

Information on legal protection of whistleblowers

On 20 June 2023, the legal regulation on the protection of whistleblowers stipulated by Act. No. 171/2023 Sb., on the protection of whistleblowers, and the ancillary amendment Act. No. 172/2023 Sb., amending certain acts related to the adoption of the Act on the protection of whistleblowers, came into force. The legislation fulfils the transposition obligation in relation to Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law. The relevant legislation comes into force on 1 August 2023.

The new legislation provides legal instruments for the protection of whistleblowers. The Act provides protection for persons in employment and similar types of relations in connection to their reporting of unlawful conduct on the part of their employers or other parties. The Act stipulates a general prohibition of retaliation, where retaliation is defined as conduct in relation to the work or other similar activity of the whistleblower that is initiated by the whistleblower's report, and that may cause harm to the whistleblower or other persons.

The Act on the protection of whistleblowers requires the obliged entities to establish an internal system for whistleblowing and reporting methods. With respect to the subject matter of the report, the Act on the protection of whistleblowers deals with all crimes and offences in the area of finance, corporate income tax, prevention of money laundering and financing of terrorism, consumer protection and compliance with product requirements pursuant to legal regulations, transportation and road traffic safety, environmental protection, food and feed safety and animal protection, radiation protection and nuclear safety, public procurement, public auctions and competition, protection of domestic order and security, protection of life and health, protection of personal data, privacy and security of electronic communication networks and information systems, protection of financial interests and operation of the internal market of the EU, including the protection of EU competition and state aid.

TES VSETIN a.s., as an obliged entity, declares that it has issued an internal regulation governing the issue of whistleblowing within the organisation.

In accordance with the legal requirements, an internal notification system (hereinafter the "INS") has been put in place, which provides a set of procedures and tools for the submission of reports by whistleblowers, handling thereof, protection of the identity of whistleblowers and other persons and protection of the information contained in the reports and communication with the whistleblower.

The identity of the whistleblower cannot be disclosed without their express consent to any third party, i.e. not even their employer or the authorities, subject to certain statutory exceptions.

Any whistleblower who, in connection with their work or similar activity, becomes aware of suspected unlawful conduct that constitutes a criminal offence or violates Czech or EU legislation, may submit a report in writing (electronically or in paper form) or in person (within a reasonable timeframe) or by telephone.

Only the competent persons are authorised to receive and process all information from the report and to deal with the relevant issue, assess the report in terms of its validity and accuracy, inform the whistleblower within the set deadlines and propose corrective measures to the obliged entity. Naturally, the competent person is bound by a confidentiality obligation, even with respect to "their" obliged entity – i.e. the employer. The competent person will notify the whistleblower on the receipt of the report and the manner of its handling (within the set deadlines) and will keep a record of all materials processed in connection with the report for the period of 5 years.

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