



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Slovakia

Introduction

Slovakia joined a selected group of European countries in November 2014 when its parliament passed a designated law to protect whistleblowers in the public and private sectors. The “Act on Certain Measures Related to the Reporting of Anti-social Activities” took effect the following January.

The legislation marks a major advance in a country that previously had scant provisions for whistleblowers. It is one of the few laws in the world that provides preemptive protections from retaliation in the workplace. It also requires all private employers with at least 50 employees, and all public institutions, to have internal whistleblower systems in place.

Laws, Institutions and Procedures

Slovakia’s new law provides a two-fold system of protection. If an employee reports “non-serious antisocial activities” and is retaliated against, he or she can file a complaint with the Labor Inspectorate. Employees who report “serious anti-social activities” – such as corruption of public officials, public procurement or public auctions – can apply to be protected from retaliation before it occurs. If this protection is granted, an employer cannot take any action against an employee without permission from the Labor Inspectorate.

Private companies with least 50 employees and all public employers must designate a department or person to receive disclosures. This department or person must issue internal rules, maintain a register of reports and publish investigation results. Employers must maintain confidentiality and inform employees of investigation outcomes. At least one reporting channel must be available 24 hours a day. Reports must be handled within 90 days.

Whistleblowers whose reports contribute to final rulings in criminal or administrative cases are eligible for rewards of up to 50 times the minimum wage.

The law is retroactive: employees who disclosed misconduct before the law took effect are eligible for protection.

Recent or Ongoing Initiatives and Trends

While Slovakia’s new law contains many strong provisions, its effectiveness remains in question. Transparency International Slovakia observed that the number of reports filed remains very low and that some authorities have not followed up on reports on time, perhaps due to a lack of resources.



Whistleblower Cases

One of Slovakia's best-known whistleblowers whistles professionally: football referee Jozef Žatko. In 2010 he revealed that government chauffeurs were stealing fuel. Managers cut his salary, disciplined him and harassed him into leaving his job. He was vindicated when the government intervened and reduced fuel consumption by 30,000 liters per month. Two years later he exposed attempts by football teams to bribe him and other referees, for which he received Transparency International's Global Integrity Award and the White Crow Award.

Ján Mičovský was fired from his public relations position at the *state-run forestry company Lesy SR* in 2010 **after he exposed** irregularities and corruption, including managers who stole and misused company assets. After first attempting to deal with the problem by telling his supervisor, Mičovský sent an open letter detailing the misconduct to 1,500 colleagues. The agency's director general and the Minister of Agriculture were removed from office. Mičovský received the White Crow Award in 2010 and was elected to the National Council in 2012 representing the Ordinary People and Independent Personalities party.

Data and Statistics

The Labor Inspectorate has received 13 requests for protection from 11 people since the law took effect in January 2015. The agency also has received two requests to suspend adverse employment actions, both of which were denied.

Public Perception of Whistleblowing

In a 2010 survey, only 5 percent of Slovaks said they certainly would report a case of bribery. The main reasons cited for staying quiet were that reporting bribery makes no sense and the fear of revenge. The new whistleblower law may have the effect of increasing public trust.

Due to civil society initiatives to promote whistleblower stories, and the fact that several prominent whistleblowers have become politically active, the perception of whistleblowing is improving.

Capacities and Knowledge Centers

The Labor Inspectorate is responsible for many aspects of the new whistleblower law, including ensuring that employees who have received protection status are not treated unfairly in the workplace.

Since 2008 the NGOs Aliancia Fair-play and VIA IURIS have bestowed the White Crow Award to Slovaks in honor of their socially responsible and courageous civic actions. Recipients include people who have exposed public procurement violations, tampering of hospital records and suspicious university admissions.