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## New rules requiring from employers greater protection for whistleblowers

On 1 January 2020, the law<sup>[1]</sup> establishing additional protection for the persons reporting corruption or corruption-related offenses (whistleblowers) came into force.

Employers are now obligated to prevent retaliation (i.e., intimidation, discrimination, etc.) for disclosing information about corruption or corruption-related offenses, and if terminated, the whistleblower must be immediately reinstated. If such reinstatement is impossible, the employee will be entitled to compensation in the amount of two years' average salary. If the employee does not wish to be reinstated, he/she must be paid compensation amounting to six average monthly salaries.

From now on, a person reporting corruption or a corruption-related offense where the estimated amount of the benefit or damage caused to the state exceeds 5,000 times the minimum living wage for able-bodied persons (i.e., more than UAH 10 million as of February 2020) has the right to receive monetary remuneration. The amount of the remuneration shall be 10% of the estimated amount of the benefit resulting from the offense or damage caused to the state. Concurrently, the amount of remuneration cannot exceed 3,000 times the minimum monthly salary (i.e., about UAH 14 million as of February 2020).

In addition, the law expressly exempts a whistleblower from legal liability for good faith reporting of corruption or corruption-related offenses. Whistleblowers are also entitled to free-of-charge legal and psychological assistance.

<sup>[1]</sup> Law of Ukraine No. 198-IX "On Amending the Law of Ukraine "On Corruption Prevention" Concerning Whistleblowers" dated 17 October 2019.

### Additional notes

This LEGAL ALERT is issued to inform Baker McKenzie clients and other interested parties of legal developments that may affect or otherwise be of interest to them. The comments above do not constitute legal or other advice and should not be regarded as a substitute for specific advice in individual cases.

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