



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Belgium

Introduction

As the political system in Belgium is highly fragmented among different layers of government – the Flemish, Walloon and Brussels-Capital regions, as well as the federal level – the country’s whistleblower policies are also a patchwork.

At the federal level, Parliament has been debating whistleblower rights and protections at least since 1999. But it was not until September 2013 that the government passed a law regulating whistleblowing within the federal public administration. Thus far there are no comprehensive mechanisms protecting employees in the private sector.

Laws, Institutions and Procedures

Enacted in September 2013, the “Law on Reporting a Suspected Integrity Violation in a Federal Administrative Authority by a Staff Member” seeks to protect federal government whistleblowers from a wide range of retaliation, including dismissal, involuntary transfer, disciplinary measures, and denial of promotions and salary increases.

Under the law, employees first must raise their concerns internally. If supervisors are suspected in the misconduct, employees can turn to the Ombudsman. Making an unfounded or malicious report is punishable.

Though the law is seen as promising, concerns have been raised that the procedures are overly complex and that a central whistleblower agency is lacking.

At the regional level, the Flemish government passed a whistleblower law in 2004 that served as a model for the federal legislation. A law has yet to be passed in Wallonia.

Belgium has no comprehensive protections for employees of private companies. There are regulations on reporting money laundering and cartels, as well as addressing psychological pressure in the workplace.

Recent or Ongoing Initiatives and Trends

There have been no known initiatives to improve whistleblower rights since the federal law was passed in 2013.

Whistleblower Cases

Belgium is home to one of Europe's most notable cases in recent years. Hans-Martin Tillack, a journalist for the German weekly *Stern*, was detained in 2004 by Belgian police after EU officials accused him – with no apparent evidence – of bribing officials to obtain incriminating information on the EU's anti-fraud agency, OLAF. Police detained Tillack for several hours, searched his home and office, and seized 18 boxes of documents, two computers and four mobile phones. In 2007 the European Court of Human Rights ruled Tillack's right to protect his journalistic sources had been violated and awarded him €40,000 in damages.

In what became known as the “Hazodi Case,” four police employees anonymously handed over evidence to prosecutors indicating fraud in expenses and overtime pay, and the improper dropping of criminal charges. In response, no action was taken and the employees were either fired or transferred. Two were charged with stealing confidential files. One week before their trial in October 2011, the whistleblowers told their story on television. The charges were then dropped, the chief of police was suspended, and all of the employees were reinstated.

Data and Statistics

Because Belgium has no designated agency that tracks whistleblowing, the number of cases and their outcomes are not known.

In 2015 the federal Ombudsman opened 6,892 cases. Because these relate to all manner of complaints and inquiries, the number of whistleblower cases unknown.

Public Perception of Whistleblowing

The public image of whistleblowers in Belgium varies, due to the country's political and linguistic divisions.

In French-speaking Wallonia, efforts to establish the rather positively connoted term of *lanceur d'alerte* (“issuing an alert”) are helping to counter a negative image caused by the commonly used term *dénonciateur* (“denunciator”).

In Flanders, which has seen awareness-raising on whistleblowing in the past, the term *klokkenluiders*, or bell-ringer, expands beyond the traditional meaning of whistleblowing and refers to any type of reporting.

Capacities and Knowledge Centers

There are no government agencies or civil society organizations focusing specifically on the issue of whistleblower protection.

The internal audit of the Flemish administration (IAVA) works on developing protective measures, supports whistleblowers and advises on legislative reforms. It also launched the Virtual Bureau of Integrity, a network of Flemish government institutions aimed at preventing the escalation of whistleblowing-related conflicts.