

Kohn, Kohn & Colapinto, LLP and European Civil Society Organizations Dedicated to Whistleblower Rights Provide Recommendations for Ireland's New Whistleblower Law

Article By:

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International whistleblower law firm [Kohn, Kohn & Colapinto, LLP](#) along with the [National Whistleblower Center](#), [Whistleblowing International](#), and the [European Center for Whistleblower Rights](#), filed a public comment with [the Irish Government's Department of Public Expenditure and Reform](#) providing the Government of Ireland specific recommendations for the new whistleblower legislation Ireland is in the process of drafting to fulfill the requirements of the [Directive \(EU\) 2019/1937 on the Protection of Persons who report Breaches of Union Law](#), passed this year.

Based on an expert review by Kohn, Kohn & Colapinto attorneys, the best practices outlined in this letter include:

- Expanding whistleblower protections to cover disclosures permitted under international anti-corruption conventions signed by Member States;
- Adopting language and procedures that have proven effective in protecting whistleblowers when implementing Articles 6-7, 11, 14-16, 19-21, and 23-24 of the Directive;
- Narrowly interpreting Article 22 of the Directive in order to ensure that whistleblowers are not chilled from making disclosures and their confidentiality is maintained; and
- Enacting whistleblower reward laws to combat specific legal violations, including foreign bribery, money laundering, tax evasion, government procurement fraud, and ocean pollution.

Because the Directive sets forth the “common minimum standards” for whistleblower protection required by each European Union (“EU”) Member State, the Directive plainly permits Member States to extend protections beyond these minimum standards. Therefore, when implementing the Directive each Member State has an opportunity to create [robust whistleblower programs that protect whistleblowers](#), incentivize the reporting of crimes or regulatory violations, and enable law enforcement agencies to effectively combat corruption.

Additionally, these laws should be compatible with Ireland's current anticorruption regime, which is

uniquely strong within the EU. In Ireland, whistleblowers are protected by a fairly comprehensive series of laws that [include, amongst other subjects, persons reporting](#): breaches of the Ethics Acts; violations of competition law; matters relating to workplace health & safety issues; corruption or malpractice amongst police; threats to the welfare of patients in health care; threats to consumers; breaches relating to chemicals; and violations of charities law.

Therefore, it is clear that there is substantial support from Irish lawmakers for whistleblower protections and the new proposed legislation could easily act to effectively create an overarching regime that will eliminate any holes in the current sectoral approach. In line with this, specifically adding provisions to support corporate and international whistleblowers and provide awards to successful whistleblowers would very much complement and strengthen the existing Irish whistleblower regime.

[Read the Letter](#)

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