

Since the Sapin 2 law of 9 December 2016, employees can benefit from specific "whistleblower" protection. Companies with more than 50 employees are obliged to set up a whistleblowing system. The European Directive of 23 October 2019 and the 21 March 2022 law have created new obligations, which may lead to criminal sanctions.

The management of internal investigations is subject to complex rules due to the rights of whistleblowers and persons accused and the handling of personal data. Courts' growing expectations regarding the impartiality of investigations increasingly justifies the use of an independent lawyer.

Thanks to its multidisciplinary teams (employment, criminal, ethics and compliance), Flichy Grangé Avocats assists its clients in setting up whistleblowing systems, managing internal investigations, and handling crisis management and litigation.



## A solution to all your questions

Who can claim whistleblower status? How can we avoid slanderous denunciations? Do we need to set up a whistleblowing system? When are we obliged to conduct an internal investigation? Who can conduct the investigation? How can the confidentiality of the investigation be ensured? What is the role of the Works Council? What are the GDPR obligations?

### Dedicated Partners

Joël Grangé

Natacha Lesellier

Nabila Fauché-El Aougri

Arnaud Chaulet

- **Whistleblowing systems**

*(Clients wishing to set up an external system can benefit from preferential rates from the firm's partner, EQS, European leader in whistleblowing systems)*

- **Internal Investigation Guides**

- **Staff training on the management of whistleblowing reports and investigations**

- **Outsourcing of the collection and analysis of the admissibility of whistleblowing reports**

- **Conducting internal investigations**

- **Management of public authorities' investigations** (Rights Defender, Labour Inspectorate, French Anti-Corruption Agency, etc.)

- **Whistleblower litigation** (e.g. retaliation summary proceedings/application for provision of legal costs or subsidies, application for communication of the investigations report)

### Example of internal investigations support

- Analysis of claims
- Kick-off meeting with the client
- Engagement letter, draft investigation plan and list of documentation to be provided by the client
- Analysis of documentary evidence and updating of the investigation plan
- Preparation of interview questionnaires and summons letters for whistleblowers, persons accused and witnesses
- Interviews
- Interview minutes and validation by the interviewees
- Drafting of the investigation report
- Closing meeting with the client
- Whistleblower and person accused feedback letters