

Key changes effective from 1 July 2023

<p>1. Extension of the range of persons to whom whistleblower protection will apply</p>	<p>In order to provide protection to as many whistleblowers as possible, the circle of persons to whom protection is guaranteed includes not only employees or close persons who are in a dependent relationship with the whistleblower, who is an employee of the same employer as the close person, but also persons who are in a similar relationship other than an employment relationship.</p> <p>This term refers in particular to persons performing work under one of the agreements on work performed outside the employment relationship, self-employed persons, sole traders, contractors, members of the statutory bodies of employers, temporary workers, volunteers, etc.</p> <p>Whistleblower protection also applies under certain conditions to former employees and persons or job applicants whose employment relationship has not yet been established, as well as to anonymous whistleblowers.</p> <p>In general, the law is intended to provide protection to all whistleblowers who report crime or other anti-social activity in good faith.</p>
<p>2. Extension of the range of offences or activities considered as serious anti-social activities</p>	<p>The Amendment changes the upper limit of the criminal offence from 3 years to 2 years for serious antisocial activities across the board. It also expands the range of offences explicitly listed in the Act (e.g. theft under Section 212 of the Criminal Code, embezzlement under Section 213 of the Criminal Code, unauthorised access to a computer system under Section 247 of the Criminal Code, unauthorised employment under Section 251a of the Criminal Code), which fall under serious anti-social activity, in relation to which the whistleblower will be granted protection if they report such an offence.</p>
<p>3. Extension of the range of public authorities competent to receive the notification</p>	<p>In addition to the Whistleblowers' Protection Office, the public authorities competent to receive a notification are in particular the public prosecutor's office or the administrative authorities competent to deal with an administrative offence which constitutes a serious anti-social activity.</p>
<p>4. New developments concerning retaliation</p>	<p>The Amendment introduces a prohibition on retaliation, as well as a prohibition on the threat of retaliation against not only the whistleblowers themselves, but also against persons close to the whistleblower, persons who have provided assistance to the whistleblower in connection with the report, or against the person in charge of the employer's review of the report.</p> <p>The Amendment also introduces a definition of the concept of retaliation, as well as examples of such retaliatory measures, which include, in particular, dismissal, immediate termination of employment, termination of employment during a probationary period or non-renewal of employment for an indefinite period, dismissal, downgrading or refusal of promotion, withdrawal from a contract for the supply of goods and services, etc.</p>
<p>5. Increased fines</p>	<p>The Amendment further increases the rates of fines, specifically increasing the fine from EUR 2,000 to EUR 6,000 (and up to EUR 12,000 in the case of repeated infringements) for a natural person who: (i) either threatens, attempts to sanction or penalises a whistleblower in connection with making or publishing a communication, (ii) breaches the obligation of confidentiality as to the identity of the whistleblower or the identity of the person concerned, or (iii) attempts to prevent or impede the making or publication of a communication.</p>