



Whistleblowing in Europe for 2022

- Jan Stappers, Legal Counsel, Partnerships, NAVEX
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Agenda

Housekeeping & Intros

Whistleblowing in Europe 2022 Survey

- Are we ready to comply?
- Is the C-suite out-of-touch?
- The culture barometer
- After the whistle is blown
- What role does technology play?

Conclusions & Q&A



The 2022 Survey: Whistleblowing in Europe

NAVEX surveyed 2,250 people across nine European countries to answer some of the most common questions asked about whistleblowing within organisations

Business Size: From SMBs to Enterprise

Seniority: Business and Compliance Professionals

Regions: UK, Germany, France, Sweden, Italy, Spain, Poland, Netherlands, Finland





Presenters



Jan Stappers

Legal Counsel & Partnerships

NAVEX



Keith Taylor

Content & PR Manager

NAVEX

Are we
ready to
comply?



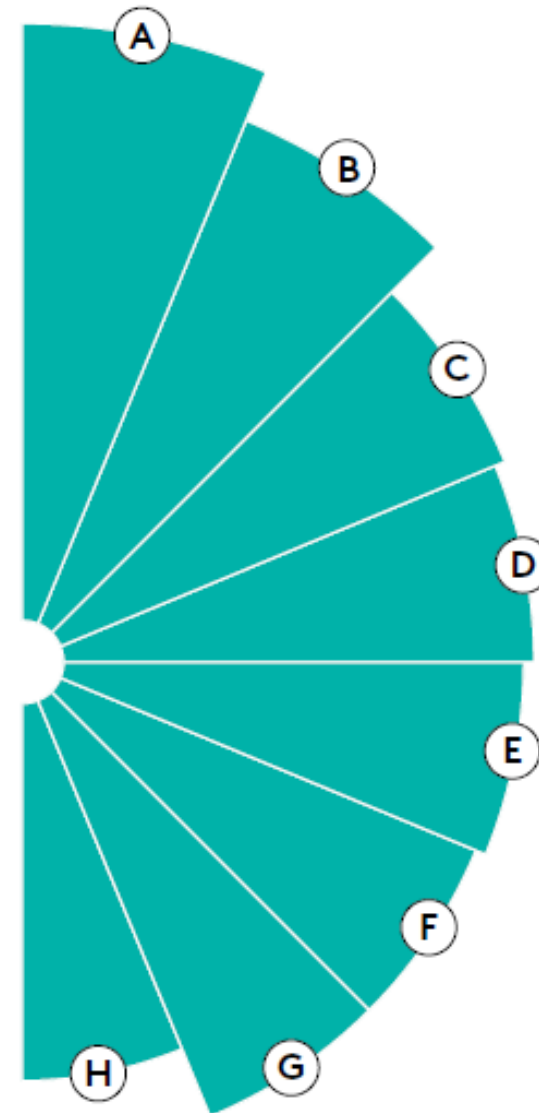
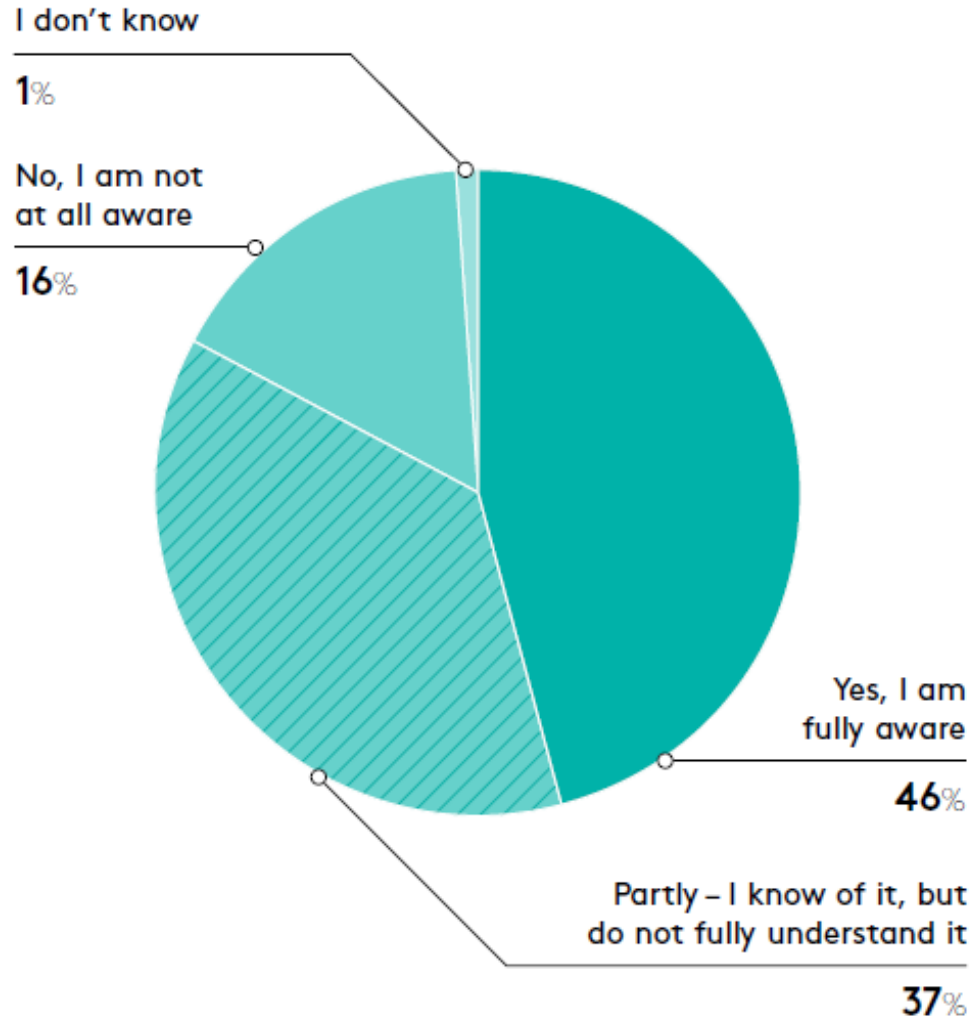


EU Whistleblower Protection Directive: GDPR Elements

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (compare impartiality)

Are you aware of the Directive?

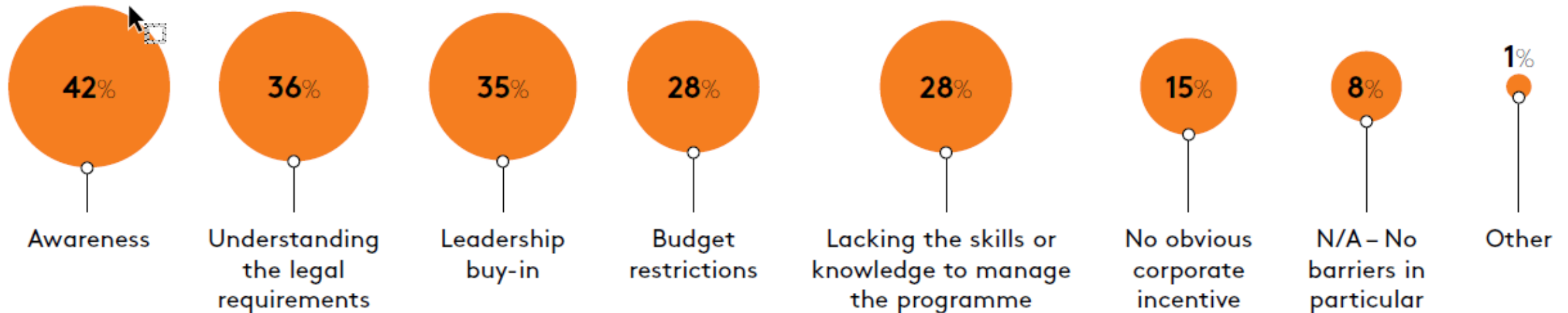
Are you aware of, and understand, the Directive?



A	Italy	57%
B	Poland	52%
C	UK	46%
D	Finland	45%
E	Spain	44%
F	France	43%
G	Netherlands	43%
H	Sweden	36%

Barriers to Complying with the Directive

What do you consider to be the biggest barriers for your organisation in complying with the new EU Directive?



“We operate in many of the EU countries, so understanding the specific requirements may be a challenge as they differ significantly in each country.”

“Trying to understand the actual requirements in respect of local & group reporting channels.”

“Time to implement”



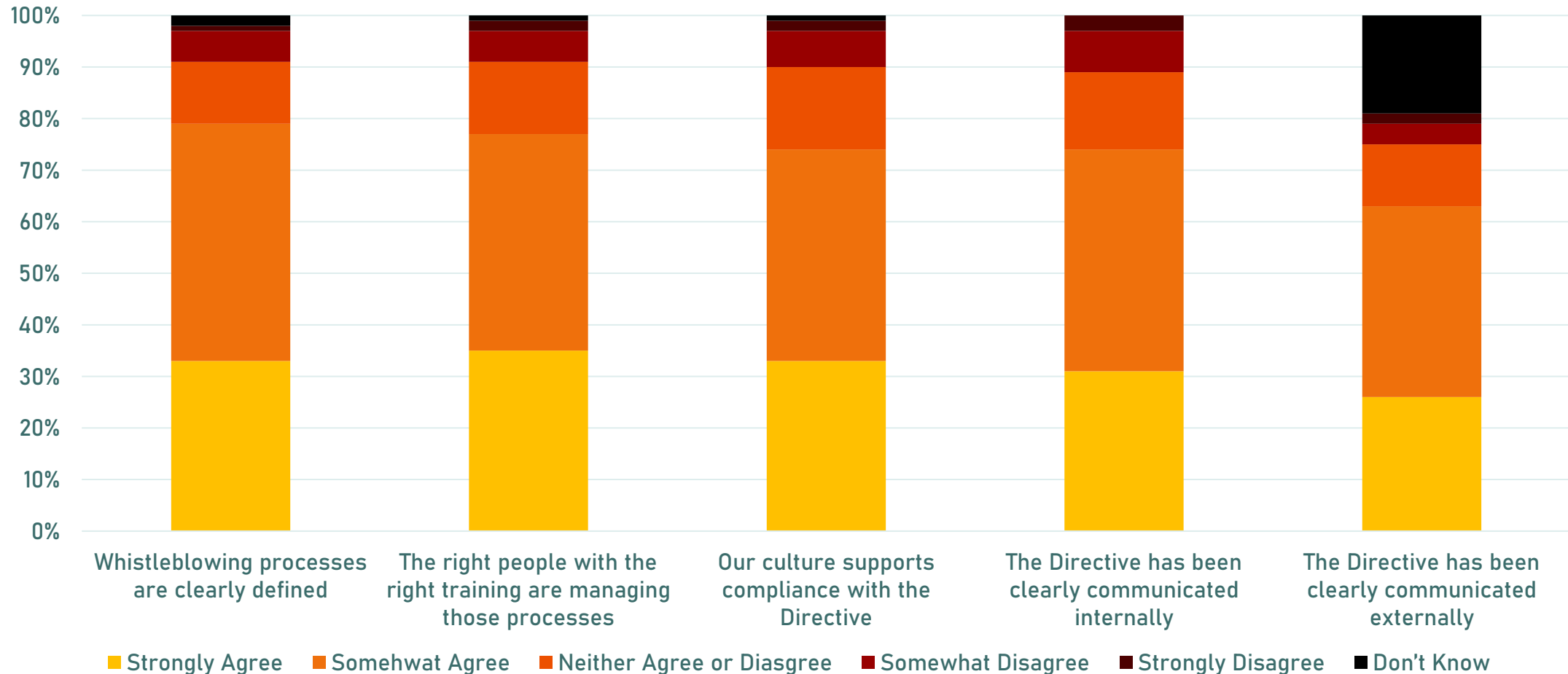
Do We Fully Understand the Directive?

- How do I know what to prepare for prior to all the relevant national transpositions occurring?
- How do I best manage multiple national laws?
- Do I need local programmes or a centralised programme?
- How do I manage the question of tiers and regional subsidiaries?



How Prepared is Our Organisation?

How prepared is your organisation to meet the requirements of the Directive?





Is the C-
suite out of
touch?



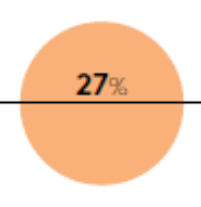
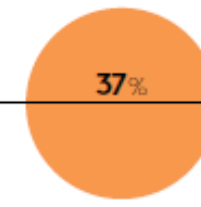
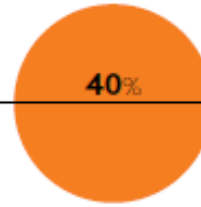
Is the C-Suite out of Touch?

- Executives are far more confident of their programmes than others
- Communication appears to be the area with the least focus
- Remember, third-party availability is a requirement of the Directive

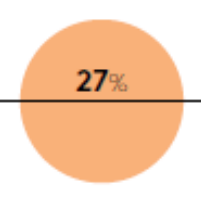
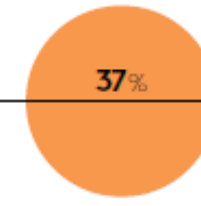
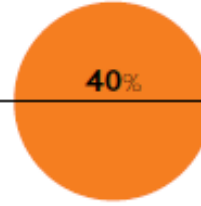
Percentage of respondents who strongly agreed with each statement

	C-Suite	Director	Manager
My organisation's whistleblowing processes are clearly defined	40%	37%	27%
The right people, with the right training, are managing these processes	40%	37%	27%
My organisation's culture supports compliance with the Directive	37%	36%	26%
The Directive and any new processes have been clearly communicated internally within my organisation	36%	37%	23%
The Directive and any new processes have been clearly communicated externally (to clients, suppliers, etc)	27%	29%	20%

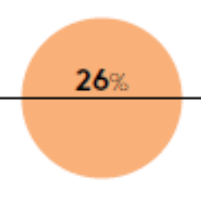
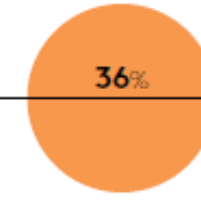
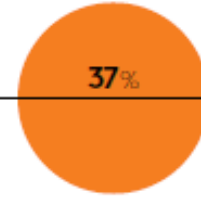
My organisation's whistleblowing processes are clearly defined



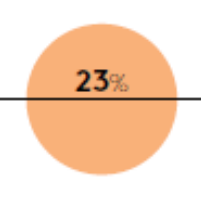
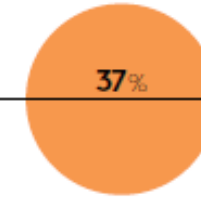
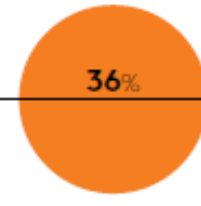
The right people, with the right training, are managing these processes



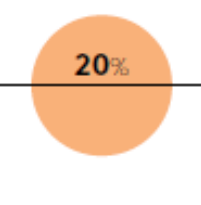
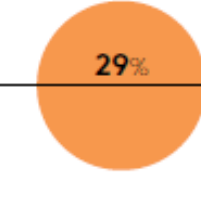
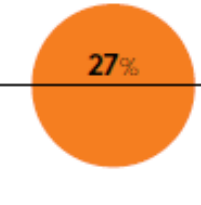
My organisation's culture supports compliance with the Directive



The Directive and any new processes have been clearly communicated internally within my organisation



The Directive and any new processes have been clearly communicated externally (to clients, suppliers, etc)



How Safe do You Feel?

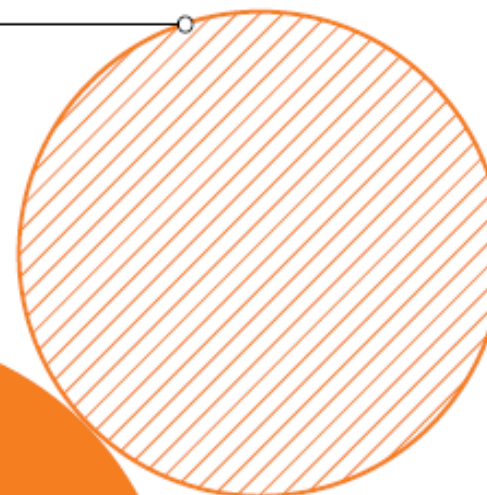
The Middle Management Disconnect:

"Oftentimes what you find is it's not at the bottom of the management chain, and it's not necessarily at the top of the management chain, where the issues are – it's right in the middle"

Lloydette Bai-Marrow, founding partner at Parametric Global Con

21%

of managers would feel very safe reporting misconduct in their organisation



27%

of C-suite would feel very safe reporting misconduct in their organisation

WHISTLEBLOWING IN EUROPE SURVEY,
NAVEX GLOBAL, 2021

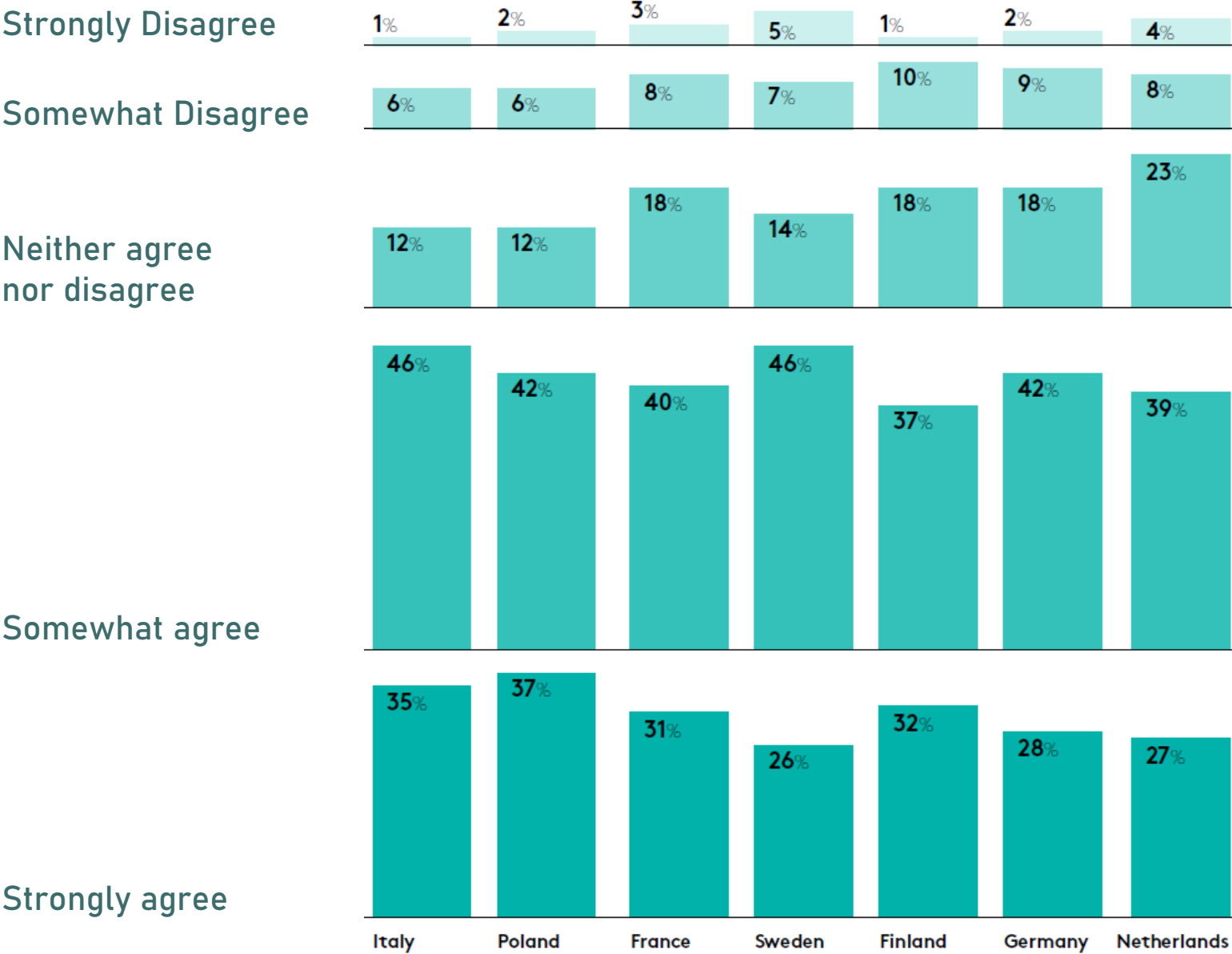
The culture barometer





Confidence in Business Culture

My organisation's culture supports compliance to the Directive



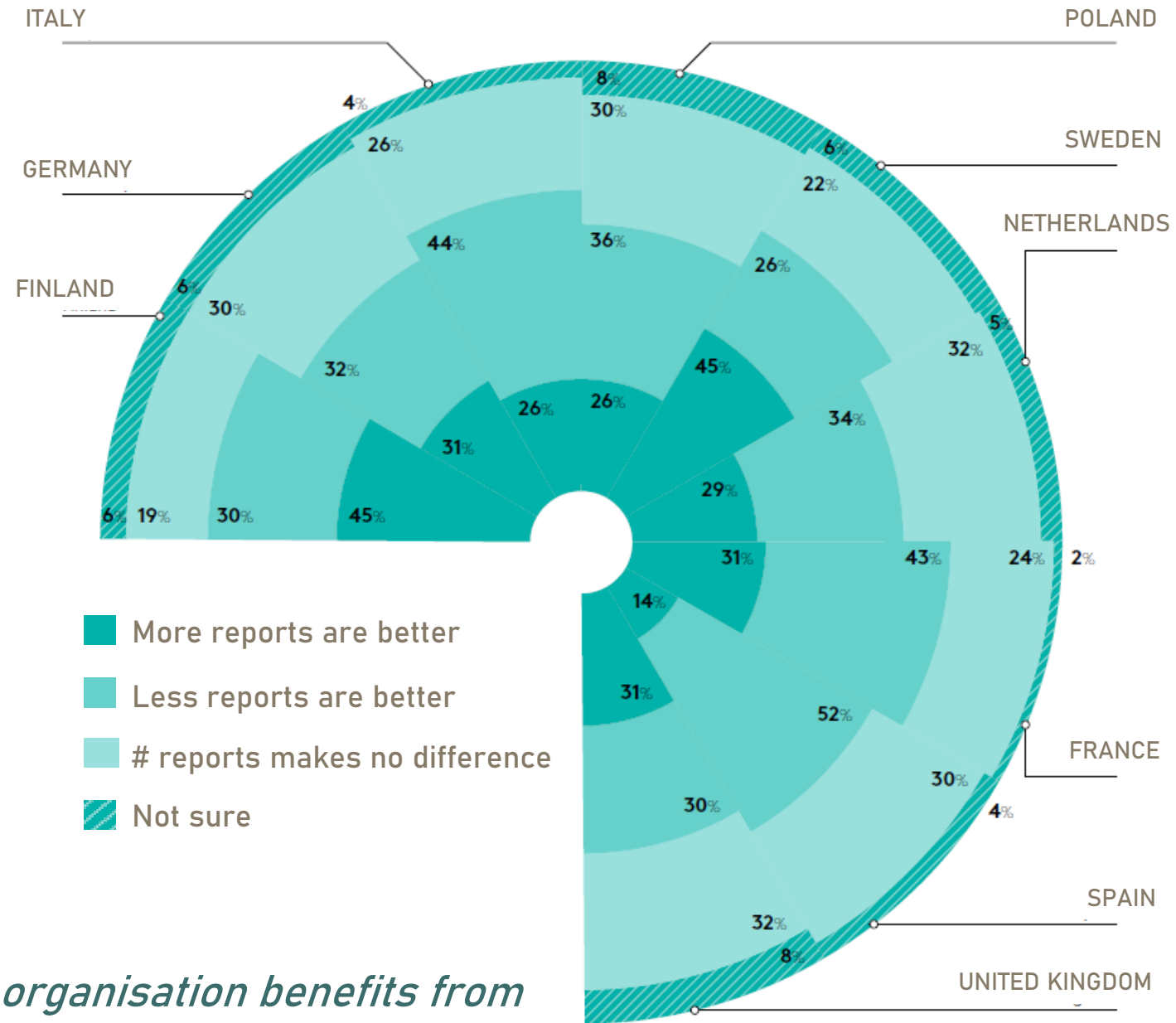
Are More Reports Better?

Across Europe:

- More reports are better: 31%
- Less reports are better: 36%
- No difference: 27%

Sweden and Finland show a better understanding of the value of reporting than other nations

Spain is noticeably behind in this respect



Do you believe that your organisation benefits from receiving more reports of suspected misconduct?



Organisational Benefits of Whistleblowing

ORGANISATIONAL BENEFITS OF RECEIVING A HIGHER NUMBER OF WHISTLEBLOWING REPORTS

2.8%

increase in
return on assets

6.9%

fewer material
lawsuits

20.4%

reduction in
settlements

46%

fewer negative
news stories

George Washington University, Evidence on the Use and Efficacy of Internal Whistleblowing Systems, 2018



How to Encourage Speaking-Up

YOUR EMPLOYEES SHOULD KNOW
HOW TO RAISE THEIR CONCERNS AND
CAN SUBMIT A REPORT AT ANY TIME



4in5

employees do not know their company has
a whistleblowing hotline

EY Fraud Survey, 2017

YOUR EMPLOYEES SHOULD FEEL
SAFE AND AFFORDED A HIGH
DEGREE OF CONFIDENTIALITY



80%

of workers do not report due to
fear of legal consequences

EU Public Consultation on Whistleblowing, 2017

EVERY REPORT SHOULD BE
INVESTIGATED PROMPTLY AND
APPROPRIATE ACTION TAKEN



35%

of workers do not report as they
believe no action will be taken

EU Public Consultation on Whistleblowing, 2017

"We do not need more whistleblowers. We need to get better at listening to the ones we already have."

Professor Wim Vandekerckhove



After the
whistle is
blown





Protecting Whistleblowers from Retaliation

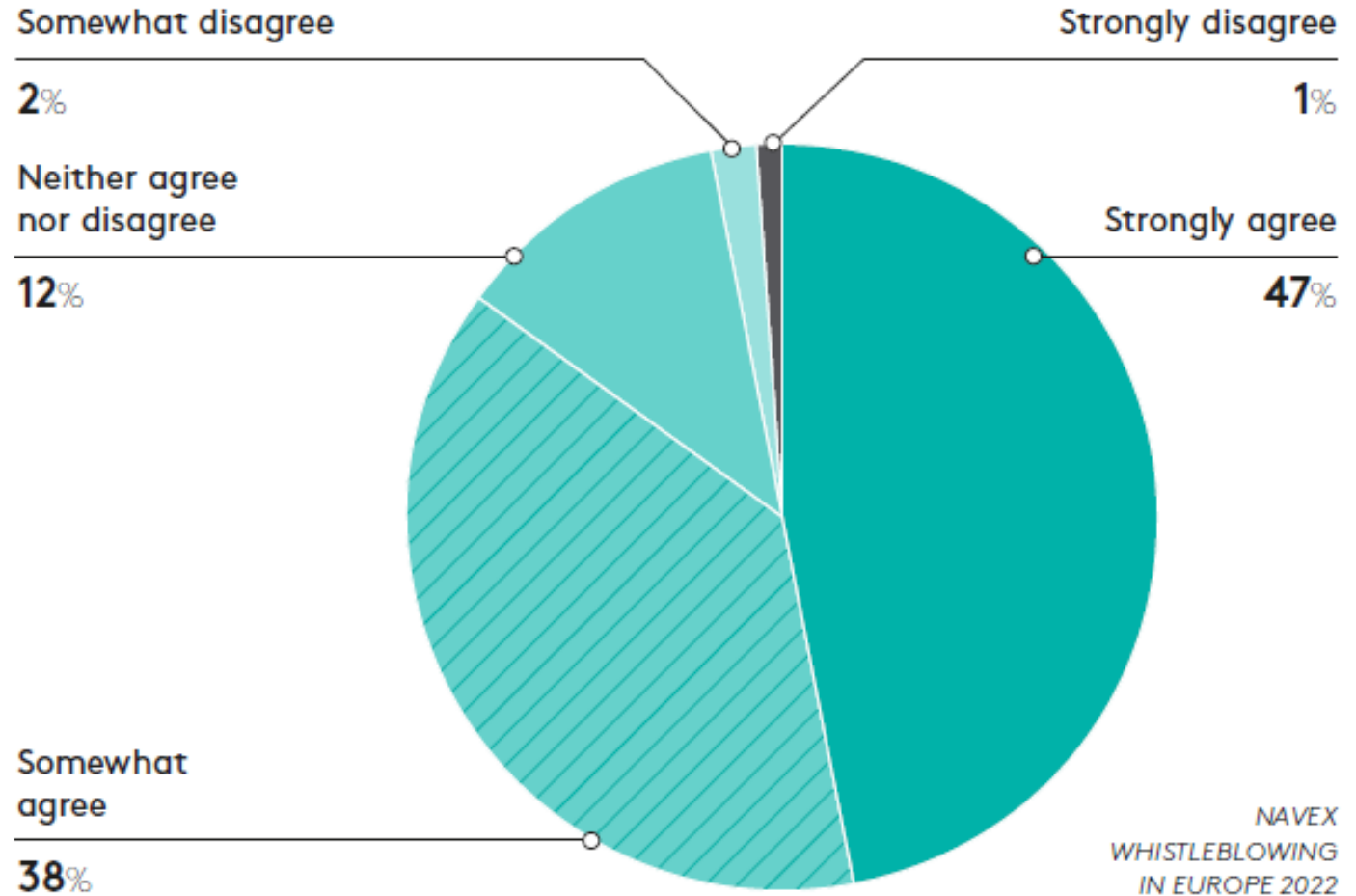
85% of European business leaders believe that people who highlight potential breaches of law in a workplace context should be legally protected from retaliation or detrimental treatment.

49%



say fear of retaliation is the biggest barrier to reporting

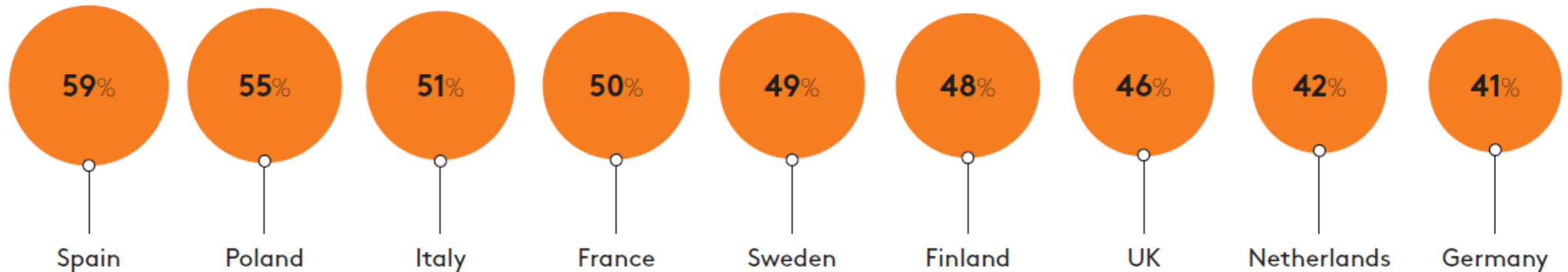
Should whistleblowers be legally protected?





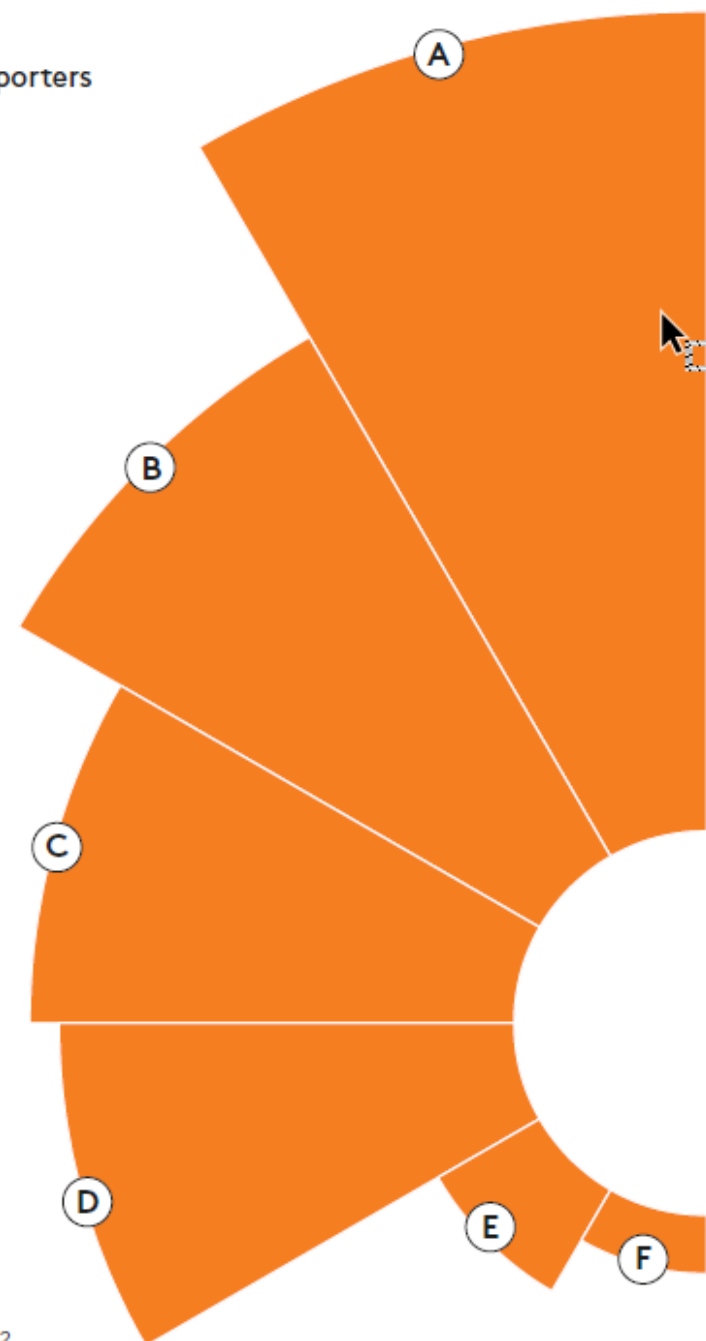
Fear of retaliation is still the biggest concern

% of senior business leaders who gave 'fear of retaliation' as a main reason why employees might not report misconduct





What Anti-Retaliation Processes do Organisations Have in Place?



Anonymous Reporting

Only

70%

of European organisations accept and investigate reports of misconduct that come from anonymous, rather than named, sources

38%

believe 'enabling people to report anonymously' is a top three factor for building employee trust and encouraging reporting in a whistleblowing program

NAVEX™

Perceptions of anonymous whistleblowing reports compared with named reports

49%

say they're equally valid

40%

say they're more valid

46%

say they're equally credible

44%

say they're more credible

47%

say they're equally actionable

42%

say they're more actionable



Strategies and Processes to Monitor for Retaliation

■ Case Study – Serco Group

- Allow staff to raise issues through their ‘speak up’ line
- Sends out a quarterly questionnaire to a random selection of people who have raised issues and whose cases have been closed in the last 3 months.
 - Designed to avoid asking leading questions
- Utilises employee engagement survey to gauge employees’ confidence in reporting

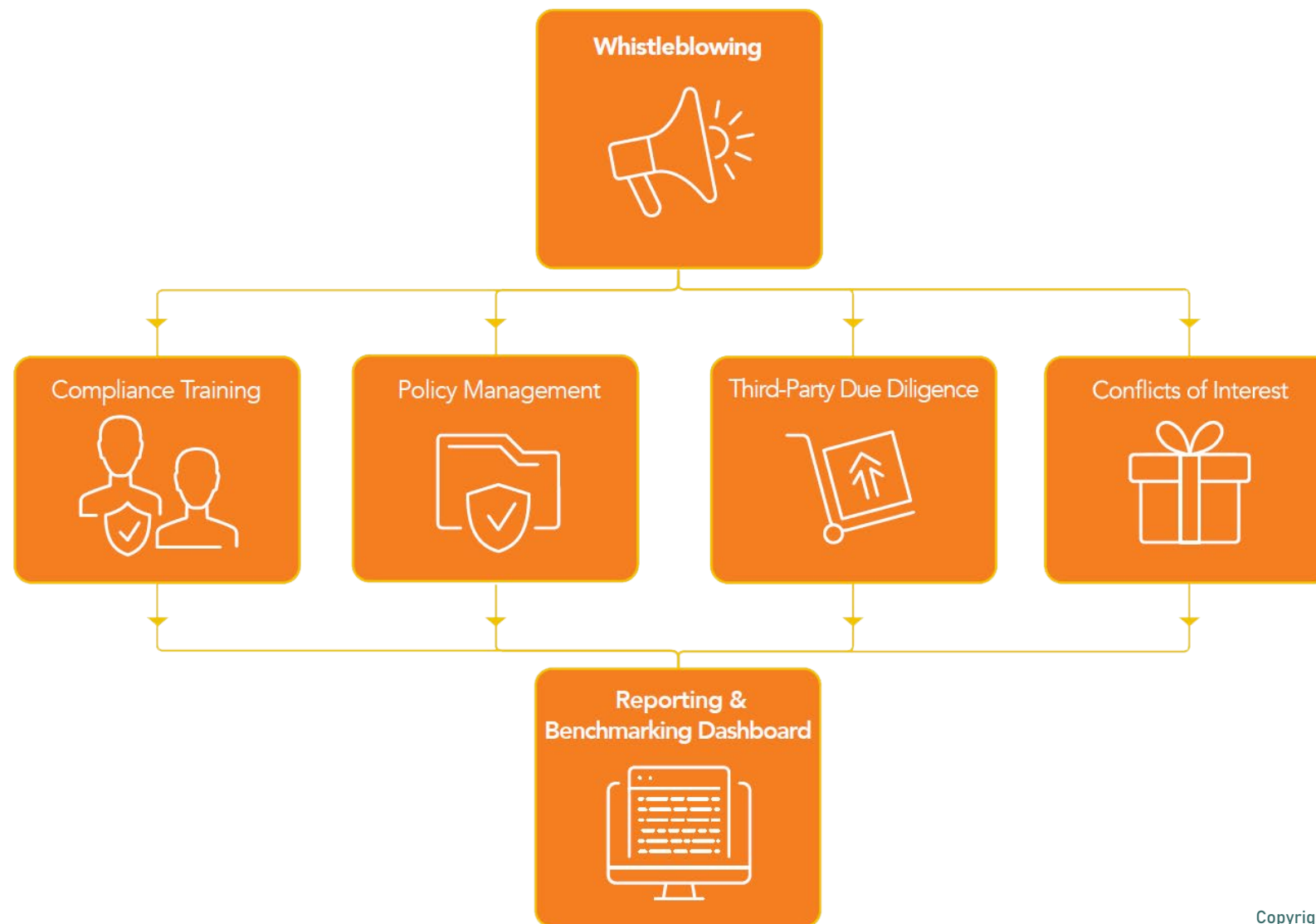
■ Best Practices – ISO37002

- Recommendations on how and when to communicate with employees across departments
- Guidance on integrating the reporting process with the wider business (i.e., HR, Compliance, Legal, etc)
- Examples of methods to help identify the risks of retaliation at the earliest possible stage

What role
does
technology
have to play?



The Wider Compliance Programme





Using Technology to Help Meet Requirements



Providing written and oral reporting channels

- Offer a choice of reporting channels
- Ensure you can follow-up on reports and continue dialogue
- Provide on-line training to encourage speaking-up and awareness of support available



Access to reporting channels for third parties

- Enable and educate third parties on what, when and how to report – just like employees



Protection of whistleblowers against Retaliation

- Accept and encourage anonymous reporting to help address the fear of retaliation
- Implement controlled access to case information to keep report details confidential



Using Technology to Help Meet Requirements



Acknowledgement of reports within 7 days

- Automated acknowledgements to the Reporter



Feedback to reporter within 3 months

- Follow-up communication with Reporter, reminders, task assignment, and case notifications



Reporting by legal entity (& privacy at the entity level)

- Multiple intake sites and separate tiers for different entities

Other Considerations

- What to do when you receive a report
- Outsourcing investigations
- Using internal resources
- Consolidated statistical reporting
- Outcomes sharing
- Reporting to the Board
- Risk prevention





Conclusions and Best Practices

- Establish a culture of trust that encourages whistleblowing
- An exemplary role for Board
- Implement appropriate whistleblowing procedures that are beyond “tick-the-box” compliance
- Involve the whistleblower and focus on the information received, not just the source
- Prevent retaliation



More Resources on EU Whistleblower Directive

White papers, datasheets and webinars covering various topics related to whistleblowing can be found on our website at:

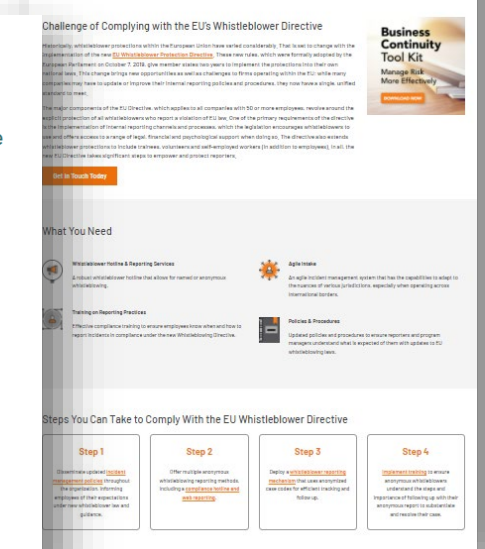
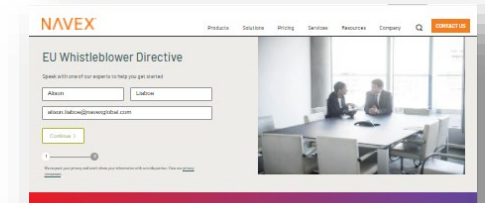
www.navex.com

Direct link to our EU Directive resource:

- [EU Whistleblower Directive Portal](#)

Additional questions?

Contact jan.stappers@navex.com



Q&A

