

What is a whistleblower?

Whistleblower refers to an employee who provides the mass media with information about crimes or other misconduct in the employer's organization. It is important that such conditions are noted and dealt with, but it is not uncommon for workers to fail to raise the issues due to fear of reprisal.

What is serious misconduct under the Whistleblower Act?

A prerequisite for the Whistleblower Act to be applicable is that the employee's alarm relates to serious irregularities in the employer's operations. The concept includes, among other things, crimes with imprisonment on the penalty scale and other comparable misdemeanors that do not necessarily constitute crimes. For example, it may be a question of violations of fundamental freedoms and rights, damage and risk of damage to the environment or person, safety or unauthorized use of public assets. The enumeration is not exhaustive, which means that other malpractices can also be considered serious.

What is meant by whistleblowing?

Whistleblower refers to an employee who provides the mass media with information about crimes or other misconduct in the employer's organization. It is important that such conditions are noted and dealt with, but it is not uncommon for workers to fail to raise the issues due to fear of reprisal. It is for this reason that the law on special protection against reprisals for employees who raise the alarm about serious misconduct (the whistleblower law) was drafted. The law aims to prevent reprisals against those who report crimes or other misconduct at the employer.

Area of application

This Act applies to the protection of persons who report breaches of the EU legislation referred to in the Annex to the Visa Locker Directive or the national implementing legislation of that or other national legislation in the following areas of legislation:

- 1) public procurement, with the exception of matters relating to defense and security,
- 2) financial services, products and markets,
- 3) prevention of money laundering and financing of terrorism,
- 4) product safety and product conformity,
- 5) transport safety,
- 6) environmental protection,
- 7) radiation and nuclear safety,
- 8) food and feed safety and animal health and well-being,
- 9) public health according to Article 168 of the Treaty on the Functioning of the European Union,
- 10) consumer protection,
- 11) protection of privacy and personal data and security in network and information systems.

In regard to what is referred to in subsection 1. the law is applied to acts or omissions which

- 1) are punishable,

- 2) can lead to an administrative penalty of a criminal nature, or
- 3) may seriously jeopardize the achievement of public interest goals pursued by the legislation.

With deviation from what is prescribed in subsection 1. point 9, the law does not apply to violations that apply to section 19, subsection 1. or Sections 68–73 of the Medicines Act (395/1987), Chapters 2–5, 14, 15 or 17–20, 21, 21 a, 22 or 23 of the Act on the Use of Human Organs, Tissues and Cells for Medical Purposes (101/2001) or § 9 subsections 2–4, § 10, § 11 subsection 2, § 12 subsection 2 or Sections 13–23 or 32 of the Act on Cross-Border Healthcare (1201/2013).

In addition to what is prescribed in subsection 1. applies this law also to the protection of persons who report on

- 1) violations of the legislation or regulations on the European Union's fund management or expenditure or on the Union's collection of income or funds,
- 2) violations of the legislation on or the conditions for the granting, use or recovery of European Union or national grants, or state aid,
- 3) violations of European Union or national competition rules,
- 4) violations of European Union or national legislation on the taxation of companies and associations, or on arrangements aimed at providing a tax advantage contrary to the aim or purpose of the legislation on the taxation of companies and associations, or
- 5) violations of other EU legislation or national legislation on consumer protection than the legislation referred to in subsection 1. 10 points.