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Whistle-blower Protection

The National Council received the draft law No. 987 relating to the protection of whistle-blowers in the labour relations context, on 21 December 2018. It comes from the law proposal No. 229 adopted in Public Session on 28 June 2017.

According to its Explanatory Memorandum, the draft law is *"inspired by the laws of neighbouring countries, as well as international conventions"*.

It is in line with the Recommendation CM/Rec(2014)7 adopted by the Committee of Ministers of the Council of Europe on 30 April 2014, and case law of the European Court of Human Rights (Article 10 on freedom of expression).

- Creating the whistle-blower status
- Private sector and public sector

Draft framework:

CHAPTER I – GENERAL PROVISIONS

Article 1 – Persons eligible for the whistle-blower qualification

Article 2 – Information excluded from reporting

Article 3 – Protection against retaliation

CHAPTER II – REPORTING PROCEDURES

Article 5 – Designation of a referent for the purpose of collecting the report

Article 6 – Reporting to the judiciary

Article 7 – Information on the follow-up of the report

Article 8 – Revelation to the public in the absence of information on the follow-up of the report

Article 9 – Procedures to be put in place by the employers (ministerial decree of application)



CHAPTER III – CRIMINAL PROVISIONS

Article 10 – Applicable penalty for making or attempting to obstruct the transmission of a report

Article 11 – Applicable penalty for breach of confidentiality of the procedures established under Article 9

Article 12 – Amendment of Article 307 of the Penal Code (false accusation)

Article 13 – Amendment of Article 398-1 *bis* of the Penal Code (disclosure of a secret)