

## **Order No 13/2024**

**Director of the International Institute Molecular and Cell Biology in Warsaw, Poland  
dated September 11, 2024.**

### **on the introduction of the procedure for reporting irregularities, taking follow-up actions, and protecting whistleblowers**

Pursuant to Article 7(2)(1) of the Act on the International Institute of Molecular and Cell Biology in Warsaw of June 26, 1997 (Journal of Laws No. 106, item 674, as amended) and §13 of the Statute of IIMCB, approved by Decision No. 1/2017 of the President of the Polish Academy of Sciences of January 9, 2017, I hereby order the following:

#### **§1**

##### **GENERAL PROVISIONS**

1. The International Institute of Molecular and Cell Biology in Warsaw (hereinafter: IIMCB) conducts its activities on the basis of absolute respect for the law, good practice and the highest ethical standards.
2. The main purpose of these regulations is to create a whistleblowing system at IIMCB by establishing a secure reporting channel that prevents any retaliation against the whistleblower.
3. In particular, the regulations specify:
  - (a) The scope of irregularities covered by the procedure,
  - b) The circle of persons authorized to report irregularities
  - (c) the rules for the reporting of irregularities by persons authorized to report irregularities
  - d) the accountability for the treatment of irregularities,
  - (e) the procedure for handling and managing irregularities
  - f) the principles of confidentiality, in particular the principle of non-disclosure of whistleblower reports and the identity of whistleblowers.

#### **§2**

##### **SCOPE OF APPLICATION OF THE REGULATIONS**

1. Persons from the following groups are eligible to apply:
  - a) employees and doctoral students as well as former employees and doctoral students of IIMCB,
  - b) all other persons (hereinafter: employees) who are in any way connected with IIMCB, in particular: a person who performs work on a basis other than employment, including under a civil law contract; a person who performs work under the supervision and direction of a contractor, subcontractor or supplier; an intern; a volunteer; a trainee; or applicants for employment, if they have received

information about irregularities during the recruitment process or other processes preceding the establishment of the employment relationship.

2. The notification of irregularities may relate in particular to:

- a) a person authorized to represent IIMCB,
- b) employees and collaborators of IIMCB in connection with the performance of work for IIMCB,
- c) a subcontractor or other contractor who is a natural person, if his criminal act was in connection with the execution of the contract concluded with IIMCB
- d) an employee or collaborator or a person authorized to act in the interest of or on behalf of a Contractor who is not a natural person, if his act was in connection with the performance of the contract concluded by that Contractor with IIMCB.

3. A breach of the law is an unlawful act or omission committed with the aim of circumventing the law:

- 1) corruption;
- 2) public procurement;
- 3) services, products and financial markets;
- 4) anti-money laundering and combating the financing of terrorism;
- 5) product safety and regulatory compliance;
- 6) transportation safety;
- 7) Environmental protection;
- 8) Radiation protection and nuclear safety;
- 9) Food and feed safety;
- 10) animal health and welfare;
- 11) public health;
- 12) consumer protection;
- 13) Privacy and data protection;
- 14) Security of networks and ICT systems;
- 15) Financial interests of the Treasury of the Republic of Poland, the local government unit and the European Union;
- 16) internal market of the European Union, including public law competition rules and state aid, as well as corporate taxation;

17) constitutional freedoms and rights of man and citizen - occurring in the relations of individuals with public authorities and not related to the areas referred to in points 1-16,

18) violations of internal legal acts in force at IIMCB.

### **§3**

#### **WHISTLEBLOWER STATUS**

1. In accordance with the principle of good faith, any person authorized to report should report an irregularity if he or she has reasonable grounds to believe that the information provided is true.
2. Whistleblower status can be obtained by any whistleblower unless a preliminary analysis of the whistleblower gives reason to believe that the whistleblower has clearly acted in bad faith (presumption of good faith).
3. The decision to grant whistleblower status is made by the person responsible for processing the reports.
4. A whistleblower is a person who reports irregularities in proceedings in which he or she is not a party or participant for the benefit of the parties or participants in these proceedings and does not do so for his or her own legal interest.
5. The whistleblower is neither a witness in the proceedings initiated on the basis of his/her request, nor is he/she a participant or party to the proceedings initiated.
6. The whistleblower does not become a party to administrative proceedings within the meaning of the provisions of Article 28 of the Code of Administrative Procedure in proceedings pending on the basis of a report received from him/her.
7. A separate case register is created for cases reported by a person who has been granted whistleblower status.
8. The whistleblower shall be informed of the progress and outcome of the proceedings initiated on the basis of his or her report, insofar as the information within the case registered in connection with the report submitted by him or her constitutes public information.

### **§4**

#### **WHISTLEBLOWER PROTECTION**

1. The personal data of a whistleblower who has been granted whistleblower status is subject to special protection in order to limit the whistleblower's personal risks, including negative consequences on the part of the persons and entities to which the report related.
2. The whistleblower's data should remain confidential and may not be disclosed to parties and participants in the proceedings during the course of the proceedings without the whistleblower's express and unequivocal consent.

3. The whistleblower is not obliged to provide additional personal data other than that provided in the submitted report if the data provided enables clear identification.

4. The identity of the whistleblower will not be disclosed in any of the documents associated with the procedure.

5. There is an absolute prohibition of retaliation against a whistleblower even if the report was made in good faith and the investigation carried out has shown that the reported irregularity did not occur.

6. If the work was, is or will be carried out on the basis of an employment relationship, no retaliatory measures may be taken against the whistleblower, consisting in particular of

1) the refusal to establish an employment relationship;

2) dismissal or termination of the employment relationship without notice;

3) failure to conclude a fixed-term employment contract or a permanent employment contract following the termination of a probationary contract, failure to conclude a further fixed-term employment contract or failure to conclude a permanent employment contract following the termination of a fixed-term contract - if the whistleblower had a reasonable expectation that such a contract would be concluded with him/her;

4) A reduction in remuneration;

5) Withholding a promotion or being overlooked for a promotion;

6) Failure to provide employment-related benefits other than pay or reduction in the amount of such benefits;

7) Transfer to a lower position;

8) Suspension from the performance of work or service duties;

9) Transfer of the whistleblower's existing duties to another employee;

10) An unfavorable change in work location or work schedule;

11) A negative evaluation of work performance or a negative opinion about work;

12) The imposition or application of any disciplinary action, including a fine, or any action of a similar nature;

13) coercion, intimidation or exclusion;

14) bullying;

15) discrimination;

16) detrimental or unfair treatment;

17) refusal to participate in or failure to be typed for professional qualification measures;

- 18) unjustified referral for medical examinations, including psychiatric examinations, unless a separate regulation provides for the possibility of referring an employee for such examinations;
  - 19) actions aimed at discouraging future job searches in a particular sector or industry on the basis of an informal or formal sector or industry agreement;
  - 20) causing financial loss, including economic loss or loss of income;
  - 21) causing other non-material damage, including damage to personal property, in particular the reputation of the informant.
7. Retaliation for a report or public disclosure shall also be considered an attempt or threat to apply the measure referred to in paragraph 6.
8. The protection applies to a whistleblower who is also a perpetrator, co-conspirator or accomplice of a person or persons who contributed to the wrongdoing by their acts or omissions.
9. If, in the course of the investigation, a whistleblower who has previously been granted whistleblower status is found to have acted in bad faith, whistleblower protection will be withdrawn.

## **§5**

### **PERSONS RESPONSIBLE FOR THE MANAGEMENT OF REPORTS**

1. A Violations Team (hereinafter: the Team) appointed by the Director of IIMCB is responsible for receiving and investigating reports of irregularities at IIMCB.
2. The members of the team act on the basis of ad hoc authorizations from the Director of IIMCB.
3. The Director of IIMCB may additionally appoint experts, who may or may not be employees of the entity, to carry out certain specialized activities during the procedure.
4. No member of the team or expert may be:
  - a) The whistleblower who forwarded the report that is the subject of the clarification;
  - b) a person affected by the request;
  - c) a person who is a direct subordinate or superior of the person to whom the report relates;
  - d) a person close to the reported person (as defined in the Criminal Code);
  - e) a person who carries out activities or deals with matters whose regularity is under investigation;
  - f) a person whose participation in the proceedings would raise reasonable doubts as to his impartiality for other reasons.
5. In the course of the investigation, the members of the team have the right to
  - a) access to documents and data;

- b) to receive processed and unprocessed information from employees of the individual organizational units;
- c) to receive oral and written statements from employees, doctoral students and colleagues of the unit;
- d) gain access to the unit's premises to inspect the premises or preserve evidence;
- e) to seek the assistance of the Personal Data Inspector;
- f) to inspect the information and data received to the extent necessary.

## **§6**

### **REPORTING OF IRREGULARITIES**

1. Reports of irregularities can be submitted via a special email box - [whistleblowing@iimcb.gov.pl](mailto:whistleblowing@iimcb.gov.pl)
2. The irregularity report should contain a clear and comprehensive explanation of the subject matter of the report and include in particular
  - a) the date and place of occurrence of irregularities or the date and place of acquisition of information on the irregularity
  - b) a description of the specific situation or circumstances giving rise to the possibility of irregularities
  - c) identification of the person/organizational unit concerned by the report of the irregularity
  - d) identification of possible witnesses of irregularities,
  - e) Identification of any evidence and information available to the reporter that could prove helpful in dealing with irregularities,
  - f) contact person for the report.
3. The reporter is obliged to keep the information in his/her possession about suspected irregularities confidential and to refrain from public discussions about reported suspected irregularities, unless he/she is legally obliged to do so.
4. Anonymous requests will not be considered by the team.

## **§7**

### **MISREPORTING**

1. Irregularities can only be reported in good faith.
2. An applicant who acts for a purpose that violates the law or the principles of social interaction remains in bad faith.
3. If either a preliminary analysis of the report or an investigation reveals that a report of irregularities knowingly contains falsehoods or the truth has been concealed, the reporting employee may be held

liable under the Labor Code.

for regulatory liability under the Labor Code. Such conduct may also be classified as a serious breach of fundamental labor law obligations and as such may lead to termination of the employment contract without notice.

4. In the case of a reporter who provides services to IIMCB on the basis of a contract other than an employment contract, the discovery of a false report of irregularities may result in the termination of the contract and the final termination of the cooperation between the parties.

5. Irrespective of the above-mentioned consequences, a Reporting Party who knowingly submits a false report of irregularities may be held liable for damages in the event of damage on the part of IIMCB in connection with the false report.

## **§8**

### **INVESTIGATION**

1. Upon receipt of a report of irregularities, the team shall immediately, but at the latest within 7 working days from the date of receipt

- a) acknowledge receipt of the report of irregularities,
- b) carry out a preliminary analysis of the request,
- c) grants or does not grant whistleblower status to the reporting person.

2. Exceeding the above deadline is justified only if it is necessary to take additional steps in the preliminary analysis of the request (e.g. the need to supplement the request, collect additional evidence). The preliminary examination of the application may not take longer than 14 days.

3. If the application is eligible for recognition, the team will initiate an investigation, which will be conducted in accordance with the rules set out in these regulations.

4. The examination of the report of irregularities shall take place without undue delay within a maximum period of 30 days from the initiation of the investigation, provided that the team is able to collect the necessary documents and evidence within this period.

5. In particularly complex cases, the processing of a report on irregularities may be carried out within a maximum period of 90 days from the date of the start of the investigation.

6. On the basis of the conducted investigation, the team prepares a report containing a description of the facts found, including the irregularities found and their causes, scope and consequences, as well as the persons responsible for them, and recommendations for handling the case, and submits it to the Director of IIMCB.

7. The team is obliged to inform the whistleblower of the manner in which the case was handled at the contact address provided by the whistleblower within 30 days of completing the processing of the report.

## **§9**

### **REGISTER OF REPORTS OF IRREGULARITIES**

1. Every report of an anomaly is recorded in the anomaly register, regardless of the further course of the investigation.
2. The team is responsible for keeping a register of irregularities at IIMCB.
3. The register of irregularities includes in particular
  - a) Contact information of the whistleblower,
  - b) All detailed information available on the request,
  - c) the progress of the analysis and examination of the report of irregularities
  - d) the persons and organizational units involved in the analysis and processing of the request
  - e) the recommendations of the team.
4. The data in the irregularities register shall be kept for a period of 5 years after the investigation has been completed.

## **§10**

### **EXTERNAL APPLICATIONS**

1. A report may in any case also be made to a public body or a central authority by way of derogation from the procedure provided for in these regulations, in particular if:
  - a) the employer does not take any follow-up action or provide feedback within the deadline for feedback set out in these regulations;
  - b) the whistleblower has reasonable grounds to believe that the violation of the law poses a direct or obvious threat to the public interest, in particular the risk of irreparable damage;
  - c) an internal report would expose him to retaliatory measures;
  - d) in the case of an internal report, there is little likelihood that the employer will be able to successfully address the violation due to the particular circumstances of the case, such as the possibility of concealment or destruction of evidence or the possibility of collusion between the employer and the violator or the employer's involvement in the violation.
2. A report to a public authority or a central authority bypassing the internal report does not result in the whistleblower being deprived of the protection guaranteed by the provisions of the Whistleblower Protection Act.

## **§ 11**



The Order shall enter into force on September 25, 2024, with the exception of § 10, which shall enter into force on January 1, 2025.



signature of the employee representative

**Marta  
Elżbieta  
Miączyńska**

Digitally signed  
by Marta Elżbieta  
Miączyńska  
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