

SLOVAKIA: WHISTLEBLOWING - WHISTLEBLOWER PROTECTION ACT

As of July 1 and September 1, 2023 changes take effect to Slovak Act No. 54/2019 on protecting whistleblowers and the amendment of certain acts as a result of the transposition of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

In relation to employers:

Unlike the Czech Republic, for example, Slovakia already had whistleblowing legislation before the transposition of this directive. Employers with at least 50 employees were already required to have an internal investigation system for reports (whistleblowing link) and designate a person responsible for this area.

As of September 1 the obligation to designate a responsible person within the organization will extend from employers with at least 50 employees to include all employers providing financial services, transport safety services, or environmental services (regardless of number of employees).

Employers can continue to designate an external person in the following scope:

- accepting and confirming delivery and investigating notifications, if they have under 250 employees,
- only accepting and confirming delivery of notifications, if they have 250 or more employees.

If oral reporting is permitted, the whistleblower has the right to request an in-person meeting within a reasonable time frame. The employer will be required to confirm receipt of the report within seven days, even in the case of anonymous reports if possible. Reports must be investigated and the whistleblower must be informed of measures taken within 90 days.

The employer must have an internal whistleblowing regulation. In addition to the information already required, employers are now required to state details about measures taken to eliminate any shortcomings found upon investigating the report, about communicating with the whistleblower regarding said measures, and about measures taken against anti-whistleblowing activity.

The penalties to which employers are subject have been raised from the prior maximum of 20,000 euros to 100,000 euros and 200,000 euros for repeated breach in the previous two years.

We recommend checking the whistleblowing system currently in place and updating it to comply with the new legislation.

General:

The primary goal is to strengthen protections for whistleblowers.

The legislation previously in effect only provided protections to individuals in an employment law relationship with a particular organization. In accordance with EU law, this protection will now also apply to individuals in another, similar relationship such as self-employment, internship or board membership, as well as suppliers of goods or services.

The concept of whistleblower has expanded to include a person making a whistleblowing report during their relationship with the organization as well as once that relationship has ended or before the relationship with a particular organization has begun. The explanatory report clarifies that this protection extends to people such as job applicants or tenderers.

SLOVAKIA: WHISTLEBLOWING - WHISTLEBLOWER PROTECTION ACT

The scope of criminal offenses constituting serious antisocial activity has expanded significantly. The exhaustive list of criminal offenses has been expanded to include offences such as the criminal offense of endangering health with unauthorized drugs, medicines and medical devices; criminal offenses such as theft, embezzlement, and corruption; and criminal offenses with a maximum penalty of two years instead of the original maximum penalty of three years.

The maximum penalty for retaliation against a whistleblower in connection with the whistleblowing report, breach of confidentiality, or the person in preventing the whistleblowing report has increased from the original 2000 euros to 6000 euros, or 12,000 euros for repeated offenses.

The official name of the Whistleblower Protection Office is also changing to “Úrad na ochranu oznamovateľov” (the Whistleblower Protection Office).

bpv Braun Partners s.r.o.
Europeum Business Center
Suché mýto 1
SK-811 03 Bratislava

Tel.: (+421) 233 888 880
Fax: (+421) 220 910 844
www.bpv-bp.com
bratislava@bpv-bp.com

Our publications are prepared for general guidance on matters of interest only, and do not constitute professional advice. They do not and cannot take into account any specific circumstances, financial situation or needs of any reader; our readers should not act upon the information contained in this publication without obtaining independent professional advice first. No representation or warranty (express or implied) is given

as to the accuracy or completeness of the information contained in this publication, and, to the extent permitted by law, bpv Braun Partners s.r.o., its members, employees, cooperating attorneys and tax advisers do not accept or assume any liability, responsibility or duty of care for any consequences of the reader, or anyone else acting, or refraining to act, in reliance on the information contained in this publication or for any decision based on it.