



DELTA legal



## Legal News

### Whistleblowing: reporting anti-social behaviour at the workplace

*Employers with at least 50 employees are obliged to implement an internal system for handling employee reports.*

Since 1 January 2015, Act No. 307/2014 Coll., on certain measures connected with the reporting of anti-social behaviour and on the change and amendment of some laws (the "**Whistleblower Protection Act**") came into effect in Slovakia. This should constitute an effective instrument for reporting and investigating the anti-social behaviour defined in the Act (whistleblowing), and should serve to protect the whistleblower against adverse steps taken by the employer as a consequence of whistleblowing.

Serious anti-social behaviour is defined as:

- criminal offences committed by public officers, corruption, deceitful practices used during public procurements and public auctions, damaging the financial interests of the European Union, deceitful practices employed during public procurements,
- any criminal offence punishable by at least three years' imprisonment; and
- administrative offences punishable by a fine of at least EUR 50,000.

The Whistleblower Protection Act regulates:

- a) External whistleblowing – the whistleblower reports the wrongdoing to the police or prosecutor (Authorities of the criminal procedure) or to the administrative authorities
- b) Internal whistleblowing – the whistleblower reports the wrongdoing internally to their supervisor or to the employer

## Internal whistleblowing

In this newsletter we would like to draw the attention mainly on new legal obligations of employers designated by the Act in connection with internal whistleblowing. The Act stipulates the obligation to implement an internal system for handling employee reports for all government bodies (public administrative authorities) and employers with at least 50 employees. Other employers can implement the internal whistleblowing system voluntarily.

**Penalty of up to EUR 20,000 for breaching the obligation to implement the internal whistleblowing mechanism.**

**These designated employers are obliged to implement the internal system for handling the employee reports, including the adoption of the internal rules (guidelines) complying with the Whistleblower Protection Act, by 30 June 2015. The penalty on the employer for a breach of this obligation can be up to EUR 20,000.**

Adoption of the internal system for handling employee reports includes, among other things:

- Appointment of a responsible person or establishment of a separate organisational unit responsible for handling reports. This responsible person has to be a direct subordinate of the employer's statutory body. In many companies it might be necessary to change the organisational structure to comply with this obligation;
- Issuing or amending of internal rules (guidelines) complying with other relevant details of internal whistleblowing in compliance with the Whistleblower Protection Act;
- Methods of reporting must be made public and commonly available to all employees; at least one method of reporting must be available daily, 24 hours per day.
- Establishment of a special register of reports, which has to be kept for at least three years after receipt of the report.

**How we can help**

**We will be happy to help you implement an internal system for handling employee reports, including drafting (or review) of internal rules regulating internal whistleblowing in accordance with the new Act as well as to advice on further employer's obligations related to the whistleblowing.**



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This document is intended as a general communication and is not an advice in specific circumstances.

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**3 June 2015**