

TERMS OF REFERENCE

LEGAL ADVISOR (External Consultant)

Transparency International Portugal (TI Portugal) is seeking to hire an external legal advisor to support the implementation of the EC funded project **'SAFE for Whistleblowers (Strengthening and Fostering Enabling Environment for Whistleblowers in the EU)'**.

This document represents the terms of reference for the prior consultation for the selection of the Legal Advisor (External Consultant)

1. BACKGROUND INFORMATION

TI Portugal integrates a consortium led by Transparency International Secretariat with eight other beneficiaries/partners in the Czech Republic, France, Ireland, Lithuania, the Netherlands, and Slovakia, and have been awarded EC funding to co-implement the two-year project, 'SAFE for Whistleblowers (Strengthening and Fostering Enabling Environment for Whistleblowers in the EU)' to support the establishment of an enabling environment for the protection of whistleblowers. It will contribute to enhancing transparency and accountability, the enforcement of the EU and national law, and the application of the EU Charter for Fundamental Rights, and ultimately to strengthening the protection of EU values and respect for the rule of law.

The project aims to tackle five sets of challenges, including (i) lack of awareness and trust in reporting channels and whistleblower protection, (ii) lack of capacity of civil society, public, and private organisations in correctly implementing the rules applying to them, (iii) lack of available data to assess the effectiveness of whistleblowing laws, (iv) lack of knowledge and capacity of competent authorities and judges to coherently implement and enforce whistleblower protection laws, and (v) risks of incoherence in implementation, impacting the Whistleblowing Directive's effectiveness.

A comprehensive set of activities to address these challenges are proposed in six work packages, offering effective and holistic responses to the underlying problems. Implemented together, the work packages will aim to achieve:

- Increased knowledge of the general public, (potential) whistleblowers, CSOs, trade unions and journalists about whistleblowing and protection frameworks
- Improved implementation of whistleblowing laws at the workplace
- Improved implementation and enforcement of whistleblowing laws by national authorities
- Improved availability of gender-disaggregated data on whistleblowers' reports and caselaw
- Improved effectiveness and coherence of the Directive's implementation

Within this project, TI Portugal is responsible for in-country implementation as specified in the work packages, namely outreach and awareness-raising campaigns for the general public, capacity building, exchanges of good practices and other cooperation activities with relevant stakeholders, collecting country-level gender-disaggregated data, developing an e-learning course, and proposing specific recommendations to improve the effectiveness of – and compliance with – national legislation transposing the Directive in Portugal.

2. MAIN RESPONSIBILITIES OF THE LEGAL ADVISOR (EXTERNAL CONSULTANT)

In close liaison with the project's team and under the supervision of TI Portugal's Board of Directors and an Advisory Board, the external consultant to be hired will be responsible for assisting the project's implementation, in compliance with



the work packages' description and all applicable rules and guidelines.

In concrete, TI Portugal expects the Legal Advisor to deliver the following products/activities:

1. Conduct surveys of targeted Local Authorities (using questions from the model Internal Whistleblowing Systems – IWS – questionnaire being developed, as well as from other examples of TI chapters), to understand capacity gaps and challenges faced by these entities to properly implement the Directive and administer effective IWS, and to identify good practices;
2. Produce a Policy Brief directed to Local Authorities with recommendations to properly implement the Directive and administer effective IWS;
3. Produce recommendations to improve the effectiveness of national legislation on whistleblower protection and its compliance with the Directive;
4. Assist the development of training materials and a train-the-trainer programme on how to implement an effective IWS in line with the EU Directive and best practices at the Local Government level, specifically, a Roadmap and an e-learning course for Local Authorities in Portugal;
5. Assist the organization of webinars and workshops for Local Authorities in Portugal;
6. Assist the consortium in the development of common indicators to record/collect gender-disaggregated data on whistleblowers' reports and cases of retaliation received by public and private organisations and by competent authorities;
7. Attend project meetings and events.

3. DATA PROTECTION & CONFIDENTIALITY

In carrying out the evaluation activities, the Legal Advisor must respect data protection and confidentiality rules agreed by the project partners, and does not have any right to use, disclose or publish the data or results obtained in the course of his/her activity.

4. APPLICATION PROCESS

Applicants are required to submit an expression of interest that should include mandatorily:

1. A detailed CV (in ENG)
2. A Motivation Letter (in ENG)
3. Documents supporting the candidate's CV: relevant experience in working with whistleblowing protection legislation; relevant knowledge and experience in working with local authorities / professional and academic competence in Law /reference projects, etc.

Applications should be sent to hello@transparencia.pt

Subject of the email: *Application_SAFE4WB_LegalAdvisor_Name*

Deadline: October 31st, 2024

5. SELECTION CRITERIA

Applicants must meet the following conditions:

1. Have a Law Degree
2. Have in-depth knowledge of the EU's anti-corruption policymaking in the field of Whistleblowing Protection;
3. Have already participated in projects, or contributed to studies in the thematic area of Whistleblowing;
4. Have already interacted with Local Authorities in projects, or contributed to studies in the field;

5. Be fluent in both oral and written Portuguese and English languages.

Candidates will be selected on the basis of the abovementioned criteria.

6. PAYMENT

A maximum budget of 6.928,74€ (euro), VAT included, has been allocated for paying the Legal Advisor (External Consultant).

7. CONTRACT DURATION

Start date of the assignment: as soon as possible

End date of the assignment: April 30th, 2026, or at the end of the project (in the case of an extension)

8. PAYMENT SCHEDULE

Payments will be made on the basis of invoices sent by the consultant and upon presentation of the deliverables, according to the detailed work plan attached to his/her contract.

