TECHNOLOGY
FOR HIGHER STANDARDS

WHISTLEBLOWER-POLICY

Information pursuant to Section 10(1) of the Whistleblower Protection Act (HschG)
The Whistleblower Protection Act (HschG) transposed the EU Whistleblower Directive into national law. Companies of a certain size are required to establish internal reporting channels so that whistleblowers have the opportunity to report potential violations of the law confidentially and with protection.

1) Which individuals are covered by the Whistleblower Protection Act (HschG)?

The scope of personal protection under the HschG covers individuals who, due to a current or former professional relationship with the company, have received information about legal violations, specifically as

// Employees (including temporary staff);
// Job applicants, interns, volunteers, and apprentices;
// Self-employed individuals;
// Members of an administrative, management, or supervisory body;
// Individuals who work or have worked under the supervision and direction of a contractor, subcontractor, or its suppliers, as well as
// Shareholders (=partners).

In addition, pursuant to Section 2(3) of the HschG, the following are protected from (indirect) retaliatory measures:
Persons who support whistleblowers; Persons associated with the whistleblower who could be affected by retaliatory measures; and companies that are wholly or partially owned by the whistleblower, or for which the whistleblower works or with which the whistleblower has some other professional connection.

2) What types of legal violations can be reported?

The scope of protection under the HschG covers the provision of information in the following areas:
// Public procurement (e.g., bid-rigging),
// Financial services, financial products, and financial markets, as well as the prevention of money laundering and terrorist financing,
// Product safety and compliance,
// Traffic safety,
// Environmental protection,
// Radiation protection and nuclear safety,
// Food and feed safety, animal health, and animal welfare,
// Public health,
// Consumer protection,
// Protection of privacy and personal data, as well as the security of network and information systems,

// Prevention and prosecution of criminal offenses under Sections 302 through 309 of the Criminal Code (in essentially provisions criminalizing corruption),
// infractions to the detriment of the Union's financial interests,
// violations of internal market regulations within the meaning of Article 26(2) TFEU, violations of Union regulations on competition and state aid, and violations of internal market regulations relating to acts that violate corporate income tax regulations or relating to agreements aimed at obtaining a tax advantage that is contrary to the objective or purpose of corporate income tax law.

This does not include violations of labor law (e.g., workplace bullying, wage dumping, or sexual harassment in the workplace).

3) How is the whistleblower protected, and where can they turn for help?

Provided that the report is justified, the whistleblower is protected to the extent that any retaliatory measures (e.g., termination, suspension, or other forms of termination or non-renewal, demotion, transfer, negative performance evaluation, disciplinary action, termination of contract, etc.) are legally invalid.
Furthermore, whistleblowers are not liable for any factual or legal consequences of a valid report. By submitting a valid report, the whistleblower does not violate any statutory or contractual confidentiality obligations.
Whistleblowers are invited to contact the company's internal reporting office in writing at whistleblower@hainzl.at. The confidentiality of the identity and personal data of whistleblowers and third parties mentioned in the report is strictly maintained.
Alternatively, it is also possible to consult an external reporting office. In principle, the Federal Office for the Prevention and Combating of Corruption (BAK) is designated as the external reporting office and is responsible for handling such reports. However, for the financial services sector, the Financial Market Authority (FMA) or the Money Laundering Reporting Office is also responsible.

4) Procedure

Every report received is documented and confirmed in writing within seven calendar days. At the request of the person submitting the report, an in-person discussion regarding the report will be arranged within 14 calendar days at the latest.
Every report is reviewed for validity. If the report proves to be accurate, appropriate follow-up measures—such as investigations or further inquiries—will be taken by the internal reporting office.
No later than three months after receipt of the report, the whistleblower will be informed of the follow-up measures that have been taken, those that are intended to be taken, or the reasons why the report will not be pursued further.

5) Sanctions

Anyone who knowingly provides false information commits an administrative offense under § 24(4) of the HschG and, unless the act is punishable by a more severe penalty under another provision, shall be punished by the district administrative authority with a fine of up to 20,000 euros, or up to 40,000 euros in the case of a repeat offense.