

Insights

KEEP IT CLEAN! – WHISTLEBLOWING IN THE FOOD AND AGRIBUSINESS SECTOR

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SUMMARY

In the food and agribusiness industry, trust is everything. Whether you're growing it, packing it, or selling it, your reputation rides on safety, ethics, and transparency. That's where whistleblowing comes in, and why employers need to be ready.

Whistleblowers help uncover issues that could harm public health, violate laws, or damage your brand. If someone in your organization speaks up, it's not just a legal matter- it's a leadership and reputational moment.

WHAT THIS MEANS FOR FOOD AND AGRIBUSINESS EMPLOYERS

In today's regulatory and ethical landscape, whistleblowing is no longer just an HR matter, it's a strategic issue for senior leadership. How disclosures are handled can directly impact legal compliance, brand reputation, investor confidence, and public trust. Time and again, employers are judged more for how they're perceived to have handled disclosures about wrongdoing (think cover-up allegations) than for the initial wrongdoing itself.

The consequences of ignoring, being unprepared for or mishandling whistleblowing reports are serious: regulatory investigations, criminal liability, reputational fallout, and in the most severe cases, harm to public health. But when treated as a governance asset, whistleblowing can enhance transparency, strengthen internal controls, and surface risks before they escalate.

In the food and agribusiness industry, common disclosures relate to:

- Food safety violations, such as contamination, mislabelling, or hygiene breaches
- Labour abuses, including exploitation or unsafe working conditions, particularly in emerging economies

- Environmental harm, like illegal waste disposal or pesticide misuse
- Financial misconduct, including fraud, bribery, or tax evasion.

The introduction in some parts of the world of financial incentives to encourage employees to whistleblow reflects a broader shift toward actively encouraging disclosures, especially in high-risk areas like tax and financial crime.

The message for senior leaders is clear: whistleblowing must be embedded into your organization's risk management and compliance strategy. Fostering a culture where concerns are welcomed, not silenced, isn't just good ethics. It's smart, forward-thinking leadership.

COMMON FEATURES OF WHISTLEBLOWING LEGISLATION IN THE US AND EUROPE

This article doesn't include a detailed assessment of whistleblowing legislation in different countries and when required, employers should seek local legal advice, but below are just some of the features of whistleblowing laws in the US and Europe:

- Some countries (such as the UK, Germany, France and in some cases, the US) prescribe what the whistleblowing needs to allege to attract legal protection (such as ignorance of a legal obligation, a miscarriage of justice, a danger to health or safety and environmental damage, and good faith violations of specific legislation).
- There are often also requirements related to not just what they say, but how they say it.
- For example, in the UK to be protected, a whistleblower needs to follow the right channels: usually reporting to the employer or to a prescribed body (like the Food Standards Agency if it's about food safety).
- Similarly, in France, whistleblowing reports must be made through a dedicated and secure reporting channel. Whistleblowers may report internally within the company, externally to a competent authority (such as the Défenseur des droits), or — under strict conditions — make the information public.
- If someone makes a protected disclosure, they're legally shielded from any kind of backlash; no bullying, retaliation, no demotions, no ghosting them from training sessions.
- Individuals responsible for such treatment can also be held personally and financially liable.
- In Germany, employers are required to set up internal reporting offices to which whistleblowers can report concerns. In addition, external reporting offices have been set up by the federal government. Strict confidentiality must be maintained with regard to the people

involved in the reported incident. As a rule, the whistleblower must be given feedback, including information on any follow-up measures planned or taken.

- In France, companies with more than 50 employees are required to implement a secure internal reporting system that complies with data protection standards. Additionally, French labour law mandates that the existence of this internal reporting procedure be explicitly referenced in the company's internal rules ("Règlement intérieur") to ensure that employees are properly informed.
- In the US, in addition to federal law, several state laws also provide protections to whistleblowers raising good faith concerns, including with respect to potential financial misconduct and labor violations (including but not limited to workplace safety, wage and hour, anti-discrimination, and recordkeeping violations). These laws can vary significantly in scope, including for whom protections are provided, how complaints must be raised, whether financial incentives are available, and the extent of the protections themselves.
- Importantly, organizations that do business with the US federal government (including either directly or as a subcontractor) face significant exposure from whistleblowers under the False Claims Act ("FCA"). The FCA is an antifraud statute that imposes civil liability on contractors, subcontractors, and grantees (and anyone else) who knowingly submit, or cause to be submitted, a false claim for payment to the federal government. The FCA contains provisions that allow a private person to file an action on behalf of the government. The consequences of violating the FCA, both financially and reputationally and can also result in debarment and suspension from government procurement programs. In appropriate cases, the government can and does seek individual civil liability, as well as potential criminal charges. Although the FCA is among the oldest whistleblower laws in the US, the current administration has recently [revitalized](#) and [expanded](#) FCA enforcement efforts, including by calling on the general public to undertake private FCA litigation and publishing resources regarding the same.

YOUR EMPLOYER TOOLKIT

Want to stay ahead of the curve? Here's your action plan:

- **Policy First:** Create a clear, accessible whistleblowing policy – and ensure compliance with national requirements on policies where applicable
- **Act Promptly:** Investigate concerns thoroughly and in a timely manner.
- **Train Your Team:** Make sure staff know how and where to report concerns.
- **Build Trust:** Foster a culture of openness and accountability.
- **Designate a Contact:** Appoint a trusted officer or team to handle disclosures.

- Close the Loop: Share investigation outcomes (where appropriate and to the extent permitted by law).
- Review Regularly: Monitor and improve your whistleblowing framework.
- Respect confidentiality: Where possible and where required by local law (for example in Germany), protect the identity of the whistleblower.
- For government contractors, engage in appropriate due diligence: Before entering into any government contracts or subcontracts, take the time to understand all relevant certifications, statements, and representations outlined therein and that the same are accurate.

RELATED CAPABILITIES

- Food & Agribusiness
- Employment & Labor
- Agribusiness

MEET THE TEAM



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