



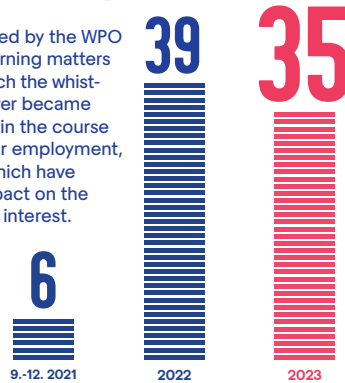
WHISTLEBLOWER
PROTECTION OFFICE

WHISTLEBLOWING REPORTS & PROTECTION MEASURES 2023



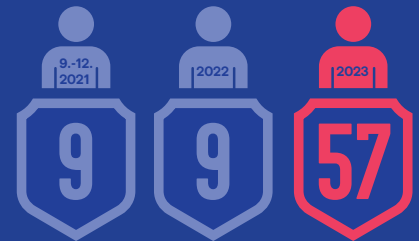
Number of whistleblowing reports

received by the WPO
concerning matters
of which the whistle-
blower became
aware in the course
of their employment,
and which have
an impact on the
public interest.



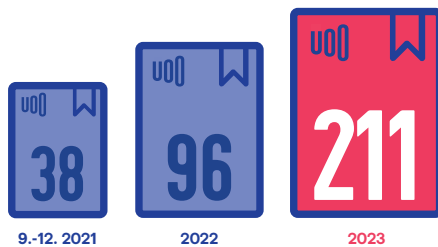
Number of whistleblowers who have received protection

Whistleblowers, who have filed a whistleblowing
report and have been granted protection by the
Prosecutor's Office or another administrative
authority.



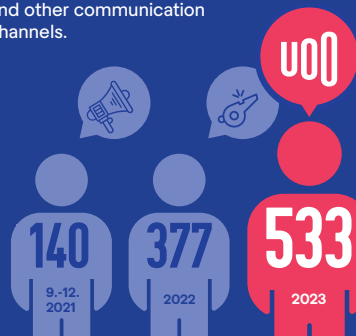
Number of cases in WPO's remit

including: whistleblowing reports, advice
to whistleblowers, whistleblower protection
proceedings, advice to legal entities,
expert work, inspection work and others.

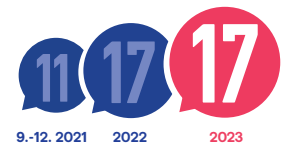


Number of persons who have contacted the WPO

via the online form, hotline, mail,
and other communication
channels.



Number of cases → with a criminal report



→ with a submission filed to administrative authorities

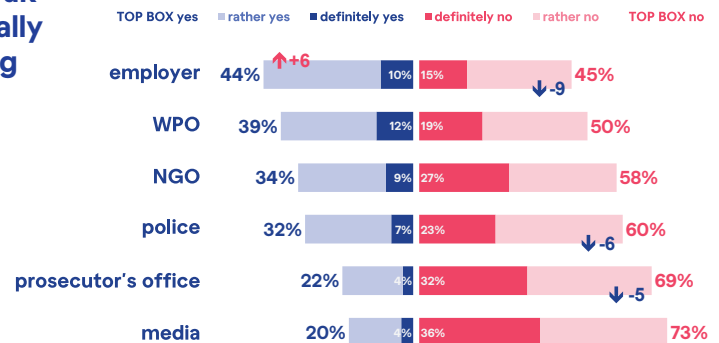


including existing cases and new cases in which
a criminal report/a submission was filed to the relevant
administrative authority either by the whistleblower,
or the WPO.

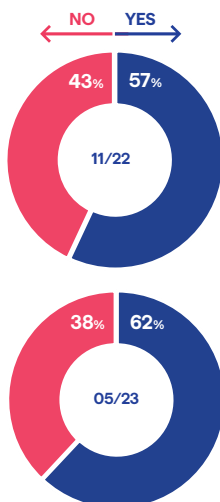
WHISTLEBLOWING AND SOCIETY 2023

Where would Slovak residents potentially file whistleblowing reports:

If you witnessed corruption
or fraud in your workplace,
would you be willing to report
it to?



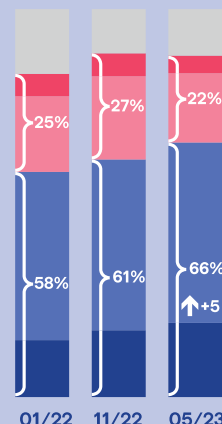
Willingness to report corruption and fraud to at least one entity



Perception of whistleblowers

Imagine if your colleague
reported corrupt beha-
viour or fraud by another
colleague or supervisor.
What would be your opinion
on this person?

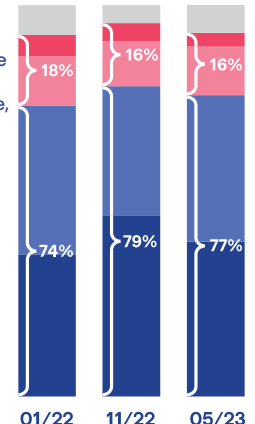
■ don't know
■ very negative
■ rather negative
■ rather positive
■ very positive



Demand for whistleblower protection

In your opinion, should the
state provide legal
protection to such people,
i.e. whistleblowers
of corruption and fraud,
through its institutions?

■ don't know
■ definitely no
■ rather no
■ rather yes
■ definitely yes



↑↓ statistically significant difference from the previous measurement

THE WHISTLEBLOWER PROTECTION OFFICE (WPO) is an independent state authority that protects the rights and legitimate interests of whistleblowers.

The WPO provides advice and support to whistleblowers in the reporting agenda. It also receives and reviews whistleblowing reports, which it then evaluates and forwards, in cooperation with or on behalf of the whistleblower, to the authorities competent to examine them, such as the Public Prosecutor's Office or administrative authorities.

In the protection agenda, the WPO investigates acts of retaliation against whistleblowers and adopts decisions in whistleblower protection matters. It also monitors compliance with the provisions of the Whistleblower Protection Act, advises employers on designing internal whistleblowing systems and issues expert opinions and methodological guidelines.

This brief overview provides basic statistics on the operation of the WPO and the broader societal context of whistleblowing.

A BRIEF OVERVIEW OF ACTIVITIES

The adoption of Act no. 189/2023 Coll., amending Act no. 54/2019 Coll. on the protection of whistleblowers of antisocial activities, and the amendment of certain laws (hereinafter referred to as the amendment) affected significantly the second year of operation of the WPO. The main objective of the amendment was the implementation of the Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law.

The amendment has introduced several substantial changes for employers regarding the establishment and operation of internal reporting systems, which has resulted in a significant increase in the number of requests for professional guidance. As a result, the Office recorded a noticeable increase in the agenda related to advice to employers and designated persons. To address this, the WPO published a summary of the main changes in the law, an overview of the most frequent questions and answers about the amendment, and the current wording of the law in both Slovak and English versions on its official website. Additionally, the WPO created an overview of the necessary internal reporting systems features. The goal was to design a guideline with qualitative criteria for the designated persons to evaluate and, if necessary, adjust the internal reporting mechanisms to make them functional and efficient.

In 2023, WPO also witnessed a noticeable increase in the number of protected whistleblowers who were granted this status by the prosecutor's office or an administrative authority. The Office's agenda has also grown in whistleblower protection proceedings. Compared to 2022, the number of whistleblowers requesting the Office to suspend the effectiveness of the work-related measures increased.

On a positive note, the yearly opinion survey conducted in May 2023 showed that a majority of the Slovak population had a positive attitude towards whistleblowers. It also revealed that there is a demand for the protection of whistleblowers and a relatively high declared willingness of people to report wrongdoings observed in the workplace. This confirms the trend of societal attitudes observed in the previous year.

DATA SOURCES

WPO's own data

The data in the Whistleblowing Reports and Protection Measures section come from the activities of the WPO. The information on the number of protection measures granted is based on the notifications of protection granted that a prosecutor or an administrative authority is obliged to send to the WPO. The information regarding criminal reports and submissions to an administrative authority is a combination of data on criminal reports and submissions made by the WPO and information on submissions to the competent authorities made by the whistleblowers themselves, with whom the WPO works.

Public opinion poll

One of the activities of the WPO is to monitor public opinion as regards whistleblowing and whistleblower protection. The aim is to raise awareness about whistleblowing in Slovakia and especially

about the whistleblower protection options. In 2022, two public opinion polls were conducted in cooperation with the Focus agency in the form of face-to-face interviews with a representative sample of the Slovak population aged 18 and over. The first opinion poll took place from 19 January to 26 January 2022 and the second one from 2 November to 8 November 2022, each on a sample of 1,017 respondents.

SHORT GLOSSARY OF TERMS

Act

The operation of the Whistleblower Protection Office, as well as the overall design of whistleblowing and whistleblower protection in Slovakia, is regulated by Act No. 54/2019 Coll. on Whistleblower Protection and on Amendments to Certain Acts.

Whistleblowing report

A whistleblowing report must cumulatively meet the following characteristics:

- (1) the whistleblower is a natural person or an anonymous whistleblower;
- (2) the whistleblower became aware of the facts stated in the report in connection with the exercise of their employment, profession, position or role;
- (3) the facts stated in the whistleblowing report relate to anti-social activities.

Anti-social activities

In reviewing whistleblowing reports, what is of the essence is the anti-social activity (a crime, a minor offence, an administrative offence or conduct that has a negative impact on society) through its impact on the public interest. The whistleblowing reports in this case are not intended to redress any injustice that is of private or collective interest, but must touch on the public interest.

Whistleblower protection proceedings

There are two types of whistleblower protection proceedings. The first type are proceedings for the suspension of effectiveness of a work-related measure, which are initiated at the whistleblower's request if the whistleblower feels that adverse action under employment law has been taken against them in connection with the whistleblowing report filed by the whistleblower. The second type are proceedings for consent to a proposed legal act or decision in an employment relationship. Such proceedings shall be initiated at the request of the employer, who shall be obliged to seek consent to such actions, if the employer intends to take them against a protected whistleblower.

Protected whistleblower status

Whistleblowers can apply for protected whistleblower status, known as preventive protection, to the prosecutor or administrative authority when filing a whistleblowing report. For protected whistleblowers, the employer needs to obtain the WPO's consent to any act under employment law that affects such protected whistleblowers, on the grounds that such act may be motivated as retaliation for the report filed.

Internal whistleblowing

In internal whistleblowing, whistleblowing reports are filed directly to the employer. Employers with at least 50 employees (at least 5 for public authorities) are legally obliged to set up an internal whistleblowing system and to designate a person responsible to receive and investigate whistleblowing reports.

External whistleblowing

External whistleblowing is a type of whistleblowing report that is not made to one's own employer, but rather to another body that has the ability to stop or remedy the unlawful conduct. These include, for example, the WPO, the Public Prosecutor's Office or an administrative authority.

