

Key changes effective from 1 September 2023

<p>1. Obligation to establish an internal whistleblowing screening system and the related obligation to establish an internal whistleblowing regulation</p>	<p>The Amendment introduces the obligation to introduce an internal system for verifying notifications not only for those employers who have at least 50 employees or for those employers who are public authorities and employ at least 5 employees, but also for all employers who provide financial services, transport safety services or environmental services within the scope of their activity.</p> <p>We would like to remind you that the abovementioned entities are obliged under the Act to issue an internal regulation (the so-called whistleblowing directive/guideline), in which they should provide details on: (i) filing notifications, (ii) verifying notifications and the powers of the responsible person when verifying notifications, (iii) confidentiality of the identity of the whistleblower and the identity of the person concerned, (iv) registration of notifications, (v) informing the whistleblower of the outcome of the verification of the notification, (vi) processing the personal data contained in the notification, (vii) taking measures to remedy the deficiencies identified in the verification of notifications and communicating with the whistleblower about these measures, (viii) taking measures against obstruction of the notification of anti-social activities.</p>
<p>2. Obligation to designate a person responsible for receiving, acknowledging and verifying notifications with the employer</p>	<p>Under the Amendment, the employer has a legal obligation to designate a person responsible for verifying notifications from among its employees. This can either be a specific employee or a so-called organisational unit of employees working for the employer. Employees carrying out the activities of the person responsible must have the professional qualifications to fulfil these statutory obligations.</p> <p>An employer can only outsource the duties of the person responsible (outsourcing) in the scope of receiving, confirming and verifying notifications if it employs fewer than 250 employees or is not a public authority. Verification of notifications by an external company will only be possible if the employer has fewer than 250 employees and is not a public authority.</p>
<p>3. Prohibition of outsourcing the responsible person's duties for employers with 250 employees or more</p>	<p>Under the Amendment, employers with 250 employees or more or employers who are public authorities may only perform the duties of the responsible person to the extent of receiving and acknowledging notifications. Such an employer cannot outsource the verification of notifications, but must ensure that it is carried out by its own responsible person, i.e. its own employee or an employee unit of the employer.</p>

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4. Introduction of new statutory time limits in relation to examining notifications

The Amendment introduces a new obligation for the employer to acknowledge receipt of the notification within 7 days of receipt to the whistleblower.

The employer must, within 90 days of the expiry of the 7-day period for notification of receipt of the notification, i.e. a total of 97 days from receipt of the notification, verify and notify the whistleblower of the result of the verification of the notification.

Also, if the employer refers the notification to law enforcement authorities under the Criminal Procedure Code, the employer is obliged to request the result of the verification from the law enforcement authorities and subsequently, within 10 days of receipt of the result of the verification, to inform the whistleblower of the result of such verification of the notification.

5. New financial penalties

The Amendment introduces new financial penalties for legal persons/employers, in particular: (i) a fine of up to EUR 100,000 for anyone who takes an employment action against a whistleblower without the consent of the Whistleblowers' Protection Office, or who threatens to retaliate against a whistleblower, attempts to retaliate against a whistleblower, or retaliates against a whistleblower in connection with a whistleblower's submission of a report, or (ii) a fine of up to EUR 30,000 for a whistleblower's submission of a report, or (iii) a fine of up to EUR 30,000 for a whistleblower's submission of a whistleblower's submission of a report to the entity that fails to take measures to remedy the deficiencies identified in the course of monitoring compliance with the obligations of the Act or fails to submit to the Whistleblowers' Protection Office a written report on the measures taken to remedy the identified deficiencies.

The Amendment also introduces new financial penalties for legal entities/employers that are not public authorities and employ between 50 and 250 employees or employers that are public authorities and employ between 5 employees and 250 employees for violating the obligations arising from the provisions of Section 10 of the Act (e.g. for failure to comply with the obligation to designate a responsible person, for failure to implement a system of internal verification of notifications, etc.), up to EUR 50,000.