Accounting and Management Information Systems
Vol. 13, No. 3 pp. 584-598, 2014

The Whistleblowing Policies in Romania's Labour Law

Raluca Dimitriu [a,1]

[a] *Bucharest University of Economic Studies*

Abstract: Whistleblowers are workers or civil servants who identify illegal or immoral acts in the public institution or the company they work in, and choose to report them to the competent bodies of the state. The consequence of their act can be sacrificing one's own career, or even their social life. However, society owes them so very much, and it is normal to create a mechanism to protect whistleblowers against the potential retaliation of the organization – or of the representatives of the public institution – in relation to which they violated their confidentiality obligation.
The paper includes a compared law analysis of the means to protect whistleblowers, in an attempt to identify weak points in the Romanian legislation. It also comprises an analysis of the concrete ways in which the legislation that protects whistleblowers public servants is applied in Romanian public institutions.
Proposals to define and clarify the circumstances of whistleblowing acts that are susceptible of protection, and *de lege ferenda* proposals meant to extend and render more efficient their protection if the Romanian institutions have been formulated.

Keywords: labour law, ethics, whistleblowers, public authorities, labour relations, good faith

JEL codes: J88

[1] *Corresponding author*: Raluca Dimitriu, Bucharest University of Economic Studies; 6, Piata Romana, Sector 1, Bucharest, Cod 010374; tel. (+40) 21 31 91 900, Romania, email address: raluca.dimitriu@cig.ase.ro

1. Preliminaries. Who are the Whistleblowers?

Placed at the intersection of the labour law and administrative law, the protection of the whistleblowers seems to be rather a victim of a 'negative conflict of competence' in the Romanian law. The only normative act in this field is the Law no 571/2004 regarding the protection of the staff of the public authorities, public institutions and other units that notifies breaches of the law, which regulates some measures regarding the protection of the persons who submit complaints or make allegations about breaches of the law in public authorities, public institutions and other units, done by individuals with management positions or executive positions in those authorities, public institutions and other public units. Labour legislation, on the other hand, does not include any regulation in this field, so the employees of the private companies seem totally unprotected by the law if they choose to disclose to competent bodies any violations of the law or of the moral norms by their employer. Some authors state that 'apparently the actions of whistleblowing are blocked rather than stimulated by the national legislation' (Ogarca, 2009: 108).

Basically, whistleblowers – often seen as 'organizational dissidents' (Martin and Rifkin, 2004, p. 221) are persons that have a relation of subordination (labour relation or work relation) with the organization, and who inform the relevant bodies about immoral or illegal acts committed by the organization or by members of the organization when they learn about these acts. The whistleblowers violate the implicit obligation of loyalty towards the organization they belong to. The dilemma whistleblowing – loyalty is only apparent because theoretically 'both are organizational needs and it is in the interest of the organization to find a way to resolve that dilemma' (Vandekerckhove, 2004: 232).

The whistleblowers violate the 'unwritten code' of organizational relations so that they become very vulnerable to retaliation. Society in general is interested in disclosing such information, in order to remove potential damaging phenomena, so society should find mechanisms needed to encourage whistleblowers and ensure protection against potential retaliation.

Not only the institution or the company in which the whistleblower works has a negative attitude towards him, but sometimes also his own colleagues (sometimes, collateral and innocent victims of the whistleblowing act that may jeopardize their jobs) are understandably reluctant. In fact, whistleblowers are those members of the organization who are willing to jeopardize their own career (and social life) for the public good.

Some authors define whistleblowing as: 'a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organization, about non-trivial

illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing.' (Jubb, 1999: 78). Others consider a whistleblower to be 'an employee or other person in a contractual relationship with a company who reports misconduct to outside firms or institutions, which in turn have the authority to impose sanctions or take other corrective action against the wrongdoers.' (Macey, 2007: 1903).

The provisions of the Romanian law applies only to public authorities and institutions of the central public administration, local public administration, Parliament, Presidential Administration, Government, autonomous administrative authorities, cultural public institutions, education, health and social assistance, national companies, national and local autonomous régies and public national companies. The law applies also to persons who are appointed in scientific and consultative boards, specialized committees and other peer bodies within structures or attached to public authorities and institutions.

To note that, in the Romanian legislation, the issue of the protection of whistleblowers appears especially in relation to corruption and covers exclusively the public space. The legislation of transparency - including Law no. 571/2004 and Law no. 365/2004 for the ratification of UN Convention against Corruption – covers exclusively the relations between the employee (especially public servant and less the contractual staff) and the public institution where he/she works.

Is the Romanian society ready to manage efficiently the fragile relations between public institutions and their personnel, so that, without affecting the trust underlying the labour relation or the work relation, it should allow an efficient protection of whistleblowers?

2. The Range of the Whistleblowing Notion

Obviously, not all information disclosures can fall under protection. The concept of whistleblowing can be sometimes large, or vague or unclear. We shall consider this concept to include:

(a) Genuine information or information with a genuine appearance,
(b) having a confidential character,
(c) allowing a reasonable person to assume that an illegal or immoral act took place or is about to take place,
(d) information whose disclosure is done in good will and in the public interest,
(e) voluntarily,

(f) with the purpose of removing illegal or immoral effects or of preventing them,
(g) to competent bodies to remove these effects,
(h) by a public servant or an employee
(i) who has no possibility to remove or prevent oneself these effects.

The respective person has a higher degree of vulnerability and needs special protection of the law only if all the above mentioned conditions are met. We shall analyze these conditions.

(a) The information disclosed shall be genuine, or at least, it shall have the appearance of being genuine, not only to the person who disclosed it but to any other reasonable person (*i.e.*, to an average individual, to a *bonus pater familias*).

A separate issue is the protection of whistleblowers that are making allegations erroneously or in the face of an uncertainty of the relevant facts. Other law systems include express provisions of protection for whistleblowers who have made an error. For instance, in the US, the Law Sarbanes-Oxley (in force since 2002) contains protections for whistleblowers who mistakenly believed that their employers were engaged in illegal conduct.

In our law, according to the principle of good faith, the person working in a public authority or institution who submitted an allegation, being convinced of the reality of the facts or that the action is a breach of law, shall be protected. However, according to the principle of responsibility, any person who makes allegations about braches of law shall support the allegations with data or information regarding the committed act.

(b) The information already made public or information which is public to a certain degree cannot be subject of such disclosure.

Only confidential information shall be therefore considered, to which the whistleblower has access, by hypothesis. It is accepted that such confidentiality ends when the interest of the employer to preserve confidentiality loses legitimacy (Dimitriu, 2001, p. 214). The employee shall be exonerated from liability in case of breach of the confidentiality obligation to the extent to which the disclosure of the information was done in order to remove or prevent a fact considered as illicit. Exoneration should be limited to the hypothesis where the disclosure of the information was done to the person or to the competent body (police, fiscal authority, environmental protection bodies, etc.). In order to be licit, the disclosure of the information declared as confidential should be done to the public interest.

(c) According to the Law no 571/2004, informing about breaches of the law shall constitute allegations in the public interest to the extent to which it regards:

- corruption acts, offences assimilated to corruption acts, offences related to corruption acts, offences of false and offences related to the job;
- offences against the financial interests of the European Union;
- preferential or discriminatory practices or treatments in exercising attributions of public authorities and institutions;
- breaches of the provisions regarding incompatibilities and conflicts of interests;
- abusive use of material or human resources;
- political support in exercising the prerogatives of the position, except for the persons politically elected or appointed;
- braches of the law regarding access to information and decision-taking transparency;
- breaches of legal provisions regarding public procurement and non-reimbursable funding;
- incompetence or negligence at work;
- non-objective assessment of the staff during recruiting, selection, promotion, removal on a lower position;
- breaches of administrative procedures or enforcement of unlawful internal procedures;
- issuing of administrative or other documents that serve group or clientele interests;
- mismanagement or management leading to fraud of the public and private assets of public authorities and institutions;
- breach of other legal provisions imposing compliance with the principle of good management and protection of public interest.

As we can notice, the law takes into account only the kind of acts for which the whistleblower made allegations and not the risk that the act may have a repetitive character. Consequently (unlike in other law systems) it is not relevant to what extent there is a possibility that the act for which the complaint was submitted may happen again in the future.

(d) Article 3 of Law no 571/2004 defines the disclosure in public interest as ‘the disclosure made in good faith with regard to any action which involves a breach of the law, of the professional deontology or of the principles of good governance, efficiency, effectiveness, economy and transparency’. Good faith is also one of the general principles applicable in the matter, the law providing that the individual working for a public authority or institution shall be protected when he/she submits an allegation, as a result of the fact that he/she believes the fact is real and the act is a breach of law.

(e) The voluntary nature of the disclosure of such information implies that the person shall not have the duty, in one's job description, to make public that information.

While the disclosure of the information is voluntary, we cannot say the same about the disclosure of one's own identity. One controversial issue is the extent to which the person who anonymously discloses information can enjoy protection. It is an issue to the extent to which the anonymous whistleblower was later on identified by the employer and the latter initiated retaliation. In the Romanian law, the first problem in this case will be the efficiency of the disclosure act, because according to art. 7 of the Governmental Ordinance no 27/2002 regarding the regulations of the activity to solve petitions, 'anonymous petitions or petitions that do not include the identification data of the claimant shall not be taken into account and shall be archived'.

We consider that making public one's identity is the personal option of the whistleblower. To the extent to which he managed to make his complaint heard, and since the anonymity of the whistleblower ended, there is no reason why he should not enjoy protection against retaliation of the employer. In addition, we must mention the stipulation included in art. 18 letter c) in the Law no 108/1999 for the setting up and the organization of the Labour Inspection, according to which the labour inspectors shall keep the confidentiality of the identity of the person who submits the complaint about the non-compliance with the legal provisions and shall not disclose to the employer, to his representatives in charge or to other persons the fact that they perform the check as a result of a complaint.

To note that this confidentiality obligation of the labour inspector was reinforced in 2012 (when the entire law has been modified).

Besides, in cases of warning of public interest, a set of provisions of the Law no 682/2002 regarding the witness protection shall apply, for the protection of the identity data of the protected witness.

(f) The purpose of the disclosure of the information needn't be proved separately. It is assumed to consist of removing the illegal or immoral act reported. However this assumption is relative (rebuttable presumption); consequently, the employer shall be able to prove that, for instance, the whistleblower served the interests of the competitor by his act.

In the Romanian legislation, Law 571/2004 does not include any reference to the motivations of the whistleblower. However, the Labour Code stipulates in art. 8 that 'labour relations shall be based on the principle of good faith', which implies that problem-making or illegitimate purposes could be considered an 'abuse of

right'. As we mentioned, the principle of good faith is also consecrated in the Law no 571/2004, applicable in the public sector.

As we have mentioned, the Romanian law does not differentiate between cases where the illegal act may happen again or the whistleblower reports bygone incidents, which are unlikely to happen again. This may reinforce the conclusion that the Romanian legislation paid little attention to the real intentions of the whistleblower.

(g) Of course, the recipient of the disclosure act is first of all the public body with competences in the field (labour inspector, environmental inspector, the Integrity Agency, etc.). But is a whistleblower allowed to turn to the media in your jurisdiction, at least in severe cases?

According to Romanian law, yes. Art. 6 in the Law no 571/2004 stipulates that the allegation regarding the breach of law or of deontological and professional norms can be submitted among others to the mass-media.

(h) The Romanian legislation does not refer to the employees of the private sector but only to the personnel (especially public servants) of public institutions. The option of the Romanian law-maker to regulate the whistleblowers in the public sector was justified in the context of the efforts to curb corruption. Both public opinion and the external pressure, especially from the EU – regarding corruption curbing – made the Romanian law-maker adopt a specific law on whistleblowers protection in the public sector. 'The law on whistleblower protection was formulated to respond to the gaps in the anticorruption policy framework, while blending with reform measures already implemented in the field of public administration. The law instituted a sound protection regime for public sector employees and also contained several strong provisions which discourage abuse of the mechanism' (Alistar, 2011: 6).

The Romanian legislation in this field therefore covers exclusively public institutions; there are no such regulations in the private sector. However, we must say that even in private sector the general regulations on disciplinary sanctions and dismissal are extremely strict. For instance, disciplinary dismissal (without notice) can only take place if specific conditions are complied with, namely to expressly mention the disciplinary deviation committed and to make a disciplinary investigation procedure under the law.

Consequently, although there is no express regulation to protect whistleblowers, abuses are limited, since the Labour Code allows dismissal only if some strict norms are complied with.

In the case of public servants, the Law no 188/1999 regarding the Statute of the public servants stipulates that if the public servant considers that the measure received is unlawful, he shall justify in writing his refuse to comply with the respective measure. If the higher public servant, who took the respective measure, insists on its enforcement, he shall formulate his position in writing and only in this case the measure shall be obligatorily enforced.

Although we support the inclusion of the protection measures for whistleblowers employees in the Romanian legislation, as we believe that the reporting of relevant information regarding illegal or immoral acts committed by employers are useful for the public interest when they cover the private sector as well, we cannot omit that there is a difference from this point of view between public servants and employees. In the case of public servants, the whistleblowing acts are an element of their own ethical code (regarding the Ethical Code of the public servant, a component of the organizational culture, see Frunză, 2012: 33). The public servant has indeed a loyalty duty towards his institution and towards the public.

In other law systems, this protection tends to cover the self-employed, who, although not in a relation pertaining to the labour law or to the administrative law but in a civil relation, may possess information regarding the possibility of their client to commit illegal or immoral acts. However, here, the issue of the protection of the public interest confronts the issue of confidentiality characterizes usually the relationship between the freelancer and his client. Besides, given the position of legal equality of the parties (not subordination, like in the case of the labour relations of work relations) the person who violated the confidentiality obligation discloses such information regarding one's client, it is less probable to find oneself in the vulnerability position which is typical of whistleblowers who are in relations pertaining to labour law or administrative law.

(i) If the whistleblower has any other possibility to remove the effects of the reported irregularity, or to prevent it, he/she shall avoid the disclosure of the information outside the organization. The matter is relevant especially in the case of person who have management positions -who should have solved the problem within the organization, not outside the organization. The information disclosure done by the new manager of the public institution regarding the previous manager is not a legitimate whistleblowing (see also Ogarca, 2009: 113).

3. To whom should be reported the Information?

Although not expressly stipulated by the law, running out of internal solutions to the problem seems to be an element indicative of the good will of the whistleblower.

Although the law and internal regulations stipulate internal procedures to solve whistleblowing disputes, the appeal to judicial and control bodies is not conditioned by the use of these procedures. According to art. 6 of Law no 571/2004, the allegation regarding the breach of law or of deontological and professional norms can be submitted alternatively or cumulatively:

a) to the hierarchical boss of the person who violated the legal provisions;
b) to the head of the public authority or institution where the person who violated the legal provisions works, or where the illegal practice was found, even if the wrong-doer cannot be clearly identified;
c) to the discipline commissions or other similar bodies within the public authority or institution where the person who violated the law works;
d) to judicial bodies;
e) to bodies responsible for finding and investigating conflicts of interests and incompatibilities;
f) to parliamentary commissions;
g) to the mass-media;
h) to professional organizations, trade unions or entrepreneurs' associations;
i) to non-governmental organizations.

In the private sector, the Work Rules can stipulate certain internal procedures to solve allegations and complaints, which sometimes differ depending on the violations found. Such norms included in the Works Rules could refer to whistleblowing policies and procedures. Thus, art. 242 letter d) in the Labour Code stipulates that the Work Rules shall include, among others, 'the procedure to solve individual requests or complaints of the employees'. This procedure can include forms of mediation within the unit and solving the litigation with the whistleblower through alternative methods. Such procedures cannot be an obstacle for the employee's access to justice.

Also, some collective labour agreements include procedure to solve individual complaints of the employees. According to these collective agreements, all individual complaints shall be the object of an internal investigation done by a committee. After the check, the committee shall formulate an answer to the claimant employee. The employee who is not satisfied with the way this internal investigation takes place is free to go to court. The employee cannot be sanctioned in any way for having submitted the complaint (Gheorghe, 2007: 267).

Regarding the alternative ways to solve conflicts, outside the framework of the unit, the Romanian legislation stipulates mediation. Thus, in 2009, after the Law no 192/2006 on mediation was amended, the professional mediator acquired the competence to solve labour conflicts. Before this modification, labour conflicts were excluded from the possibility to be solved by mediation, but currently the mediation of such disputes can be done not only by mediation committee set up at the level of the unit, and by freelancers accredited as mediators.

Practice is poor from this point of view. In fact, the very possibility to solve labour conflicts by mediation is controversial because according to art. 38 in the Romanian Labour Code, 'the employee cannot give up one's rights'. As mutual concessions and giving up certain rights in exchange of others is the essence of mediation, it is difficult to accept, in the Romanian law, that such an option is viable and legal. From this perspective, the Romanian law system is less open to alternative ways to solve litigations which in other systems proved to be extremely useful in whistleblowing disputes (Lewis, 2013: 35).

4. Measures of protection under Romanian Law

According to the Law no 571/2004, the principles governing the whistleblowers protection for the public interest are the following:

a) principle of legality, according to which public authorities and institutions shall respect the rights and liberties of the citizens, the procedural norms, the free competitiveness and the equal treatment to the beneficiaries of the public services, under the law;
b) principle of supremacy of the public interest, according to which law order, integrity, impartiality and the efficiency of public authorities and institutions are protected and promoted by the law;
c) principle of responsibility, according to which any individual who makes allegations about breaches of the law shall support the allegation with data or information regarding the act committed;
d) principle of non-abusive sanction, according to which individuals who make allegations and submit complaints about breaches of the law shall not be sanctioned, either directly or indirectly, by enforcing unfair and more severe sanctions for other disciplinary deviations. In case of complaints for public interest, the deontological or professional norms susceptible to prevent the complaint for public interest shall not be applicable;
e) principle of good management, according to which public authorities and institutions shall have the duty to perform their activity for the general interest, with high professionalism, efficiency, efficacy and economies of scale;
f) principle of good conduct, according to which the act of submitting complaints about aspects of public integrity and good management, in order to enhance the administrative capabilities and the prestige of the public authorities and institutions, shall be protected and encouraged;
g) principle of equilibrium, according to which no individual can take advantage of the provisions of this law to diminish the administrative or disciplinary sanction for a more serious act he committed;

h) principle of good faith, according to which the individual working for a public authority or institution shall be protected when he/she submits an allegation, as a result of the fact that he/she believes the fact is real and the act is a breach of law.

These principles have had a weak practical usefulness during the 10 years when the law was in force. According to art. 11 of the law, public authorities and institutions were to harmonise their Work Rules with these provisions but it did not happen in all cases (Alistar, 2011: 8).

Besides, the Romanian doctrine of labour law did not cover thoroughly the issue of whistleblowers, and general aspects of this issue can be found only in the context of anti-corruption measures, namely in the sense of protecting of the staff that invokes such acts.

However, a special merit of the doctrine is to have consecrated the idea that it should be no disciplinary liability in case of inobservance of an unlawful order. It was considered that, if the unlawfulness of the order received is obvious, the refuse to execute the order shall be considered to be justified, shall be allowed and even compulsory (Stefanescu, 2012: 729-730).

Protection aims at any disciplinary sanction, not only dismissal. In labour litigations or litigations regarding work relations, the court can order the annulment of the disciplinary or administrative sanction enforced on a whistleblower, if the sanction was enforced as a result of an allegation in the public interest, in good faith.

The court shall check the proportionality of the sanction enforced on the whistleblower for a disciplinary deviation, by comparing with the practice of sanctioning or with similar cases of the same public authorities or institutions, to remove the possibility of an indirect sanction later on for the allegations made in the public interest, protected by this law.

Regarding the onus in dismissal cases that a notice was given due to whistleblowing, as in all labour litigations, the burden of proof belongs to the employer and it shall produce evidence to defend itself before the first day in court (art. 272 in the Labour Code).

Law no 571/2004 stipulates that, in front of the disciplinary committee or other similar bodies, whistleblowers shall enjoy protection as follows:

- Whistleblowers in the public interest enjoy the good faith assumption, as long as contrary evidence does not exist (rebuttable presumption);

- Upon the request of the whistleblower who is subject to a disciplinary investigation as a result of an act of whistleblowing, the disciplinary committee or other similar bodies of the public authorities or institutions shall invite the press and a representative of the trade union or of the professional association. The information shall be made public by posting a notice on the Internet page of the public authority or institution or of the public unit at least 3 working days before the meeting, under the sanction of the nullity of the report. It means mainly the allegations about acts of corruption.

In case the person the allegation in the public interest is about is a superior in the hierarchy, either direct or indirect, or he has control, inspection and assessment attributions in relation to the whistleblower, the disciplinary committee or other similar body shall ensure the protection of the whistleblower and shall hide his identity.

The jurisprudence regarding directly this topic is however limited. The fact that a sanction or dismissal has occurred as a result of revenge is rarely invoked in courts (because it is difficult to prove the link between the act of the employer and the complaint or the allegation previously submitted by the employee). More often however the unlawfulness or the lack of justification for the measure is invoked by comparing the circumstances under which the measure was taken by the employer. Consequently, there is a jurisprudence rich in annulments of the disciplinary dismissals or of the disciplinary sanctions, and there is a very demanding legislation in this respect, even though cases where the latest cause of the abusive behaviour was the complaint previously submitted by the employee could not be easily found.

5. Conclusions

In Romania, the protection of whistleblowers is only at the beginning. The labour law doctrine and the administrative law doctrine do not give special attention to this topic, and practice is almost non-existent. While the legislation covers exclusively the public institutions, it is not very effective

The issue of the protection of whistleblowers is far from being entirely legal; it has a major moral component. Professional ethics is in fact professional morality (Bouville, 2007: 584), and these ‚saints of secular culture' (Grant, 2002: 391), namely the whistleblowers, deserve a better image and higher social respect (see also Balica, 2011). Some authors consider that 'being loyal to one's employer is not incompatible with blowing the whistle about their wrongdoing, because employee loyalty and the whistle-blowing serve the same goal, the moral good of the employer' (Varelius, 2009: 271).

Others, in their effort to harmonize loyalty and public interest, introduced the concept of 'rational loyalty' as a learned attitude of the organization (Vandekerckhove, 2004: 223). Given this complex ethical, moral and legal reality, we consider that some *de lege ferenda draft laws*, in the Romanian legislation of administrative law and labour law could be formulated.

a) The express provisions regarding the possibility of unions (including employees or public servants) to get involved in the protection of whistleblowers.

Indeed, the Romanian legislation does not allow certain interest groups (e.g. trade unions, consumer protection groups) to take collective action to protect whistleblowers.

According to art. 251 in the Labour Code, during the prior disciplinary investigation – which is compulsory before enforcement of any disciplinary sanction – the employee shall have the right to be assisted, upon request, by a representative of the trade union he is member of. Besides, according to art. 28 para. 2 in the Law of Social Dialogue no 62/2011 'in exercising their attributions, trade union organizations shall have the right to take any action under the law, including to take action in court on behalf of its members, under a written mandate from them. The action cannot be initiated or continued by the trade union organization if the person objects or expressly gives up the trial.'

Nevertheless, beyond this assistance, there is no distinct trade union right to protect the whistleblower employee but only the general right to begin an action in court on behalf of the own members. In addition, the general role of the unions as messengers of their members was strongly diminished after the entering into force of the Law on social dialogue (Dimitriu, 2011: 87) which makes even more difficult their representativeness in cases of whistleblowing;

b) Increased role of mediation and other ways of alternative disputes resolution, which should allow solving the conflict without definitely affecting the image of those involved.

Indeed, these ways have the advantage of confidentiality which is useful both for the employer and for the employee, who may believe that being visible as a whistleblower could inhibit his future job prospects (Lewis, 2013: 37);

c) Provision of protective measures for employees of the private sector who disclose information regarding illegalities committed by their employer.

The issue of the protection of whistleblowers does not belong only to the public sector. Public interest can be served also by disclosing information by employees

of the private sector; there are no Romanian regulations in this respect. There are indeed large areas of public interest (such as the environmental protection) where the whistleblowers of the private sector may need the same encouragement and protection like those in public institutions. In the US, a National Whistleblower Centre was set up, a non-profit group dedicated to helping whistleblowers in their efforts 'to improve environmental protection, nuclear safety, and government and corporate accountability' (Macey, 2007: 1902);

d) Encouragement of public servants who disclose violations of the law in their institutions. A possibility is monetary incentives for whistleblowers (already existing in the US) at least in the public sector.

Acknowledgements

This paper has been presented at the 9th edition of the International Conference on Accounting and Management Information Systems (AMIS 2014).

References

Alistar, V. (2011) "East-European practice in implementing whistle-blowers' protection public policies – Romania's case", available on-line at http://www.venice.coe.int/webforms/documents/?pdf=CDL-UDT%282011%29015-e, accessed on September 23, 2013

Balica, D. (2011) "Avertizorii, (încă) un instrument de luptă împotriva corupţiei nefolosit. Status quo, oportunităţi şi posibile măsuri" available on-line at http://www.cogitus.ro/administratie/despre-cum-omul-poate-sa-sfinteasca-locul-avertizorii-oportunitati-si-posibile-masuri, accessed on September 8, 2013

Bouville, M. (2008) "Whistle-Blowing and Morality", *Journal of Business Ethics*, vol. 81, no 3: 579 – 585

Dimitriu, R. (2011) "Collective Labor Conflicts in Companies and Public Institutions: Some Prospects", *Transylvanian Review of Administrative Sciences*, no. 34: 80-97

Dimitriu, R. (2001) *Obligaţia de fidelitate în raporturile de muncă*, Bucuresti: Tribuna economică Publishing House

Frunză, S. (2012) "Increasing Competence – An Ethical Duty of Civil Servants", *Transylvanian Review of Administrative Sciences*, Special Issue: 32-41

Gheorghe, M. (2010) *Căi amiabile de soluţionare a conflictelor de muncă*, Bucuresti: Universul Juridic Publishing House

Grant, C. (2002) "Whistle Blowers - saints of secular culture", *Journal of Business Ethics*, vol. 39, no. 4: 391-399

Jubb, P.B. (1999) "Whistle blowing: A restrictive definition and interpretation", *Journal of Business Ethics,* vol. 21, no 1: 77 – 94

Lewis, D. (2013) "Resolving Whistleblowing Disputes in the Public Interest: Is Tribunal Adjudecation the Best that Can be Offered?", *Industrial Law Journal*, vol. 42, no 1: 35 – 53

Macey, J. R. (2007) "Getting the Word Out About Fraud: A Theoretical Analysis of Whistleblowing and Insider Trading' (2007), Faculty Scholarship Series. Paper 1383, available on-line at http://digitalcommons.law.yale.edu/ fss_papers/1383, accesed on 1st October 2013.

Martin, B. & Rifkin, W. (2004) "The Dynamics of Employee Dissent: Whistleblowers and Organizational Jiu-Jitsu", *Public Organization Review: A Global Journal*, vol. 4, no 3: 221-238

Ogarca, R., (2009) "Whistle Blowing in Romania", *The Young Economists Journal*, vol. 1, no 13: 105-114

Ştefănescu, I.T. (2012) *Tratat teoretic şi practic de dreptul muncii*, Bucuresti: Universul Juridic Publishing House

Vandekerckhove, W. & Ronald Commers, M.S. (2004) "Whistle Blowing and Rational Loyalty", *Journal of Business Ethics*, vol. 53, no 1: 225 - 234

Varelius, J. (2009) "Is Whistle-blowing Compatible with Employee Loyalty?", *Journal of Business Ethics*, vol. 85, no 2: 263 – 276