

Whistleblowers – comment in a nutshell

- ✓ Soon Polish entrepreneurs will be burdened with numerous obligations in the field of compliance, this time related to the protection of persons reporting abuses or violations of the law - the so-called whistleblowers. The latest bill of this act is dated April 6, 2022
- ✓ Whistleblowers are persons reporting violation of European Union law, who qualify for protection while reporting, provided they have reasonable grounds to believe that the reported information concerning violation is true at the time of reporting and they have made the report.
- ✓ Employers will be obliged to establish and implement **a procedure for reporting violations and take follow-up actions (of the internal procedure)**.
- ✓ The obligations resulting from whistleblower protection extend to both private sector employers (generally companies with more than 50 employees) as well as public sector employers. In practice, this means that **all "larger" employers** will be forced to implement appropriate procedures.
- ✓ The Act has **a wide scope of application**. It applies not only to employees, but also candidates and former employees as well as persons performing work on a basis other than an employment relationship, including a civil law contract (e.g. contractors).
- ✓ Employers will have to ensure that the internal procedure and the related processing of personal data prevent unauthorized persons from gaining access to the information covered by the report and ensure that the confidentiality of the identity of the reporting person, the person concerned and the third party indicated in the report is protected.
- ✓ Additionally, employers will be obliged to keep a register of internal reports and to act as an administrator of data collected in this register.
- ✓ Hindering the notification is subject to a fine and the penalty of restriction of liberty. In turn, failure to establish an internal procedure for reporting violations of the law and taking follow-up actions, or establishing a procedure that violates the provisions of the Act, is punishable by a fine.