Suciu

The Romanian Whistleblowing Law: What Does it Mean for Your Organization?

What is a Whistleblower?

A Whistleblower is an individual, often an employee, who reports by internal or external channels information about activity within a private or public organization that is deemed illegal, immoral, illicit, unsafe or fraudulent.

Background

The Romanian Whistleblowing Law No 361/2022 ('Whistleblowing Law') entered into force on December 22nd, 2022, when Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law ('Whistleblowing Directive') was transposed into national legislation. The purpose of the Whistleblowing Law is to create a more comprehensive protection for individuals who disclose information they receive in a professional context about crimes and breaches of national and EU law.

Who does the law apply to?

This law applies to Whistleblowers working in the private or public sector (such as but not limited to employees, freelancers, shareholders, contractors or suppliers) who acquired information on breaches in a work-related context

Which are the new general rules that companies must comply with?

Companies with 50 or more employees must establish secure internal reporting channels. These reporting channels must:

1 be safe

2 guarantee the Whistleblower's confidentiality or anonymity

3 be easily accessible with clear details about the process

4 allow both written and oral reporting

5 assure all safety standards and GDPR requirements

6 assure that the Whistleblower is informed about the status of the report
(The company is obliged to confirm receipt of the report to the Whistleblower within seven days. The Whistleblower must be informed of any action taken, the status of the internal investigation and its outcome within three months)

Who can manage the report?

Companies must determine the "most suitable" person to receive and follow up on reports internally. This could be a Head of HR, Legal counsel, Chief Financial Officer (CFO), Executive board member or management. Companies can also outsource the processing of reports.

What happens if companies do not comply with the law?

Whistleblowing Law establishes sanctions for :

1 those who prevent whistleblowing,

2 those who refuse to provide information to the authorities when a report has been made and it is investigated,

3 companies who did not establish an internal reporting channel

4 those who are violating the confidentiality regarding the identity of a Whistleblower.

Why is this law important for companies?

Companies have an opportunity to identify and manage risk at an early stage so they can avoid or limit financial and reputational damage.

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How can we help?

Our team is available to assist with the full whistleblower service necessary to allow your company to comply with the Whistleblowing Law in a correct and timely manner:

1

Policy & process introduction

Here, our whistleblowing service covers:
drafting and reviewing company policies
establishing & choosing reporting options

2

Whistleblowing tools

Our whistleblowing services include analyzing, setting, and managing reporting tools.

If your company is only about to implement a whistleblowing hotline, we offer through an European software provider a digital portal for internal reporting, that meets all the requirements of the EU Directive and the Romanian Whistleblowing Law.

3

Screening & case handling

We provide the best solution for managing the whistleblower`s reports, by ensuring a clear, simple, easily accessible and safe procedure for your company, all data protection requirements guaranteed. Furthermore, we provide assistance on internal investigations based on the whistleblower`s reports, helping your company manage this process step-by-step.

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