

KEYS TO ADAPT TO THE NEW WHISTLEBLOWING LAW

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"The most productive work is the one that comes out of the hands of a happy man", said the French doctor and writer **Victor Pauchet** and, although at first it may sound cliché, the truth is that, according to a report by the Ethics Institute, 32% of Spaniards suffered reprisals at work for reporting infractions in 2021.

In this context, and after extensive debate, the spanish government approved the whistleblower project on 13 September. But what are the main points of this new law? "What is sought through this law is to enable citizen collaboration so that they can provide information on any criminal conduct without fear of possible reprisals," says the country manager of EQS Group, **Murray Grainger**, during the European conference on ethics and compliance on 11 October, in which *Iberian Lawyer* participated.

"This bill is undoubtedly necessary and, although overdue, was eagerly awaited by the industry, especially given the government's action plans in the fight against corruption and fraud," said Cases & Lacambra's banking and financial regulation partner, **Laura Nieto**, during the debate.

PROTECTION MEASURES

The truth is that in order to be able to carry out citizen collaboration, the law stipulates that it is essential to create a secure environment where whistleblower protection measures are established. Thus, one of the most relevant novelties is the obligation for public and private companies with more than 50 employees to apply internal whistleblowing channels designed and established in a secure and confidential manner.

"These channels must ensure confidentiality, follow-up, investigation and protection of the whistleblower, and to this end they must allow written or verbal communication, be independent and appear to be differentiated from internal reporting systems," says Grainger.

In addition, to carry out this section effectively, the law requires the appointment of a system manager for its proper functioning, the protection of personal data and the application of a sanctioning regime.

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