

Whistleblowing

The Hogan Lovells Whistleblowing team works with clients in all sectors across the full spectrum of the whistleblowing lifecycle:

- Advising on implementing effective whistleblowing frameworks, including policies and procedures which comply with applicable laws and regulations.
- Assisting clients in responding to whistleblower concerns, including advising on and investigating concerns raised.
- Handling litigation brought by whistleblowers.

- Defending related regulatory and government proceedings.

By leveraging our global perspective and blending legal excellence with a commitment to ethical practices, we provide clients with comprehensive global and local solutions that mitigate risk while supporting corporate transparency.

Representative experience

- Advising numerous U.S. and EU-based companies on the implementation and review of their whistleblowing and compliance reporting systems, including advice on the EU Whistleblower Directive and its impact on internal processes.
- Advising a leading global automobile follow-up manufacturer on setting up and managing a whistleblower system for the U.S., Brazil, Japan, and South Africa, including advice on data protection, dealing with whistleblower reports, follow-up measures, and employee training.
- Advising a global pharmaceutical company and its Indian subsidiary on an internal investigation and parallel litigation pertaining to a whistleblowing complaint from a former employee that alleged misconduct, including harassment and fraud.
- Conducting an internal investigation for a global financial services company on a whistleblowing report relating to activity on the trading desk.
- Advising a U.S. headquartered multinational manufacturer in an internal investigation following a whistleblower report of alleged misdeclaration of tax across several key markets.
- Successfully defending U.S. False Claims Act matters for corporations, joint ventures, state and local agencies, government entities, universities, and individuals in a wide range of industries, including health care, food and drug, education, government contracting and defense, financial services, technology, and energy. We handle every stage of investigations and litigation under the federal FCA, as well as similar cases filed under state false claims, anti-kickback, and fraud-on-the-taxpayer statutes. We have an extraordinary track record defending cases investigated and prosecuted by the government or by private whistleblowers in qui tam suits.
- Representing the Audit Committee of a major pharmaceutical company in a SEC whistleblower investigation which concluded with no government action against the company.
- Representing a global consumer goods company on the review and implementation of a global whistleblowing and compliance reporting systems across 38 jurisdictions, including advising on related data privacy matters and the implementation of intragroup data transfer arrangements.

Our global team advises on matters across the full spectrum of the whistleblowing lifecycle:

Prepare



Advising on whistleblowing frameworks, including:

- Drafting whistleblowing policies and procedures
- Advising on whistleblowing hotlines
- Preparation of whistleblower protocols – reporting channels, triage, and engagement
- Preparation of investigation procedures, addressing specific requirements for whistleblowing investigations
- Support with training for key functions and stakeholders, which could include Compliance, HR, Senior Management, and investigations teams

Receive



Receiving whistleblower reports, including:

- Best practice engagement with a whistleblower
- The first 48 hours
- Data preservation
- Record keeping

Respond



Investigating whistleblower reports, including:

- Structuring investigation teams to protect privilege
- Obligations to the whistleblower
- Conducting a whistleblowing investigation
- Reputational impact

Litigate



Defending litigation, including:

- Employment and other claims brought by whistleblowers, including under the False Claims Act
- Law enforcement engagement
- Regulatory and government proceedings

Review



Review of whistleblowing procedures, including:

- Processes for on-going monitoring
- Stress testing of whistleblowing procedures
- Lessons learnt, both from specific cases and more generally
- Assessing “hotspots” and addressing insights gained
- Maintaining appropriate confidentiality at all times