# Legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies

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The European Parliament adopted by 399 votes to 101 with 166 abstentions, a resolution on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies.

A replacement resolution, tabled by the ENF group, was rejected in plenary by 45 votes to 555 with 66 abstentions.

Parliament recalled that **whistle-blowers play a central role** in reporting unlawful or improper conduct, which undermines the general interest and functioning of society. Citizens and journalists should benefit from legal protection rather than prosecution when disclosing information in the public interest. However, **the protection of whistle-blowers is fragmented in Europe,** which creates legal uncertainty in cross-border situations in particular.

**Protecting whistle-blowers at EU level**: Parliament asked the Commission to **present a legislative proposal before the end of 2017**, laying down establishing protection for whistle-blowers across the board in both public and private sectors and in national and European institutions.

EU legislation should establish **a clear procedure for the correct handling of alerts and for effective protection of whistle-blowers.** It should ensure that companies that take fully verified retaliatory action against whistle-blowers might not receive EU funds nor enter into contracts with public bodies.

Parliament called on Member States that have not yet adopted relevant legislation to do so in the near future. It called on the Commission to monitor Member States' provisions on whistle-blowers and to consider **the creation of a platform for the exchange of good practice** in this field between Member States, as well as with third countries.

Noting that whistle-blowing should be promoted as an act of good citizenship, Members called for the promotion the positive role that whistle-blowers play, in particular through awareness-raising and protection campaigns.

**Reporting mechanism**: bearing in mind the absence of clearly identified means of protection and of safe reporting, Parliament called for **a reliable system for internal reporting** to competent authorities and outside the organisation. Employers should be encouraged to introduce internal reporting procedures and each organisation should establish clear reporting channels with an independent or impartial person or entity to collect reports. Each worker should be informed of the applicable reporting procedure, which should ensure **confidentiality** and a reasonable period of time in the handling of the report.

**Protection given to whistle-blowers**: Members considered that when a person is recognised as a whistle-blower, **measures should be taken to protect them against any retaliation and for** compensation to be granted for any harassment suffered. Retaliation should be penalised and **sanctioned effectively. These provisions should be part of the Commission's draft directive.**

Whistle-blowers should also have the opportunity to **lodge an application** for interim relief to prevent retaliation, such as dismissal. Parliament condemned the practice of gagging orders, which involve filing or threatening to file lawsuits against the whistle-blower in an effort to bring about self-censorship or financial, mental or psychological exhaustion.

Members also suggested that **clearly regulated means of reporting anonymously** should be introduced. The identity of the whistle-blower and any information enabling his identification may not be revealed without his or her consent and any breach confidentiality of identity should be subject to criminal penalties and sanctions.

**Supporting whistleblowers**: beyond professional risks, whistle-blowers face personal, psychological, social and financial risks.

For this reason, Parliament considered it necessary to provide **psychological support**, the granting of **legal aid** to whistle-blowers who request it and lack sufficient resources, as well as the granting of **social and financial aid** where necessary in the event of civil or judicial proceedings against them. The Commission is urged look into the feasibility of entrusting the **European Ombudsman** in this context.

Members called for:

- the establishment of a **centralised European authority** for the effective protection of whistle-blowers and people who assist their acts;
- Member States to establish **independent bodies**, with sufficient budgetary resources and appropriate specialists, responsible for collecting reports, verifying their credibility, following up on the response given and providing guidance to whistle-blowers.

Lastly, the resolution stressed that **investigations** into issues raised by whistle-blowers should be conducted independently and as quickly as possible, while also protecting the rights of individuals that might be implicated by a disclosure.