

IAJ/UIM
Study Group Four—2020
Costa Rica

Fraud and Corruption in the workplace: How does it affect employees?

Fraud and corruption are universal problems that exist in all spheres of society, including in the workplace, whether in the employer's business, in unions, or in outside contractors. Fraud and corruption greatly impact employees. Some employees are ready to fight and denounce this problem, but others fear retaliation.

Fraud and corruption are closely related concepts but address different issues:

Fraud generally involves deliberate misrepresentation of facts and/or significant information to obtain undue or illegal financial advantage.

Corruption involves effort to influence and/or the abuse of public authority through the giving or the acceptance of inducement or illegal reward for undue personal or private advantage.

The 4th Study Commission will examine these questions this year. What kind of fraud and corruption is found in the workplace? What are the consequences? What protection can be offered to whistleblowers?

Questions :

(1) Does your country have any legislation, or rules, that deal with fraud and corruption in the workplace? If so, please briefly describe them.

POLAND HAS NO STATUT FOCUSED ONLY ON FROUD OR CORRUPTION IN THE WORKPLACE. FROUD AND CORRUPTION IN THE WORKPLACE ARE SUBJECTED TO THE GENERAL RULES STATED BY LAW IN ACCORDANCE WITH THE EU REGULATIONS.

(2) Do you have one example of fraud or corruption in the workplace and its consequences on employees?

YES, THERE IS A HIGH PROFILE CORRUPTION CASE AGAINST FORMER CRACOW APPELATE COURT PRESIDENT. ALL IN ALL, THE ALLEGATIONS AGAINST HIM CONSIST IN GAINING UNDUE PROFITS RELATED TO TRAININGS WHICH WERE NOT DELIVERED BY HIM.

(3) Do you have any specific laws protecting whistleblowing by employees, and, if so, what are they? Do these laws cover wrongdoing, fraud and corruption by third parties (who are not employers)? What remedies are available to whistleblowers.

GENERALLY, WHISTBLOWER WHO IS INVOLVED IN CORRUPTION AND TRULY WITNESSES ON FACTS WHICH HELP TO DEFINE THE SCOPE OF CRIMINAL ACTIVITY OF THE PERPETRATORS, ESPECIALLY WHEN IT COMES TO ORGANISED CRIME, MAY PLEA FOR BARGAIN.

(4) Do non-government agencies, such as civil society organizations, play any part in fighting corruption in the workplace, and if so, how do they interact with the administrative agencies or courts in your country?

ABOVEMENTIONED LEGAL BODIES CAN TAKE PART IN CRIMINAL PROCEEDINGS IN CASE THEY ARE VICTIMS OR PROOF THEIR GENERAL CONNECTION TO THE SUBJECT OF THE CASE.

Thank you for your participation.