

FEATURES OF THE TERMINATION OF EMPLOYMENT CONTRACTS WITH WHISTLEBLOWERS AND ANTI-CORRUPTION OFFICERS

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Corruption is a persistent problem in many societies, and combating it is essential for creating a fair and just society. One way to address corruption is to establish anti-corruption programs in organizations and businesses. These programs include the appointment of anti-corruption officers who are responsible for implementing and overseeing the program's activities. To protect these officers, laws and regulations have been put in place to safeguard their employment rights.

This abstract examines the features of terminating the employment contracts of whistleblowers and anti-corruption officers. It explores the legal and ethical considerations that organizations must take into account when deciding to terminate the employment contracts with these individuals. Besides, it provides recommendations on how organizations can effectively manage the termination process and ensure compliance with legal and ethical guidelines.

Overall, this paper aims at proving the importance of protecting whistleblowers and anti-corruption officers and at revealing the challenges that organizations face when terminating their employment contracts.

Ensuring the labor rights of whistleblowers is essential for encouraging individuals to report corruption and protecting whistleblowers whose rights are being violated. One of the guarantees of the citizens' right to work is the legal protection against illegal dismissal, provided in paragraph 7 of article 51 of the Labor Code of Ukraine [2]. The authorized person can be dismissed from his/her position before the scheduled term only in the following cases: 1) termination of the employment contract at the initiative of the authorized person; 2) termination of the employment contract at the initiative of the head of the legal entity or its founders (participants); 3) inability to perform the duties because of health reasons in accordance with the conclusion of a medical commission established by the decision of a specially authorized central executive authority that implements state policy in the field of health care; 4) the legal force of a court decision declaring such a person incapacitated or restricting him/her civil capacity, recognizing him/her as missing or declaring dead; 5) the legal force of a court verdict of conviction against such a person; 6) death of the authorized person.

According to paragraph 6 of article 32 of the Labor Code, an employee who has made a report on corruption cannot be dismissed or forced to resign in connection with such a report or subjected to other negative measures of influence, or the threat of such measures of influence. Cases in which an employment contract can be terminated on the initiative of the owner or authorized body are specified in articles 40 and 41 of the Labor Code. At the same time, dismissal is

illegal and violates the rights of the whistleblower if the employer or manager cannot prove in court the absence of a causal relationship between the whistleblower's report and the dismissal. Forced resignation should be understood as direct or indirect actions of the manager or employer aimed at persuading the whistleblower to resign at his/her own will (articles 38-39 of the Labor Code) or termination by mutual agreement of the parties (paragraph 11 of article 36 of the Labor Code).

Thus, any actions that make it difficult or uncomfortable for a whistleblower to do the job can be seen as coercion to terminate the employment. These actions can include threatening to fire whistleblowers for reasons related to their qualifications, unjustly punishing them, publicly condemning them, or withholding benefits like vacations or bonuses. It is important to note that these actions can be carried out not just by the employer or manager, but also by other people in the workplace. To effectively combat corruption, it is crucial to protect whistleblowers from these types of coercive behavior. Providing a proper level of protection for whistleblowers is essential for ensuring that they feel safe and empowered to report any corrupt activities they may witness. This can include legal protection, anonymous reporting options, and supportive workplace policies.

The guarantee of successful implementation of the task of minimizing the manifestations of corruption is to ensure a proper level of protection for whistleblowers. Summing up, this policy of legal protection contributes to the effective operation of preventive anti-corruption mechanisms established by the law and reduces the risk of violating the basic rights and freedoms of citizens in everyday life.

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EXEMPTION FROM CRIMINAL LIABILITY: CONTROVERSIAL ISSUES

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Formulation of the problem. The institution of exemption from criminal responsibility is provided for by the criminal law, which allows not to apply any of