

The ACR Brief

Expert insight. Global reach.



New E.U. Protections for Whistleblowers

When the Ninth Circuit Court of Appeals [decided](#) that whistleblowers reporting possible violations of the FCPA are not protected by the Sarbanes-Oxley Act (SOX), there was a concern that whistleblower protections were being eroded in the United States. However, while attending the 17th Annual International Bar Association Anti-Corruption Conference in Paris in June, I was heartened to hear how stronger whistleblower protections may be on the way in the E.U.

Virginie Rozière, a member of the European Parliament, explained in a panel that the E.U. Parliament adopted a whistleblower protection directive she sponsored in reaction to scandals that have recently come to light and included elements of retaliation and intimidation. The scope of the directive is broad, covering many different types of issues a whistleblower could report, and also protects many different types of whistleblowers, including consultants and third parties, she explained. The directive is also broad in terms of the companies that will be covered, Jan Tadeusz Stappers of WhistleB in Stockholm noted – almost every organization with 50 or more employees will be covered. Leah Ambler, moderator of the panel and a co-chair of the IBA Anti-Corruption Committee, noted that once the E.U. Council of Ministers adopts the text – which is expected to happen this summer – member countries will have two years to transpose the directive into their own laws.

Passing the directive sends a message that whistleblower protections are important, Rozière said, which is necessary to change the culture of how internal reporters are treated at companies.

With the prospect of a slew of new whistleblower protections being passed in [E.U. countries](#) in the coming years, now might be a good time for companies to make sure they have whistleblower [hotlines](#) in place and that their policies on how whistleblowers are treated are [in line](#) with their culture of compliance. If you or your clients are making changes to your policies on internal whistleblowers in response to recent U.S. court decisions or this new E.U. directive, we would love to hear from you!

Warmly,

Megan Zwiebel

Senior Editor