

# News Flash

April, 28<sup>th</sup>, 2015



**Act on reporting of anti-social activities brings new obligations for employers in Slovakia**



## Act on reporting of anti-social activities

We would like to draw your attention to the Act No. 307/2014 Coll., on certain measures related to the reporting of anti-social activities that came into force in Slovakia as of January 1<sup>st</sup>, 2015. The Act on reporting of anti-social activities (also called as Act on whistle-blowing) introduced unified conditions in connection to the whistle-blowing in Slovakia. Companies employing more than 50 employees have to meet new conditions introduced by the Act not later than on June 30<sup>th</sup>, 2015.

### New obligations for employers

The act imposes new obligations for employers who employ **more than 50 employees** or employers who are a public authority. The most important obligations are as follows:

- Appointment of a person in charge
- Investigation of announcements
- Creation of an internal system of announcements submission
- Keeping the identity of the whistle-blowers confidential
- Issue of internal rules
- Keeping of an evidence

### Appointment of a person in charge

The employer is obliged to appoint a person in charge who will be responsible for the fulfillment of all obligations in compliance with the Act.

The person in charge can be also a person who is not in an employment relationship with the employer or it can be also a third-party organisation that will be appointed by the employer based on the contract.

### Investigation of the announcements

The employer shall accept and investigate all announcements reported by employees **till 90 days** after the delivery date.

This period can be **extended by other 30 days** if the employee who submitted an announcement has been informed about the extension.

In case the announcement has not been submitted anonymously, the employer has to inform the employee about the outcome of the investigation till 90 days.

### Creation of an internal system of announcements submission

The employer is obliged to publish the person in charge and methods in which the announcement on anti-social behaviour can be submitted by employees. Please note, that at least one of the method of receiving of submission **has to be accessible 24/7**.

### Keeping the identity confidential

The employer is obliged to keep the identity of the whistle-blower submitting the report non-anonymously confidential.

### Issue of internal rules

An internal guideline has to be issued consisting of all rules setting out the important details on whistle-blower mechanism in the company.

### Keeping the evidence

Besides all the above-mentioned obligations, the employer shall keep the evidence on received announcements **till 3 years after they were submitted** in the extent of:

- date of delivery,
- name, family name and address of the person submitting the announcement,
- reason of the announcement,
- outcome of the investigation,

- date of the end of the investigation.

### Penalties for employers

When the employer breach any of the obligations stated in paragraph 11 and 12 of this Act, the employer can be **fined up to 20 000 EUR** by the Labour Inspectorate of the Slovak Republic.

### Ensurance of protection for employees

An employee can report any anti-social behavior anonymously or non-anonymously.

Only employees who have reported the anti-social behavior non-anonymously can require the protection. Please note, that the **protection is not provided automatically**, i.e. the employee has to apply for protection.

The protection will be granted by the Labour Inspectorate. When the protection for the employee is granted, the employer can not take any legal acts towards the employee without the prior consent of the Labour inspectorate or the employee.

The employer can apply for the consent by filing of an application, consisting of information about the employee, type of the proposed legal act towards the employee and justification for the proposed legal act.

Without the prior consent of the Labour Inspectorate, the legal act is invalid.

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