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Better protection for whistleblowers in public administration and industry

Edited by Giuseppe Sacco



Act #179 of November 30, 2017, published in the Official Gazette on 14, December 2017, provides for better protection of whistleblowers employed in public administration and in the private sector.

Workers who report violations or misconducts to the National Anticorruption Agency (ANAC) or to the judiciary may not be dismissed, sanctioned, downgraded, transferred or

subject to such other organizational measures as are detrimental to their working conditions and adopted because of their reports or complaints of said violations or misconducts.

Employees in public administration who are affected by such retaliatory measures may report to the National Anticorruption Agency or to the judiciary, who shall provide.

The burden of proof that such organizational measures were not decided as reprisal against the whistleblower shall now rest on the administration.

In case of retaliatory dismissal, the whistleblower shall be entitled to reintegration, as well as to compensation for damage. Such protection excludes cases where the worker is found guilty of slander or defamation in the first instance of judgment, or is sentenced under civil responsibility (solely for wilful or gross misconduct.)

The same provisions shall apply to the private sector.

Employers may use the Fornero procedure to ascertain the legitimacy of a dismissal.

Edited by Anna Maria Corna e Beatrice Ghiani



In the case of a female worker dismissed for out-running the statutory period of absence from work, the company appealed for an ascertainment of legitimacy immediately after the recourse of the worker against her dismissal.

The worker took action, by counter claim, alleging the dismissal was retaliatory and discriminatory.

The judge found for the recourse of the employer, ruling that out-running the period of absence from work was valid cause for dismissal, and that said was neither retaliatory nor discriminatory.