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 checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine mutual trust in the workplace	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Imply significant administrative burdens /costs for the public sector	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undermine trust between companies / business partners	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" 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 checked="" type="radio"/>	<input type="radio"/>
Encourage the leaking of confidential know-how and business information (trade secrets)	<input type="radio"/>	<input type="radio"/>	<input checked="" 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

Effective whistleblowing/speak-up arrangements often consist of multiple, internal and external channels. Legislators should be mindful of the risk of overly formalising process and promoting a single, unduly complex and unwieldy process. Applying strict legal protections to internal speak-up may be incompatible or even discourage some individuals from raising concerns. It may be useful to understand when/why certain concerns are not dealt with and what organisations are doing to manage them.

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

Clear information and awareness raising by independent organization, including advice/assistance on how to develop effective speak-up arrangements, how to raise awareness among employees, and advice on implications of difference approaches for the individual and the organisation. It may be beneficial to endorse more sharing of information on effective speak-up arrangements, consisting of setting up and communicating policy, different channels of speak-up, feedback mechanism and escalation.

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 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Immunity from civil action for damages	<input type="radio"/>	<input checked="" 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

Aspects discussed above involve balancing individual rights with implications arising from raising concerns. Detailed rules based on generalisations are unlikely to work. We call for a principles-based approach where possible. Organisational leadership must promote speak-up arrangements as an integral part of robust and open culture and better risk management practice. Understanding whistleblowing patterns/outcome per sector should help understanding specific challenges.

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

The effectiveness of some of suggested protections may be limited as confidentiality is often compromised in reality of whistleblowing. Individuals who voice concerns may be singled out as disloyal within the organisation, which may then rend it impossible for the individuals to remain with the same employer (or even in the same sector) in some cases. This further calls for an open and trusting culture where raising concerns is seen in a positive light.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement that the whistleblowers act in a disinterested way	<input checked="" type="radio"/>	<input type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 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

- It is important that the rules that concern public interest (the last 2 measures) need to be principles-based to ensure wide applicability without going into complex details.

- While external whistleblowing should be reserved for matters of public interest, internal speak-up may also cover purely internal matters from cost-saving to improvement of corporate culture towards openness and collaboration. Legislative intervention should be clear as to what it intends and when to be used.

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

Do you believe that the rules in place provide sufficient protection for whistleblowers?

- Yes
- No
- Don't know

Thinking about your country of residence/establishment: in your opinion, what are the problems resulting from such insufficient protection?

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

	1	2	3	4	Don't know
Restrictions on freedom of expression of the individuals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrictions on the watchdog role of journalists and media and on the public's right to know	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impacts on working conditions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impacts on workers' well being	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Weak culture of integrity and accountability in the workplace	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Workers in the <u>public sector</u> are reluctant to report threats or harm to the public interest	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workers in the <u>private sector</u> are reluctant to report threats or harm to the public interest	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by public authorities with the law	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low compliance by businesses with the law	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low investors' trust	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unfair competition (cartels etc.)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of fraud and corruption	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mismanagement of public funds	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High level of tax evasion and tax avoidance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for public health and safety	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for food safety	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks for the environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<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

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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative impact on <u>the 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 checked="" type="radio"/>	<input 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 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

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

We however caveat our response that legislation needs to be minimum standards and principles-based which can be applied to specific areas where further improvement to the existing framework may be helpful.

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

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

Protection of whistleblowers against retaliation at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Protection of whistleblowers in administrative proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Financial or other types of rewards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Psychological support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Other minimum standard (please specify)	<input 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

We however caveat our response that legislation needs to be minimum standards and principles-based which can be applied to specific areas where further improvement to the existing framework may be helpful.
Please also see our report on effective speak-up arrangements: http://www.accaglobal.com/content/dam/ACCA_Global/Research/ACCA-ESRC%20Effective%20Speak-Up%20Arrangements%20for%20Whistle-Blowers.pdf (it was too large to be attached)

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

[bg_background_document.pdf \(/eusurvey/files/dbcd7674-9489-4e7b-9528-0e36912a9a50\)](#)

[cs_background_document.pdf \(/eusurvey/files/8d0a9439-5025-4733-a4ad-05649e67cb0a\)](#)

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