

Whistleblower Protection: Empowering Trade Unions to Safeguard Workers & the Public Interest

Why Whistleblower Protection Should Be on Your Radar

Whistleblowers are vital in exposing injustices both in and outside the workplace from health and safety violations to exploitative corporate practices, unsafe working conditions and corruption; these are often deeply intertwined with trade unions' mission of uphold workers' rights. Yet without strong support and protection, many face isolation, retaliation, and silencing.

Trade Unions are uniquely positioned to address these challenges, standing both as advocates for their members' rights while also safeguarding the public good. Unions can:

- **Support Whistleblowers:** Act as trusted allies for workers who come forward, offering guidance & representation, to facilitate disclosures, & guard against retaliation.
- **Enhance Workplace Systems:** Negotiate with employers to create robust internal whistleblowing systems that foster safe & effective 'speak-up' cultures.
- **Amplify Voices for Change:** Leverage collective strength to shine a light on systemic abuses, insulate vulnerable individuals, & push for accountability & reform.
- **Promote Stronger Protections:** Advocate for laws that exceed minimum standards, encourage the further development & adoption of best practices, & raise awareness of whistleblowing rights among members.

The EU Directive on Whistleblowing: What Trade Unions Need to Know

EU Directive 2019/1937 has transformed whistleblowing law and practice across Europe, ushering in a new wave of national legislation which introduces protections and new obligations on employers. These reforms can provide opportunities for trade unions to protect workers and advance advocacy.

Key Changes You Can Leverage:

1. **Harmonised Protection Landscape:** Workers – inc. volunteers, contractors & trainees - now benefit from confidentiality guarantees & anti-retaliation safeguards, making reporting workplace wrongdoing more predictable & safer.*
2. **New Standards on Employers:** Mandatory reporting channels must meet minimum requirements; unions can promote best practices through collective bargaining, training programmes & independent audits.
3. **Sanctions for Non-Compliance:** Employers failing to meet obligations face significant penalties; monitoring breaches can drive accountability for workplace safety.
4. **Provision for Facilitation & Advice:** Unions' role assisting whistleblowers is strengthened, with new protection from spillover retaliation, & need for funded guidance & support.

How Trade Unions Can Take Action

Workplace Representatives:

Support individual whistleblowers: Offer advice, support, & assistance to workers -

* The scope of reportable wrongdoing varies across countries, with some covering only EU breaches, others extending to national law, specific issues like sexual harassment or supply chain infractions, and others encompassing any threat to the public interest.

including framing concerns, facilitating reports, & responding to retaliation.

Create effective systems: Work with employers to establish procedures which meet best practice principles & address local needs.

Monitor & escalate: Track how employers handle staff reports & report systemic failures to the national or local level.

Foster speak-up & listen-up culture: Promote materials to raise staff awareness & showcase success stories.

National & Regional Leadership:

Be the voice for whistleblowers: Leveraging connections & credibility to advocate for laws & policies that ensure robust protection.

Shield vulnerable whistleblowers: Consider collectively raising issues to shield workers who are too vulnerable to speak up on their own.

Audit practices: Establish processes to capture & record key issues & feed into implementation review for continuous improvement.

Build networks: Collaborate with experts, CSOs & public authorities to amplify advocacy efforts & build support networks.

Reduce stigma: Launch campaigns to normalise whistleblowing & rally public support for reform.

Quick Wins

- ✓ **Audit Policies & Practices:** Ensure employer & union channels exceed Directive requirements & reflect best practices.
- ✓ **Train & Build Capacity:** Equip leaders & representatives with skills to support whistleblowers & negotiate effective protections.
- ✓ **Leverage Success Stories:** Use whistleblowing cases to build support for campaigns, overcome stigma, & frame whistleblowers as everyday heroes, not snitches.

Resources for Action

- To track national implementation & emerging cases, **visit the [EU Whistleblowing Monitor](#).**
- **Utilise union-specific guidance** to navigate whistleblower protections through the [EUROCADRES Toolkit](#) & [Guides](#), available in eight languages.
- **Explore a collection of publications** of laws, analysis, & best practice guidance at the *Whistleblowing International Network* [Library](#).
- **Find free [Compliance Tools](#)** for Internal Whistleblowing Systems at *Transparency International* & connect with your local [Advocacy & Legal Advice Centres](#).
- Learn more about free [GloLeaks](#) secure reporting platforms.
- **Stay informed on global progress** at the ILO (*International Labour Organisation*) and work of *Public Service International* ([PSI](#)) to advance further international standards.

Join the growing movement to protect whistleblowers & strengthen the fight for accountability!



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EU Directive on Whistleblowing – Key Provisions Guide

All EU member states have adopted new legislation to implement [Directive \(EU\) 2019/1937](#), which sets minimum standards to facilitate the reporting of breaches and protect reporting persons.

Transposition Matters: While the Directive aims to harmonise protection across the Union, there are differences in its transposition into national law, with ongoing compliance challenges that may impact legal certainty. Nevertheless, this wave of legislation is a significant step forward and introduces several ground-breaking provisions that trade unions should familiarise themselves with:

The Scope

What is protected: Reports of breaches of Union law, with some member states extending to some or all national laws, specific wrongdoing, or harm to public interest (*Article 2*).

Who is protected: Covers a broad range of workers, inc. volunteers, trainees & contractors, shareholders, as well as third persons (family members or colleagues) & facilitators (*Article 4*).

Protection Measures

Identity: Strict rules that whistleblowing channels must ensure confidentiality (*Art 16*)

Remedies: Must include full compensation for any retaliation damage suffered (*Art. 19*)

Immunity: New wide-reaching immunities from civil & criminal liability for reporting & acquiring information (*Art 21*)

Interim Relief: Whistleblowers should have access to injunctive measures (*Art 21*)

Key Standards

Reasonable Belief: The motive for reporting is irrelevant & no proof is required, only reasonable grounds to believe (*Art 6*)

Reversed Burden of Proof: The evidential burden is switched to the retaliator (*Art 21*)

Reporting Channels

Mandatory Procedures: Employers (*Art 8*) & authorities must establish systems to receive, follow-up & feedback on reports (*Art 11*)

External & Public Disclosure: Reports can be made directly to national authorities (*Art 14*) & EU bodies (*Art 6*), & disclosed publicly (e.g. to the media) is protected in certain conditions (*Art 15*)

Penalties: Effective dissuasive sanctions for those who retaliate, breach confidentiality or hinder reporting (*Art 23*)

Support Measures: Whistleblowers must have access to guidance, advice & assistance, potentially extending to legal, financial or psychological support (*Art 20*)

For a list of national laws & emerging updates, visit the [EU Whistleblowing Monitor](#).



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