

HR Alert

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New Draft Law on Whistleblowers

Another draft law on whistleblower protection has been published on the website of the Government Legislation Center. According to announcements, it is expected to go to the Sejm in the first quarter of 2024. The legislation is expected to come into force a month after its promulgation, after which employers will have another month in which to introduce appropriate internal reporting procedures.

Summary of the most important project assumptions:

1. The establishment of internal reporting procedures will be mandatory for entities for which **at least 50 people** perform or provide work. For other entities, the establishment of internal reporting channels will be optional.
2. Entities operating in the financial sector, such as banks or insurance companies, will be required to establish internal reporting channels regardless of the number of employees.
3. The establishment of the procedure is to be preceded by consultations with the company's trade union organization (or representatives of persons providing work) lasting no less than 5 days and no more than 10 days from the day the employer submits the draft procedure.
4. The internal procedure will come into force 7 days after its announcement in the manner adopted by the employer.
5. The employer will provide information on the internal procedure with the beginning of the recruitment process or pre-contract negotiations.
6. The employer will be required to confirm receipt of the notification from the whistleblower within 7 days of receipt unless the whistleblower does not provide a contact address.

7. The regulations will prohibit any unfavorable treatment in the employment of the whistleblower, the person helping to make the application, or any person related to the whistleblower.
8. The legislator defines a catalog of violations, which reporting will lead to the granting of whistleblower status. The employer may also expand the catalog with violations concerning ethical standards or the internal regulations applicable in the entity.

Entrepreneurs will be given a very short time to implement procedures and internal whistleblowing systems. Employers obliged to introduce internal procedures where there are no union organizations can already select representatives to participate in the consultations. Such action will certainly speed up the process of introducing the procedure once the law comes into force.

Employers who already have internal procedures in place must remember to review them and adjust them, if necessary, to the final wording of the law once it comes into force.

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