

Information of Whistleblower Protection Guarantees

In accordance with the Law of Ukraine "On Prevention of Corruption", the Whistleblower is protected from discrimination or unfair treatment. A whistleblower may not be held liable for lawfully reporting a breach if he/she had reasonable grounds to believe that the report was necessary for the disclosure to which it applies.

In accordance with Section VIII of the Law of Ukraine "On Prevention of Corruption" (hereinafter referred to as the Law)

- I. The Whistleblower shall have the right to:
 - 1) be notified of his/her rights and obligations under the Law;
 - 2) submit evidence in support of his/her report;
 - 3) receive from the authorised body to which he/she submitted the report, confirmation of its acceptance and registration;
 - 4) give explanations, testimonies or refuse to give them;
 - 5) receive free legal assistance in connection with the protection of the rights of the Whistleblower;
 - 6) confidentiality;
 - 7) report the facts of possible corruption or corruption-related offences or other violations of the Law without specifying his/her personal data (anonymously);
 - 8) in the case of a threat to life and health, security in respect of himself/herself and his/her close persons, property and homes or refuse to accept such measures;
 - 9) receive reimbursement of expenses in connection with the protection of the Whistleblower's rights, reimbursement of lawyer's fees in connection with the protection of the rights of a person as a Whistleblower, costs of court fees;
 - 10) receive remuneration in cases specified by law;
 - 11) receive psychological assistance;
 - 12) be exempted from legal liability in cases specified by law;
 - 13) receive information on the status and results of consideration, verification and/or investigation of the information reported by him/her.

The rights and guarantees of protection of Whistleblowers shall extend to close persons of the Whistleblower.

II. Protection of labour rights of the Whistleblower

1. A Whistleblower, his/her close persons shall not be refused employment, dismissed or forced to dismiss, subjected to disciplinary liability or subjected by the head or the employer to other negative measures (transfer, performance appraisal, change in working conditions, denial of appointment to a higher position, reduction in pay, etc.) or threatened with such measures due to the reporting of possible facts of corruption or corruption-related offences or other violations of the Law.

Negative actions shall also include formally legitimate decisions and actions of a head or an employer which are selective in nature, in particular they do not apply to other employees in similar situations and/or have not been applied to the employee in similar situations before.

2. In case of dismissal of an employee who is a Whistleblower from work, through no fault of his/her own, the remuneration for the period of dismissal shall be in the amount of the average salary of the employee for the last year.

3. The whistleblower, his/her close persons may not be refused the conclusion or extension of an agreement, employment contract (agreement), the provision of administrative and other services in connection with a report of possible facts of corruption or corruption-related offences or other violations of the Law. It shall be prohibited to create obstacles to a Whistleblower, his/her close persons in further implementation of their labour, professional, economic, social, scientific or other activities, service or study, as well as to take any discriminatory measures in connection with the report on possible facts of corruption or corruption-related offences, other violations of the Law.

4. The Whistleblower, his/her close persons whose rights have been violated contrary to the provisions of parts 1–3 of Article 53⁴ of the Law shall be guaranteed the restoration of their violated rights.

5. The Whistleblower, his/her close persons who have been dismissed from work due to a report of possible facts of corruption or corruption-related offences or other violations of the Law shall be immediately reinstated in their previous work (position) and shall be paid their average earnings for the time of forced absence, but not more than for one year. If an application for reinstatement of a Whistleblower or his/her close person in work (position) is considered for more than one year through no fault of their own, they shall be paid their average earnings for the entire period of enforced absence.

6. The Whistleblower, his/her close persons who have been transferred to another permanent lower-paid work (position) due to the report of possible facts of corruption or corruption-related offences, other violations of the Law shall be immediately reinstated in their previous work (position), and they shall be paid the difference in earnings for the period of performance of the lower-paid work, but not more than for one year. If an application for reinstatement of a Whistleblower or his/her close person in work is considered for more than one year through no fault of their own, they shall be paid their average earnings for the entire period of enforced absence.

7. If there are grounds for reinstatement of an employee dismissed in connection with his/her or his/her close person's report of possible facts of corruption or corruption-related offences or other violations of the Law, and in case of his/her refusal of such reinstatement, the employee shall be paid monetary compensation in the amount of six months' average earnings and, if reinstatement is impossible – in the amount of two years' average earnings.