

In order to guarantee the protection of whistleblowers (persons who report breaches), the EU adopted, in December 2019, a directive for their protection at European level, in the wake of the French law Sapin II. EU Member States must implement the Directive into national law by 17 December 2021.

Legal entities in the private sector with 250 workers or more must comply by 17 December 2023 providing whistleblowers with appropriate communication channels to report potential abuses.

Key messages

Entry into force		<ul style="list-style-type: none"> • Transposition in national laws: 17 Dec 2021 • Compliance for large firms: 17 Dec 2023 • Compliance for small firms: 17 Dec 2025
Reporting channels		<ul style="list-style-type: none"> • Whistleblower can report alerts : <ul style="list-style-type: none"> • In writing, via a digital platform, email or letterbox, • Orally, via a telephone hotline or an answering machine • In person, via a meeting with the company • Whistleblower remains confidential, regardless of the reporting channel he uses
GDPR		<ul style="list-style-type: none"> • All personal data, both of the whistleblower and of accused persons or company, must be GDPR compliant.
Responsibility		<ul style="list-style-type: none"> • "Most suitable" person to receive and process alerts within the company (e.g. Chief Compliance Officer) shall be appointed
Timing		<ul style="list-style-type: none"> • For the company, to the whistleblower: <ul style="list-style-type: none"> • 7 days to confirm that their report has been received. • 3 months to inform of the action taken, the status of the internal investigation and its results.
Information		<ul style="list-style-type: none"> • Companies must provide employees with information about the internal reporting process and other channels for reporting to competent authorities. • All reports received should be kept in a safe place so that they can be used as evidence if necessary.
Penalties		<ul style="list-style-type: none"> • Companies will face penalties if they: <ul style="list-style-type: none"> • Obstruct or attempt to obstruct the report of abuse • Do not treat the identity of whistleblowers with confidentiality • Apply reprisals against whistleblowers

What does it mean, practically ?

By ensuring that an effective whistleblowing framework is in place as part of a broader conduct framework, employees and other stakeholders are encouraged to report alerts internally.

By doing so, organizations have the ability to:

- Identify and manage risk at an early stage, limiting financial and reputational damage.
- Increase compliance culture among employees,
- Improve processes and strengthen integrity