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## Public consultation on the “whistleblower protection”

Because of their role and responsibilities in ensuring that company “behavior” is consistent with company and business policies, managers have a primary position in identifying potential internal misconducts. Together with the obligations of confidentiality and trust that derive from their professional status (which, in many cases, sets managers in the position of legally representing the company for which they work), managers are equally bound by their individual and social ethics to act bearing in mind the importance of serving the interest of the economy and the society as a whole. To lead by example and to apply transparency in every phase of the decision-making process within the company they operate for is one of the principles that CEC European Managers considers to be the founding values of the conduct of its affiliates. Our recently approved document “Managers in Europe: vision, roles and values” stresses this concept.

We know that our affiliates can be confronted on a regular basis with acts, decisions and orientations from within the internal organization of the company that might be unlawful per se or that might lead to the adoption of practices and policies contrary to the common good and/or to the codes of conduct that the company might have subscribed to. Whenever such events occur to them, we insist on the necessity that they make use of the share of power and competence that their hierarchical position grants them to voice the issue, express their concern and imagine alternative practices.

For this reason, we consider it important that legislation provides for effective mechanisms that allow for all managers and employees in general the possibility to recur to internal report and to raising alert to the upper hierarchical levels. And because of the European (and international) dimension of companies that can more likely be subject to such phenomenon, we support the idea of a European legislative intervention based on the principles listed in the response.

At the same time, we remain very sensitive to the issue of confidentiality and the protection of the interests of businesses relying on the cooperation and discretion of their management, who are often asked to deal with highly sensitive information. In this respect, we favor a system that fairly balances the goal of protecting the public from harm (to the environment, public health and public finances) caused by internal wrongdoings and the need to safeguard the legitimate interest of companies to see sensitive information about their internal proceedings (including business strategies) kept reasonably secret. Reporting externally (especially to journalists) should not be encouraged, and the rights of third parties potentially affected by the activity of internal reporting should be protected with the same intensity. Conversely, internal reporting mechanisms should be easily accessible and structured around the principle that the staff recurring to them act in good faith (that means that the proof of the malicious activity should fall on the employers); the protection against dismissal or other forms of professional demotion should also be guaranteed.