

CLEAN AS A WHISTLE: Want to speed up your planning for the European Union's whistleblowing regime?

Does your company not want to default on the implementation of the EU Whistleblowing Directive? Then do not wait any longer to start planning your organization's whistleblowing regime.

How can we help you with that?

We have prepared a multi-jurisdictional analysis matrix covering five key areas with respect to whistleblowing laws in the form of a questionnaire. The questionnaire covers questions about the directive's scope and implementation requirements for internal procedures, protection of whistleblowers and data privacy issues.

To help you get started with planning your organization's whistleblowing regime, for a fixed fee per jurisdiction, we offer jurisdiction-specific data sheets that provide answers to the questions covered by the analysis matrix. Check out this [template](#) to see the questions covered.

For more information about this product, or to arrange a discussion with one of our colleagues, click [here](#).

EU **European Whistleblowing Directive (EU WBD): What organizations should do now**

The EU WBD provides robust anti-retaliation protection to whistleblowers who report certain breaches of EU law and (ii) sets out a framework for internal and external reporting, with strict procedural requirements and time frames. Organizations should map the EU WBD requirements against existing speak-up channels and investigation protocols and procedures, and identify any gaps. They should also carefully monitor implementation by EU member states because there will be areas of gold-plating/divergence in local laws, as we've seen in the Danish and Swedish implementation.



What is the status quo on implementation in EU member states?

As it stands today, only a few EU member states, including Cyprus, Denmark, France, Latvia, Lithuania, Malta, Portugal, Romania and Sweden have implemented the directive into national law, while most remaining EU member states still have pending draft legislation in relation to the directive, with at least six member states expected to implement their laws within the first half of 2022. For example, Spain recently introduced a **draft law on the protection of informants**, which is yet to be brought into force.

Are you are a global organization? There are also developments around the globe with respect to whistleblowing laws.

Since the inception of the EU WBD in 2019, we have seen greater scrutiny of whistleblowing practices and a number of key jurisdictions beyond the EU upgrading their whistleblowing laws. Read on for a summary of the latest developments in whistleblowing laws across the globe.

APAC In Asia Pacific, towards the tail end of 2021, Australia's corporate regulator began ramping up its review of corporations' whistleblowing policies to check compliance with Australia's amended Corporations Act. Meanwhile, Japan is set to enforce its amended Whistleblower Protection Act in June 2022, mandating that organizations of a certain size implement whistleblowing systems. In Hong Kong, the Stock Exchange of Hong Kong Limited amended its Corporate Governance Code to include provisions on the implementation of a whistleblowing policy and system for employees in tandem with anti-corruption policies, which came into force on 1 January 2022.



Australia: Australian Securities and Investments Commission releases open letter regarding compliant whistleblowing policies

In October 2021, Australia's corporate regulator, the Australian Securities and Investments Commission (ASIC), wrote an open letter to public companies urging them to review their whistleblowing policies to ensure they are compliant with the Corporations Act. ASIC has advised that many policies it has reviewed do not fulfill the objective of encouraging employees to report issues and/or do not accurately present the information required to be included.

Hong Kong: SEHK updates Listing Rules to highlight the importance of whistleblowing and anti-corruption policies as part of good corporate governance among issuers

The Stock Exchange of Hong Kong Limited has amended its Listing Rules, including the Corporate Governance Code ("**CG Code**"), to enhance the corporate governance framework and promote good governance among issuers. Whistleblowing, anti-corruption policies and systems are now a CG Code provision, rather than only a recommended best practice.

Japan: Requirement for whistleblowing systems under the Amended Whistleblower Protection Act

In June 2022, amendments to the Whistleblower Protection Act ("**Amended WPA**"), a law that protects employees who have reported violations of certain laws specified in the WPA, are expected to come into force. Amongst other items, the Amended WPA includes a mandatory obligation for companies of a certain size to establish a whistleblowing system with the aim of ensuring the protection of whistleblowers.

LATAM With greater scrutiny around compliance programs in Latin America, for example in Peru, the importance of whistleblower hotlines and robust internal investigations systems cannot be underestimated.



Quick Guide to Workplace Investigations in LATAM:

A quick guide to workplace investigations in Latin America that covers both the labor and compliance perspectives throughout seven jurisdictions.

Brazil: Quick Guide to Workplace Investigations in Brazil

This guide provides a user-friendly overview of the most relevant legal aspects relating to workplace investigations in Brazil.

Chile: Market transparency law published

On 13 April 2021, Law No. 21,314 was published, which establishes new transparency requirements and strengthens the responsibilities of market players. Essentially, this law amends Decree-Law No. 3,538, adding a new Title VII entitled "Of the Anonymous Whistleblower."

Chile: New whistleblower protection

A bill (bulletin No. 13565-07) establishing a new protection statute in favor of the whistleblower of acts against administrative probity is currently in Congress. It is not known when it could become law.

NA In the United States, New York's amended whistleblowing law came into force on 26 January, affording expanded protections in favor of employees.



US, UK and EU: Whistleblower developments for multinational employers

The latest episode of our video chat series provides an overview of the changing landscape of whistleblower protections in the US, UK and European Union.

US: Expanded protection for whistleblowers in New York

In November 2021, New York amended its whistleblower law, New York Labor Law §740. The amendments came into effect on 26 January 2022, and provide significant expansions in favor of employees.

Contact us

Feel free to contact our team of experts at any time should you have any questions regarding further information.

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