



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Czech Republic

Introduction

Despite recent government pledges to better protect whistleblowers, the Czech Republic has no designated law to shield people who report corruption from retaliation and provide them with adequate reporting channels. The protections from unfair dismissal that are on the books are considered substandard.

Whistleblowing is not a prominent topic in the public discourse. On the political stage, however, the issue is receiving more attention, and recent initiatives suggest a potential change in direction. The center-left government formed in 2014 listed support for whistleblowers as one of its four main anti-corruption priorities, and as a result it established a working group to examine the issue.

Laws, Institutions and Procedures

The labor and criminal codes, and various other laws address whistleblower protection on some levels, although not in a comprehensive manner.

The only Czech law that remotely could be applied to whistleblowing is the Labor Code, which aims to protect employees from arbitrary and discriminatory dismissal, and ensure fair treatment. The law, however, does not detail how employees can file complaints with their employer, nor does it provide specific retaliation protections.

The Administrative Procedure Act allows employees to submit reports confidentially and anonymously to their superiors, but protective measures are lacking.

Procedures to follow-up on reports are unclear, and there is no institution that deals with whistleblower disclosures. Czech whistleblowers who suffer retaliation must rely on the courts for remedies and relief.

Recent or Ongoing Initiatives and Trends

In 2013 the first-ever bill aimed at protecting whistleblowers in the Czech Republic was introduced in the Senate. Authored by whistleblower-turned-politician Libor Michálek, the measure was defeated by a vote of 51 to 6.

Recent debates have sparked a number of fresh initiatives. The center-left government installed in 2014 included plans for a comprehensive whistleblower law in its coalition agreement. A bill proposed by the



Finance Ministry has been under consideration since 2015, and the Ministry for Human Rights, Equal Opportunities and Legislation is also developing recommendations. WB o.s., an NGO, has also drafted a proposed law.

Whistleblower Cases

Czech Republic's most notable whistleblower is Libor Michálek, whose two major disclosures have made him of a national hero. While working at the National Property Fund in 1996, he disclosed embezzlement related to a tunneling project. He was fired, but a court ruled he was improperly dismissed. In 2010, while serving as the CEO of the State Environmental Fund, he reported a scheme to inflate a public water project by €120 million and funnel the money to a political party. He was fired and a national political scandal ensued. In the fallout, the environment minister and national police chief resigned. Michálek returned to the Fund a year later, though in a lower position.

In October 2012 Michálek was elected to the Czech Senate, reportedly becoming the first Pirate Party candidate ever elected to a national Parliament. He continues to work for stronger whistleblower rights and protections. In 2016 Michálek joined local and international activists to push for a whistleblower law. Among the partners in the initiative are WB o.s and the international NGO Blueprint for Free Speech.

Data and Statistics

Because Czech Republic has no government agency that tracks whistleblower cases, the number of cases filed each year and their outcomes are not known.

Oživení, an NGO that provides free legal advice to whistleblowers, counts around 30 cases each year. In 2014 the legal advice center of Transparency International's Czech chapter was contacted by 536 people, 29 of whom were considered whistleblowers.

Public Perception of Whistleblowing

The issue of whistleblower protection remains relatively unnoted in Czech Republic. Michálek's case was the first to draw prominent national attention to the issue. Due to historical reasons, many officials as well as much of the general public regard the practice skeptically, and the perception of whistleblowers as "snitches" is widespread. Terms in the Czech language referring to whistleblowing usually carry a negative connotation.

Capacities and Knowledge Centers

Several civil society groups support anti-corruption efforts and whistleblower rights, including Oživení, the Anticorruption Endowment, and Transparency International Česká republika. Along with other NGOs, law firms and foundations, Oživení launched the national anti-corruption campaign "Rekonstrukce státu" ("Reconstructing of the State"). WB o.s. supports whistleblowers and advocates for stronger protections.