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National Paper on the Implementation and Effectiveness of Whistleblowers Protection

In the Czech Republic, Act No. 171/2023 Coll., on the Protection of Whistleblowers, which transposes EU Directive No. 2019/1937, entered into force in August 2023. The purpose of the legislation is to protect whistleblowers reporting unlawful conduct in the workplace from retaliatory measures by employers.

The first cases of whistleblowers succeeding before Czech courts show that although the legislation is not without flaws, the basic protection mechanisms function effectively. A good example is the case of Pavel Kodym, former Chairman of the Office for Access to Transport Infrastructure, whose whistleblower status was definitively confirmed by the Supreme Administrative Court in December 2024.

However, it should be noted that the Directive was implemented into Czech law with a significant delay. The deadline for implementation expired in December 2021, yet the Whistleblower Protection Act only entered into force in August 2023. In March 2025, the Court of Justice of the European Union upheld an action brought by the European Commission, and the Czech Republic, together with Germany, Luxembourg, Hungary, and Estonia, was fined for late transposition. The relatively short period during which the law has been in force is also reflected in the lack of relevant decisions by higher courts, which affects judicial practice and limits the amount of available data concerning the practical functioning of whistleblower protection.

Transparency International Czech Republic presents a summary of the main shortcomings and gaps in the current legislation and practice, together with recommendations for improvement.

Narrow Material Scope of the Act

A report may contain information concerning unlawful conduct that constitutes a criminal offence, an administrative offence punishable by a fine with an upper limit of at least CZK 100,000, a breach of the Whistleblower Protection Act, or a violation of another legal regulation or EU regulation in selected areas.

The Czech legislation regarding the material scope of the Act is fully consistent with the wording of the Directive and additionally protects whistleblowers reporting most serious administrative offences. However, it does not protect whistleblowers reporting all unlawful conduct. The definition of the material scope of the Act is therefore complex, and uncertainty as to whether protection will actually be granted may discourage many whistleblowers.

As an example of good practice, one may point to legal systems that generally regard the reporting of any unlawful conduct as a protected disclosure, rather than limiting protection to exhaustively listed categories. The complicated definition in the Czech Whistleblower Protection Act may discourage whistleblowers in situations where they are uncertain whether the reported conduct falls within one of the specified categories. Furthermore, the unlawful conduct must meet the criteria of an administrative offence punishable by a fine with an upper limit of at least CZK 100,000, meaning that protection

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is not provided for all unlawful conduct, but only for conduct of a certain degree of seriousness.

Exclusion of Anonymous Reports

Czech legislation excludes the protection of anonymous whistleblowers. A report must contain information from which the identity of the whistleblower can be inferred. Given that fear of identification is a common reason why whistleblowers hesitate to report unlawful conduct, such an approach cannot be regarded as good legislative practice.

Moreover, this aspect of the legislation conflicts with reality, as many employers, especially in the private sector, already accept anonymous reports through internal reporting systems without requiring identifying information from the whistleblower. A future legislative amendment in this direction can therefore be recommended.

At the same time, the approach adopted by the Czech legislator does not prevent obligated entities from accepting anonymous reports through their internal reporting systems. On the contrary, such an approach may be recommended, as it allows employers to become aware of a broader range of unlawful conduct and prevent damage in a timely manner.

Lack of Support Mechanisms

In the future, lawmakers should consider what additional forms of legal assistance could be made available to whistleblowers. The current legislation offers few effective options after a report has been submitted in cases where retaliatory measures actually occur. The only solution is usually litigation against the employer.

Since legal representation is financially inaccessible for many whistleblowers, future amendments should enable civil society non-profit organizations focused on assisting whistleblowers to represent them in court proceedings, or otherwise ensure free legal representation for whistleblowers (for example through planned financial support programs for whistleblowers).

Ministry of Justice as Operator of the External Reporting System and Supervisory Authority

In the Czech Republic, the Ministry of Justice receives and assesses reports submitted through the external reporting system, provides methodological, advisory, and similar assistance, and supervises compliance with the law. In accordance with the Directive, the Ministry publishes an annual report on its website each year.

Both the legislation and practice in this area comply with the Directive. However, one criticism is that no independent authority was established for this agenda; instead, responsibility was entrusted to the Ministry, whose staffing capacities in this area are limited, and administrative proceedings often take many months.

Another practical shortcoming is that the legislation provides whistleblowers with neither legal nor financial support. If the Ministry initiates misdemeanor proceedings based on a submission through the external reporting system, whistleblowers are often repeatedly asked to supplement their submissions. Without legal assistance, which is often financially demanding, many whistleblowers may find it difficult to respond

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adequately to the arguments of the opposing party — the employer — who frequently has better access to legal support.

It is also problematic that, in practice, the Ministry of Justice often functions merely as a “mailbox.” After submitting a report through the external reporting system, whistleblowers are frequently disappointed by how limited the Ministry’s powers are vis-à-vis obligated entities and perceive the subsequent steps as insufficient.

Lack of Awareness and Data Regarding the Protection of Whistleblowers from Vulnerable Groups

At present, there are no data in the Czech Republic documenting the specific challenges faced by whistleblowers who are women, members of minorities, or other vulnerable groups. Without such data, it is very difficult to formulate recommendations on how to work effectively with these groups of whistleblowers.

However, it can be assumed that vulnerable groups have reduced access to information about whistleblower protection mechanisms and may therefore face numerous difficulties in exercising their rights. The proper selection of the designated person responsible for handling reports appears to be particularly important. Such a person should be trustworthy for diverse groups of individuals.

Employers should consider appointing multiple designated persons. Such an approach would allow whistleblowers making sensitive reports — for example concerning certain forms of sexual harassment — to choose a person they feel more comfortable approaching.

Conclusion

The current Czech whistleblower protection legislation meets the requirements of the European Directive. However, in no area does it go beyond the required minimum standards. The greatest challenge lies not in the wording of the law itself, but in its practical application.

Whistleblowers often encounter insufficient training of designated persons, the need to spend considerable financial resources on legal representation, and lengthy judicial and administrative proceedings. Another major shortcoming is the very limited public awareness in this area. As a result, whistleblowers frequently have little understanding of how to proceed in such situations or what the process of submitting a report actually entails



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