

Overview	Legal Change	Action required
Anticipated introduction of Whistleblower Regulations into Belgian law, under the EU Whistleblowing Directive (the "Directive")	<p>Due this summer, the introduction of the Directive into Belgian law is late but expected shortly.</p> <p>Many employers will need to introduce processes and train people in order to comply.</p>	<p>It is possible and advisable to anticipate and prepare for the new rules in advance of their coming into effect.</p>
Who is affected?	<p>The rules apply to any employee/official who obtains information at work.</p> <p>However, there are additional obligations on larger private employers:</p> <p>50 or more employees : the employer must set up an internal reporting channel and whistleblowing procedure. These SME employers are given time to set up the internal procedures, possibly to end of 2023.</p> <p>Note that if their activities relate to anti-money laundering they must have an whistleblowing internal procedure even with less than 50 employees.</p> <p>250 or more employees : the internal procedure should be in place within 2 months of the rules coming into effect.</p>	<p>All employers should become familiar with the new rules.</p> <p>Larger employers should start preparing their internal procedures in anticipation of the new rules.</p> <p>Companies with more than 250 employees may have little time to implement.</p>
Reporting channels and procedures	<p>Companies will have some flexibility as to how to implement the internal reporting procedures but there will be a number of formalities to comply with, such as allowing for both verbal and written reporting. Organisation culture and resources will be taken into account.</p> <p>An anonymous reporting option is likely to be required for companies with more than 250 employees.</p>	<p>Once the rules are understood, each company must make choices as to how best to implement the new procedures.</p>
How to implement?	<p>This can be done by work rules, a collective bargaining agreement or a specific policy. The last option would be simplest.</p>	<p>Once the rules are understood, each company must make choices as to how best to implement the new procedures.</p>
Protection for whistleblowers	<p>Whistleblowers will be protected against all kinds of workplace retaliation provided they had reasonable grounds that the reported information was true.</p>	<p>The protections need to be understood and applied by all who have responsibility for employees.</p>
Penalties	<p>Penalties for non-compliance will include administrative fines and even criminal sanctions.</p>	<p>Note the penalties.</p>

This is a high level general update only. Legal advice should be obtained on specific circumstances.

