

WHISTLEBLOWERS PROTECTION IS ONLY ON PAPER

PAVEL NECHALA,

Warsaw, 6.4.2018

PROTECTION OF WHISTLEBLOWERS IN SLOVAKIA



started 1.1.2015

Basic goals of legislation

- guaranteeing protection of whistleblowers,
- but also obliging subjects from both public and private sectors to create conditions for receiving and investigating complaints filed by employees.

ANOTHER BRICK IN THE WALL OR A STONE THROWN IN WATER?







WHAT HAS CHANGED?



- labor inspectorates?
- public institutions?
- citizens?
- or the law?

ARE THE INSPECTORATES PREPARED FOR THE LAW IMPLEMENTATION AND WHAT IS THE CURRENT PRACTICE?



 FOIA request to the National Labor Inspectorate to find out about organizational changes related to the new law and the first experience with its implementation

Mystery shopping

We also asked each of the Inspectorates and the National Labor Inspectorate for advice in the name of person who discovered some kind of malpractice in his/her workplace and has reported it or would like to report it (so called mystery shopping).

RESULTS



The small number of requests for protection:

- None of the Inspectorates responded on time
- Most Inspectorates didn't offer protection
- Inspectorates responded to anonymous questions and questions from people working under other than standard work contracts
- Inspectorates didn't inform mystery shoppers about the availability of free legal assistance

INFORMING ABOUT PROTECTION





Zamestnávateľ je ďalej povinný po dobu troch rokov odo dňa doručenia podnetu viesť evidenciu podnetov v rozsahu dátum doručenia podnetu, meno, priezvisko a adresa pobytu osoby, ktorá podala podnet (ak de o anonymný podnet, uvedle sa liba poznámka, že ide o anonymný podnet, predmet podnetu. výsledok preverenia podnetu a dátum skončenia preverenia podnetu.

Zamestnávateľ je povinný zabezpečť plnenie vytšie uvedených povinností do šiestich mesiacov od nadobudnutia účinností zákona.
Zákon navise rozální kompetencie inšpekcie práce o oblasť ochrany zamestnancov pri orzamovaní protispoločenskej činnosti.
Každy zamestnávateľ môže podľa zákona urobít právní oslebo vydať rozehodnutie v pracovnoprávnom vzťahu (ďalej len
"pracovnoprávný úkon") voči chrianejému oznamovatejúkol, na ktorý nedal súhlast, iba s predchádzájúcim súhlasom inspektorátu práce sa nevýzaduje, ak sa pracovnoprávným vúkon výmo súhlasť postovnoprávným vúkon súvisaci so slončením pracovnoprávného vzdalu, ktorý je došledkom právnej sukrotoki, ktorá nežaditel od posidlenia zamentnávateľa.

Inšpektorát práce udeli súhlas s navrhovaným pracovnoprávnym úkonom zamestnávateľa voči chránenému oznamovateľovi, len ak

zamestnávateľ preukáže, že navrhovaný pracovnoprávny úkon nemá žiadnu príčinnú súvislosť s oznámením. Právny úkon, na ktorý

sa dozvedela o pracovnoprávnom úkone, o pozastavenie účinnosti tohto pracovnoprávneho úkonu.

Taktiež, ak sa osoba, ktorá podala podnet v rámci vnútorného systému vybavovania podnetov, domnieva, že v súvislosti s podaním podnetu bol voči nej urobený pracovnoprávny úkon, s ktorým nesúhlasí, môže požiadať inšpektorát práce do siedmich dní odo dňa, keď

neudelil súhlas inšpektorát práce, je neplatný.

Európsky

sociálny

fond

A SOCIÁLNA INKLÚZIA



Know Your RIGHTS

Learn More 🔸

OSHA's whistleblower statutes protect you from retaliation. An employer cannot retaliate by taking "adverse action" against workers who report injuries, safety concerns, or other protected activity.

Worker PROTECTIONS

Since passage of the OSH Act in 1970, Congress has expanded OSHA's whistleblower authority to protect workers from retaliation under twenty-two federal laws. Complaints must be reported to OSHA within set timeframes following the retaliatory action. as prescribed by each law.

Learn More →

About the Program

OSHA's Whistbellower Protection Program enforces the whistbellower provisions of more than twenty whistbellower statutes protecting employees who report violators of various workplace safety and health, alinie, commercial motor carrier, consumer produce, environmental, financial reform, food safety, health injustance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, martine, and securities laws. Rights afforded by these whistbellower protection laws include, but are not limited to, worker participation in safety and health activities, reporting a work-related injury, illness or fatality, or reporting a work-related injury.

File a COMPLAINT

File a complaint if your employer has retailated against you for everoring your rights as an employee. In states with approved State OSHA Plans, employees may file a complaint under the CSH Act with both the <u>State</u> and <u>Fischard OSHA</u>. Under the other federal laws, a complaint must be filed with Federal OSHA directly. You may file a complaint by calling! 600-321-OSHA (<u>PRVI</u>), <u>consistent your local OSHA Plans</u> (and <u>Montal Plans</u> (<u>PRVI</u>). <u>Consistent your local OSHA Plans</u> (<u>PRVI</u>).

Learn More 🗲

In the NEWS

November 10, 2015

Notice of Meeting Whistleblower Protection
Advisory Committee (WPAC)

October 5, 2015

Federal judge orders Idaho, employer to pay \$100

POSITIVE SMALL IMPROVEMENTS



The National Labor Inspectorate in cooperation with TI Slovakia:

- Organised trainings for inspectors on whistleblowing
- Prepared and published guideline for potential whistleblowers
- Updated webpage, so information is available on landing page

HOW WERE PREPARED PUBLIC INSTITUTIONS FOR THE LAW?



Research – 28 public institutions (included ministries, regulators, courts),
 October 2016

· Results:

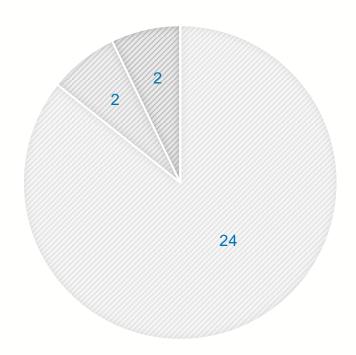
- formalistic approach, internal documentation was not altered compared to the law
- only two organisations realised trainings for their employees (the Ministry of Health: no need to organise it)

-



NUMBER OF CASES IN PUBLIC INSTITUTIONS

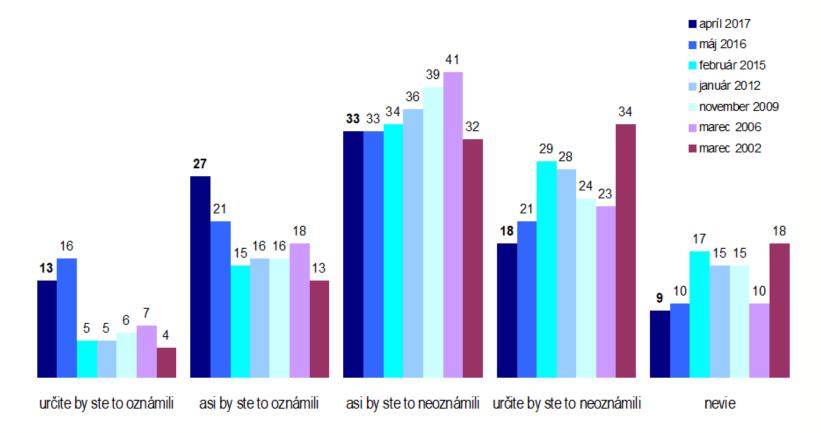






PUBLIC OPINION

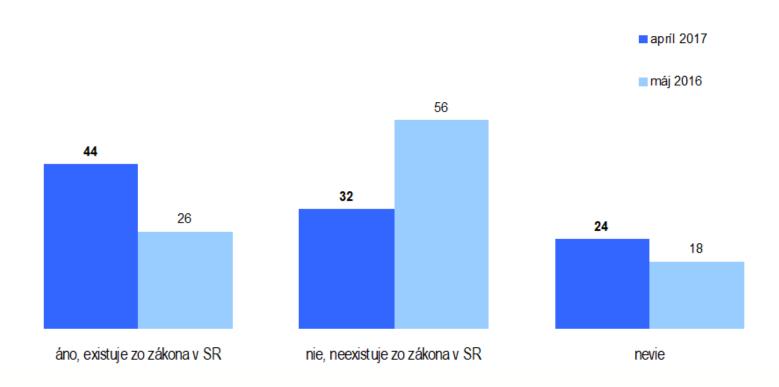
Willingness to report corruption





PUBLIC OPINION

Knowledge about WB legislation



NEW LEGISLATION



- Establishing the special office for whistleblowers protection
- 2. New rights in the criminal and civil proceedings
- 3. In the definition of the report no need to prove the substantial impact of provided information
- 4. Support for organizations in their implementation



http://www.transparency.sk/

https://www.facebook.com/transparencysk/ http://transparency.blog.sme.sk/

© 2016 Transparency International Slovensko