

The Protection of Whistleblowers in Employment Relations

Abstract

The topic of this thesis is the protection of whistleblowers in employment relationships. This issue is addressed through a detailed analysis of the relatively recently enacted Act No. 171/2023 Coll., on the protection of whistleblowers, which transposes 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 aim of the thesis is to analyze the individual provisions of this legislation in detail, critically examine selected parts, highlight problematic areas, and offer *de lege ferenda* considerations, primarily from the perspective of employment relationships. The first part of the thesis briefly summarizes the subject and the foundations of the legislation and discusses aspects of a key term, the protected report. The second part focuses specifically on one aspect of protected reporting, namely its material scope. The third part is dedicated to the key concept of “whistleblower,” including issues related to anonymous reporting and the status of other persons protected under this Act. The fourth part deals with the protection of the whistleblower and provides a more detailed analysis of so-called retaliatory measures, against which the law is intended to protect whistleblowers. This section also examines the right to adequate satisfaction, i.e., claims of individuals who have been subjected to retaliatory measures despite the legal prohibition. The fifth part addresses the various ways in which a report can be submitted. This is the most extensive part of the thesis, as it provides an explanation of other key concepts in the legislation, such as internal and external reporting systems, obligated entities, and the designated person, or an authorized employee. It further highlights differences in obligations concerning the protection of whistleblowers among obligated persons under Act No. 253/2008 Coll., on Certain Measures Against the Legalization of Proceeds from Criminal Activities and Financing of Terrorism. The sixth part briefly examines issues related to administrative supervision of compliance with the Act, as well as the jurisdiction and competence of administrative authorities. The seventh part concludes the thesis by discussing the functioning of the law during its effectiveness period, identifying selected shortcomings of the current legislation, and offering several *de lege ferenda* considerations in this context.

Keywords: whistleblower protection, whistleblowing, Whistleblowers Protection Act